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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES
(HANSARD)**

Wednesday 5 September 2018

House of Commons

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The House met at half-past Eleven o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

NORTHERN IRELAND

The Secretary of State was asked—

Leaving the EU

1. **Kerry McCarthy** (Bristol East) (Lab): What recent assessment her Department has made of the effect on Northern Ireland of the UK leaving the EU. [906640]

13. **Wes Streeting** (Ilford North) (Lab): What recent assessment her Department has made of the effect on Northern Ireland of the UK leaving the EU. [906652]

The Minister of State, Northern Ireland Office (Mr Shailesh Vara): May I start by paying tribute to Lord Melchett who, when he was in the House of Commons, was Peter Melchett? He did outstanding service to the nation when he was here. Indeed, he was a Minister of State in the Northern Ireland Office in 1976.

May I also say, Mr Speaker, that in the past 36 hours or so in Northern Ireland there have been three car crashes, which have taken the lives of four people? I am sure the whole House sends our sympathies and condolences to the loved ones of all those who have died.

The UK Government are determined to deliver the best deal for the whole of our United Kingdom, including Northern Ireland. We are committed to avoiding a hard border, including any physical infrastructure or related checks and controls, while maintaining the constitutional and economic integrity of the United Kingdom. We have proposed a comprehensive future partnership between the UK and the EU that would meet these commitments.

Kerry McCarthy: I thank the Minister for that response and for his tribute to Peter Melchett who, as well as serving in the Northern Ireland Office, was a good friend of mine, a lovely man and a passionate environmentalist.

Is it not the case that the backstop proposal is now just dead in the water? The Government are not going to get anywhere with it. A poll this week said that people in Northern Ireland would vote for a united Ireland if a hard border was put in place. Are not the Government sacrificing the Union on this altar? Would not the best solution be to move forward with plans to stay in the single market, stay in the customs union, avoid a hard border, and protect the people of Northern Ireland from Brexit?

Mr Vara: I make it absolutely clear to the hon. Lady that it is our intention that there will be no hard border and no physical infrastructure. The people of this country voted in the referendum, and this Government's intention is to make sure that we are not part of the single market or the customs union. The whole United Kingdom, including Northern Ireland, will be leaving those two institutions.

Wes Streeting: One of the reasons why a majority of people in Northern Ireland voted to remain was because they understood the consequences of leaving the European Union on jobs, livelihoods, communities and cross-border relationships—not simply economic relationships, but personal ones. Given the absence of a functioning Executive and Assembly in Northern Ireland, and given that the concerns of the people of Northern Ireland are evidently not understood by leading figures in the governing party in Westminster, what are the Government doing to ensure that the concerns and interests of the majority of the people in Northern Ireland are properly heard and represented at the negotiating table?

Mr Vara: As far as the referendum is concerned, it was not a regional referendum but a national referendum, and the people of the United Kingdom took a decision to leave. On the hon. Gentleman's second point, let me make it absolutely clear that we are committed to ensuring that the devolved Administration is up and running again. We are working very hard to ensure that that happens. He should remember that the last time Northern Ireland went into direct rule, that lasted for five years, and the period before that lasted for 25 years. It is very easy to slip down the road to direct rule, but we want to avoid that because it is important that local people have local representation that can be accountable locally.

Dr Andrew Murrison (South West Wiltshire) (Con): On 27 June, Mr George Hamilton, the Chief Constable of the Police Service of Northern Ireland, told the Northern Ireland Affairs Committee:

"We do not know who is leading the multiagency response to the land border".

What has been done to give clarity in the weeks since he made that statement? In particular, what proportion of the uplift to Her Majesty's Revenue and Customs and the UK Border Force, as announced by the Government, will be assigned to Northern Ireland?

Mr Vara: I assure my hon. Friend that we are in regular contact with all stakeholders in Northern Ireland, including the police. There is detailed planning for a no-deal scenario, but we very much hope that that will not be the case.

Mr Mark Harper (Forest of Dean) (Con): May I remind the Minister that in the December joint report on article 50, the EU agreed that the United Kingdom would make sure there was unfettered access for Northern Ireland's businesses to the rest of the United Kingdom in all circumstances? Reports over the summer suggest that Mr Barnier appears to be devising creative solutions to try to get around the commitment that he made. May I ask the Minister and the Secretary of State to remind him that he signed up to those words and that we expect him to deliver on the commitments that he has made?

Mr Vara: I am grateful to my right hon. Friend for putting that point at the forefront of our proceedings following the recess. He is absolutely right: Michel Barnier made the commitment; and the European Union and Britain signed up to the joint report in December. We intend to hold him to it.

Nigel Dodds (Belfast North) (DUP): May I bring the Minister back to the question asked by the Chairman of the Northern Ireland Affairs Committee, which he did not answer? The issue highlighted by the Chief Constable of the PSNI, which we have raised directly with the Prime Minister, is what extra resources are being given to prepare for Brexit. Those resources have been requested by the Chief Constable, since he has made it very, very clear that he has not had a fair allocation.

Mr Vara: I assure the right hon. Gentleman that we will issue guidance in the future. We are working on it at the moment and working with all the stakeholders. It will be forthcoming in the not-too-distant future, I hope.

Nigel Dodds: With the greatest respect, we are not asking about issuing guidance; we are asking about the allocation of resources. I really want to press the Minister on this issue, since it will have a very big impact on the resourcing of policing in Northern Ireland more widely. What are he and the Government going to do—this has been on their table for many months now—to allocate to the Chief Constable the resources that he needs and that he fairly has asked for?

Mr Vara: I assure the right hon. Gentleman that my right hon. Friend the Secretary of State spoke to the Chief Constable this morning. We are in regular dialogue and we are considering the proposals that he has put forward. That is what I can say. We hope to come up with a solution in due course.

Mr Philip Hollobone (Kettering) (Con): The Government are right to reject the EU's proposals for a customs border in the Irish sea. Will the Minister remind the House of the balance of trade between Northern Ireland and the Republic of Ireland, and the Republic and Great Britain?

Mr Vara: It is important to remember that 58% of the external sales of Northern Ireland—over £14 billion—are with the rest of the United Kingdom. That is four times more than its trade with Ireland.

Gavin Newlands (Paisley and Renfrewshire North) (SNP): Two weeks ago, the Government published advice for UK businesses on the potential impact of a Brexit no deal. Unbelievably, businesses in Northern Ireland were asked to

“consider whether you need advice from the Irish Government about preparations you need to make.”

That is a quite extraordinary abdication of responsibility. Will the Minister confirm what involvement his Department had in the preparation of the advice, and will he commit to giving further assistance to businesses in Northern Ireland?

Mr Vara: Clearly we have a responsibility as a Government to business people in respect of what we will do or what we intend to do, but we cannot speak for other countries. It therefore of course makes eminent

sense for businesses in Northern Ireland that do deals across the border to consult so that they find out what is happening with other EU countries. The UK Government cannot speak for the Irish Government, so that dialogue is important.

Stephen Kerr (Stirling) (Con): How do the Government plan to ensure that our departure from the European Union is used as an opportunity to strengthen the Union?

Mr Vara: My hon. Friend makes a very good point. We are leaving the European Union as four nations. It is absolutely clear that the economic and constitutional integrity of the United Kingdom will not in any way be compromised. In our negotiations with the European Union, we speak as the United Kingdom, not as any specific one of the four nations.

Karin Smyth (Bristol South) (Lab): May I share the Minister's sentiments about Peter Melchett and the recent loss of life due to the car crashes?

Tourism has been a success story in the years since the Belfast/Good Friday agreement, helping to transform the image of Northern Ireland throughout the world. It is therefore worrying that figures released in August show a 6% drop in visitors between January and March. The Prime Minister and most of her current and past Cabinets have barely set foot in Northern Ireland over the past two years, so may I suggest a group booking? Such a visit would help to end the drip of uninformed, unhelpful comments about Northern Ireland from the Government Benches that has become dispiritingly regular.

Mr Vara: First, I congratulate the hon. Lady on her appointment to the shadow Northern Ireland Office team. We look forward to working with her in a constructive way.

It is important that we speak up for Northern Ireland and the rest of the United Kingdom as we leave the European Union. The hon. Lady talks about tourism. More people visit Northern Ireland now than before. They are spending more money and staying longer. The “Lonely Planet” guide has recommended Belfast and the Causeway coast as the No. 1 region in the world to visit. It is important to recognise the strengths of Northern Ireland and to build on them.

Leaving the EU: Backstop Proposal

2. **Andrea Jenkyns** (Morley and Outwood) (Con): What recent discussions she has had with Cabinet colleagues on the potential effect on the UK of the Northern Ireland backstop proposal. [906641]

The Secretary of State for Northern Ireland (Karen Bradley): The December joint report commits us to avoiding a hard border between Northern Ireland and Ireland, and to no new borders within the United Kingdom. The Prime Minister has been very clear that elements of the EU's backstop proposal are unacceptable. It would, if implemented, undermine the UK common market and threaten the constitutional integrity of the UK.

Andrea Jenkyns: Will my right hon. Friend confirm that in her discussions with the Government of the Irish Republic she has emphasised that Irish insistence on a backstop that would force Northern Ireland, or indeed

the whole of the UK, to remain in parts of the EU or its customs union are unacceptable and the surest way to deliver a no deal?

Karen Bradley: I can assure my hon. Friend that in my discussions with all parties and Governments in the European Union I am very clear that the constitutional and economic integrity of the United Kingdom must be respected, and that means no border down the Irish sea and that all businesses in Northern Ireland must have unfettered access to UK markets, as my right hon. Friend the Member for Forest of Dean (Mr Harper) indicated earlier.

David Simpson (Upper Bann) (DUP): I appreciate what the Secretary of State has said, but does she fully understand the magnitude of the situation were there to be any move to impose a backstop, divergence or anything else that would separate us from the rest of the United Kingdom?

Karen Bradley: We have been absolutely clear—the Prime Minister has been clear; I have been clear—that we respect the fact that the backstop has to be put into legal text, but that legal text has to be clear that the economic and constitutional integrity of the United Kingdom is sacrosanct.

Bob Stewart (Beckenham) (Con): For two years I operated a hard border between Northern Ireland and the Republic. I see no reason whatsoever why technology cannot make it very soft—indeed, invisible. Does the Secretary of State agree?

Karen Bradley: My hon. and gallant Friend has great experience from his time in Northern Ireland, and I am sure he knows how difficult it was to police that border. Some 30,000 military and police personnel were unable to close the border, so I do not think that anybody should expect us to see a hard border today. However, I would be very happy to have a conversation with him about technology so that we can really explore all that.

Stephen Pound (Ealing North) (Lab): May I, from the bottom of my heart, congratulate the hon. Member for North West Cambridgeshire (Mr Vara) on his long-deserved and well-merited elevation to the dizzy heights of Minister of State? I look forward to working with him.

There is, however, a cloud on the horizon. The Counter-Terrorism and Border Security Bill contains a proposal unique in the United Kingdom for unfettered, unqualified stop-and-search along the border. We must never forget that there are those who have to police the border. Will the Secretary of State or Minister of State speak with their opposite numbers about the implications of this piece of ill-thought-out legislation, because I see trouble brewing on the border if it goes ahead?

Karen Bradley: Conservative Members are delighted that the hon. Gentleman is still in his place. When we saw the very welcome appointment of his colleague over the summer, we had concerns that that might have an impact on his position; we are grateful that it has not.

We are aware of concerns raised in Northern Ireland about that Bill, which deals specifically with the threat elsewhere, and we are having discussions and conversations to give assurances to those in Northern Ireland about the concerns that they have raised.

Mr Speaker: The hon. Member for Ealing North (Stephen Pound) is personal testimony to the survival of rare breeds. The whole House is grateful for that important fact.

Inward Investment

3. **Tom Pursglove** (Corby) (Con): What recent steps she has taken to attract inward investment into Northern Ireland. [906642]

The Minister of State, Northern Ireland Office (Mr Shailesh Vara): Northern Ireland has proved itself to be a top destination for inward investment from companies from the rest of the UK and also from overseas. Over 900 companies worldwide have invested in Northern Ireland, and I welcome this week's announcement that PA Consulting will be creating 400 new jobs in Belfast. I firmly believe, however, that Northern Ireland can do even better, and we continue to work to restore stable, devolved government so that Northern Ireland can maximise its potential as a place to invest and do business.

Tom Pursglove: I share the Minister's enthusiasm. Northern Ireland is clearly a key driver of United Kingdom exports and will be even more important as we leave the European Union, so what steps is the Department taking to foster further investment and also to sell the opportunity of Northern Ireland as a top exporter around the world?

Mr Vara: One of the fastest routes to a strong economy is through a healthy, growing export economy. The Northern Ireland Office is working with Departments across Whitehall, including the Department for International Trade, to maximise UK Government initiatives such as the GREAT campaign and the recently launched export strategy to promote exporters and help them to realise their potential. My right hon. Friend the Secretary of State and I regularly champion new investment announcements in Northern Ireland and promote Northern Ireland as a great place in which to invest and do business. That is something that was referred to in the Budget as well.

Lady Hermon (North Down) (Ind): How on earth does the Minister expect to attract inward investment into Northern Ireland when we have not had a functioning Assembly for 18 months? We have a Secretary of State who said some months ago that she was "minded" to cut the salaries of the MLAs, but she has done absolutely nothing about doing so, so can the Minister give us some very good news today and announce a cut in MLAs' salaries?

Mr Vara: I am delighted to be able to give some very good news to the hon. Lady: in July US company Allstate, which is one of the many companies that are investing in Northern Ireland, opened Northern Ireland's largest single office development for 15 years, investing £30 million. Allstate employs around 2,200 people in sites in Belfast, Derry and Strabane so, notwithstanding the present circumstances of not having a devolved Administration, the economy is looking up, business is coming in and we continue to try to get that devolved Administration up and running.

Political Engagement

4. **Fiona Bruce** (Congleton) (Con): What recent steps she has taken to engage with the political parties in Northern Ireland. [906643]

5. **Sarah Jones** (Croydon Central) (Lab): What steps she is taking to restore power sharing in Northern Ireland. [906644]

The Secretary of State for Northern Ireland (Karen Bradley): I am acutely aware of the deep frustration and difficulties faced by the people of Northern Ireland and the urgent need to re-establish a locally elected, democratically accountable devolved Government. I remain in close contact with the five main political parties and the Irish Government where appropriate.

Fiona Bruce: The roles of the Northern Irish parties and their Assembly should be respected. Will the Minister confirm that the legality of taking Misoprostol, the second pill in medical abortions, at home in Northern Ireland is something for the people of Northern Ireland and their locally elected representatives to determine?

Karen Bradley: Yes, I can confirm that. Abortion is a devolved matter in Northern Ireland, and it is only right that questions of law and policy on abortion, including the legality of any medicines, are decided by a devolved Government in Northern Ireland.

Sarah Jones: Given that it is now more than 18 months since the Assembly was suspended, will the Prime Minister now become more involved in the process, along with the Taoiseach?

Karen Bradley: I can assure the hon. Lady that the Prime Minister is very involved in the conversations and discussions that we have with all the main political parties. On her visit to Northern Ireland at the beginning of the summer, she met all five main parties and had discussions with them about that. Again, I continue to hold discussions with the Irish Government, including with the Taoiseach, whom I saw on Sunday.

Theresa Villiers (Chipping Barnet) (Con): With very important decisions on matters such as NHS pay and planning now held up by legal uncertainty, is it not time that this House considered legislating to give civil servants the powers that they need to take such decisions?

Karen Bradley: My right hon. Friend, who has considerable experience of this matter—experience beyond that of many people in this House—is quite right that there are very many decisions. I am looking carefully at the court judgments and determining the best course of action to ensure that we have the best chance of re-establishing devolved government in Stormont, and of making sure that there is good governance for the people of Northern Ireland.

Sir Jeffrey M. Donaldson (Lagan Valley) (DUP): The Secretary of State will know that four out of the five political parties eligible to be in the Executive would join the Executive tomorrow. It is one party—Sinn Féin—that is holding the people of Northern Ireland to ransom. Is it not therefore time for the Secretary of State to start ensuring that decisions affecting my

constituents and those of my right hon. and hon. Friends are made so that the people of Northern Ireland have some form of government?

Karen Bradley: The right hon. Gentleman has made many representations to me on this point, and I know how passionately he stands up for his constituents in Lagan Valley, many of whom I met yesterday at the Hillsborough garden party, when they were very complimentary about their Member of Parliament. I continue to have discussions with all five main parties, because the important point is that we get devolved government up and running as soon as possible, but we ensure that there is good governance in Northern Ireland.

Tony Lloyd (Rochdale) (Lab): The Secretary of State will know that it is 600 days this weekend since Northern Ireland had a functioning Assembly or Executive. Will she tell the House very clearly what urgent steps she will take to bring the five parties together, to reconvene the British-Irish Intergovernmental Conference, to cut the pay of MLAs—as has been asked for already—and of course, importantly, to make sure that real urgency is now put into this? We will support legislation where appropriate, but that legislation has to be brought forward urgently now.

Karen Bradley: I am grateful for the hon. Gentleman's offer of support for legislation, and I am looking at the options available to us. There are court cases that have hampered decision making and are making things more uncertain; we are acutely aware of that, and I want to make sure that we do something that is coherent, that works for the people of Northern Ireland and that does not prevent the politicians in Northern Ireland from going back into devolved government.

LGBT Rights

6. **Ged Killen** (Rutherglen and Hamilton West) (Lab/Co-op): What steps she is taking to help promote LGBT rights in Northern Ireland. [906645]

The Secretary of State for Northern Ireland (Karen Bradley): This Government have a strong track record of promoting and supporting LGBT rights across the United Kingdom, including equal marriage. I was proud to demonstrate this support by having the rainbow flag flown from Stormont House last month to mark Belfast Pride.

Ged Killen: But flags are not enough. On everything from mental health to civil rights, LGBT people in Northern Ireland are worse off than those in the rest of the UK, but groups I met recently say they get no funding from the Assembly or from Westminster, and there was nothing in the Government's LGBT action plan. Will the Secretary of State consider the creation of a discretionary fund to ensure these groups get the support they need, particularly while there is no functioning Assembly?

Karen Bradley: I will look at the hon. Gentleman's point. I have met many groups representing LGBT interests in Northern Ireland, but many of these matters are devolved and they should quite rightly be resolved by the devolved Government in Stormont.

10. [906649] **Luke Pollard** (Plymouth, Sutton and Devonport) (Lab/Co-op): One day I hope to marry my beautiful boyfriend, and I can do that because I live in England where civil partnerships and equal marriage are legal. When will couples like me and Sydney who live in Northern Ireland be able to set a date so they can marry?

Karen Bradley: We are all looking forward to the day, and I congratulate the hon. Gentleman. I voted for same-sex marriage to be legal in my own constituency, and I am very proud that I did that, but it is right that these matters are dealt with by the devolved Government. *[Interruption.]* That is why we need a devolved Government in Stormont—so that we can resolve these issues. *[Interruption.]*

Mr Speaker: Order. Members are making far too much noise in the Chamber. I am quite sure it is not something I would ever have done as a Back-Bench Member, and I am sure the House wishes to hear the hon. Member for Vauxhall (Kate Hoey)—and that is what it is going to do anyway.

Sporting Events: Representation

7. **Kate Hoey** (Vauxhall) (Lab): If she will take steps with Cabinet colleagues to ensure people of Northern Ireland have the right to choose to compete in sporting events for the UK or the Republic of Ireland. [906646]

The Minister of State, Northern Ireland Office (Mr Shailesh Vara): The people of Northern Ireland have a proud history of sporting achievements gained while representing both the United Kingdom and Ireland. It is for individual athletes, subject to the rules of their respective sport's governing body, to decide which country they wish to represent. This Government are wholly supportive of this choice being maintained.

Kate Hoey: The Minister is, as he knows, quite wrong. A young Northern Ireland sportsperson who wishes to, for example, box for the United Kingdom has to move to Great Britain; otherwise, they have to box for Ireland. That is the case in other sports, too. The Belfast agreement said that everyone had the right to choose to be British or Irish. Surely this must apply to sport, and the Minister must do more about this because it is just not fair.

Mr Vara: First, I pay tribute to the hon. Lady, who I know has taken a passionate interest in this subject; we have talked about it before. She will of course be aware that Northern Ireland has won serious medals at the Commonwealth games for boxing. The issue itself is a devolved matter, and is also an issue for individual athletes and their governing sporting bodies to take up. As far as the boxing association of Northern Ireland is concerned, I suggest that it continues its dialogue with the Ministry of Housing, Communities and Local Government.

Andrew Bridgen (North West Leicestershire) (Con): Does the Minister agree that all sportsmen and women should have the right to represent the country they choose to, as long as they meet the eligibility criteria for that country?

Mr Vara: As I say, if people have the merit to represent their country, there is no reason why they should not, subject to the rules of the governing body of their sport.

Border Infrastructure

8. **Peter Grant** (Glenrothes) (SNP): What discussions she has had with the Chancellor of the Exchequer on the potential implications for border infrastructure in Northern Ireland of legislative proposals for a single UK customs territory. [906647]

12. **Alan Brown** (Kilmarnock and Loudoun) (SNP): What discussions she has had with the Chancellor of the Exchequer on the potential implications for border infrastructure in Northern Ireland of legislative proposals for a single UK customs territory. [906651]

The Secretary of State for Northern Ireland (Karen Bradley): The Government's commitments in respect of the border between Northern Ireland and Ireland have been consistently clear. There will be no physical infrastructure on the border or related checks and controls. This commitment is also reflected in the December joint report text, which we have committed to translate into legally binding text in the withdrawal agreement.

Peter Grant: In nine months, all that the Government have done by way of proposals for an open border in Ireland is to demand that 27 other sovereign states change their customs systems in order to collect customs duties on behalf of this Government. Why do the Government expect every other country in the European Union to sort out the mess that they have created?

Karen Bradley: With all due respect, I think the hon. Gentleman is confusing our proposals in the White Paper on the future relationship with our proposals for the legal, binding text for the protocols in paragraph 49 of the joint report, which we have committed to making into a legal text. We are working with the European Union on coming up with a text that we can all live with, but we will not accept the text that was put forward by the European Commission.

Alan Brown: The Secretary of State talks with no hint of irony about consistency from this Government. The reality is that their obsession with ending the free movement of people is going to require some form of border control. How does she square ending the free movement of people with her obligations under the Belfast agreement?

Karen Bradley: The people of the United Kingdom voted to leave the European Union, and that means that we will regain control of our laws, our borders and our money. We will also ensure that we will meet the commitments that we made in the joint report in December to ensuring that there is no hard border on the island of Ireland and no border in the Irish sea.

Sammy Wilson (East Antrim) (DUP): Collecting duties on trade across the border between Northern Ireland and the Irish Republic currently happens and does not present any problems. The real damage to Northern Ireland and to the integrity of the United Kingdom would be to have regulatory alignment between Northern Ireland and the Republic, giving the EU, rather than

London, control over our laws in Northern Ireland. Will the Secretary of State give an assurance that in no circumstances will she agree to the backstop arrangement demanded by the EU, which would split the United Kingdom by having laws—

Mr Speaker: Order. We are immensely grateful, but that was far too long.

Karen Bradley: I refer the right hon. Gentleman back to the comments made by my right hon. Friend the Prime Minister when she said that no Prime Minister of the United Kingdom could accept the text put forward by the European Commission.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [906681] **Tulip Siddiq** (Hampstead and Kilburn) (Lab): If she will list her official engagements for Wednesday 5 September.

The Prime Minister (Mrs Theresa May): I am sure that Members from all sides of the House would like to join me in congratulating both the English and the Scottish women's football teams on their excellent performance in qualifying for next year's World Cup.

This morning, I had meetings with ministerial colleagues and others. In addition to my duties in this House, I shall have further such meetings later today.

Tulip Siddiq: My constituent Nazanin Zaghari-Ratcliffe was released temporarily for three days last month before being hauled back to prison in Iran. Worse still, when she was on furlough, she was contacted by the Iranian Revolutionary Guard and told that if she attempted to contact the British Embassy, her family would be harmed. I find it deeply troubling that a British citizen was threatened against contacting her own embassy. Does the Prime Minister share my concern, and will she raise this specific issue with President Rouhani when she next speaks to him, perhaps in New York later this month?

The Prime Minister: I share the concerns that the hon. Lady has expressed, and I know that during this difficult time the thoughts of everyone across the whole House remain with Nazanin Zaghari-Ratcliffe, and with her family and friends who have been campaigning tirelessly for release. The hon. Lady will know, as this is her constituent, that one of the difficulties is the question of whether the Iranian Government recognise dual nationality, which they do not. They are not obliged to do so under international law. She asks me to raise this matter with President Rouhani. I regularly do so whenever I speak to him. It is an issue that the Foreign Secretary, the Foreign Office and other Ministers also consistently raise with the Iranian Government, and we will continue to do so.

Q4. [906684] **Maggie Throup** (Erewash) (Con): Anti-semitism has no place in British public life. Will my right hon. Friend assure the House that she will always work to ensure that this remains the case?

The Prime Minister: Jewish people living in this country should feel safe and secure, and should not have to worry about their future in their own country. There is no place for racial hatred in our society, and it is important that we take every step to tackle it. That is why we were the first country in the world to adopt the definition of antisemitism set out by the International Holocaust Remembrance Alliance; we have been taking steps to provide funding to ensure that security measures can be taken in Jewish faith schools and synagogues, and we have provided funding to the Holocaust Memorial Day Trust to run events for Holocaust Memorial Day. We should all be united in our determination to tackle antisemitism, so when the leader of the Labour party stands up he should apologise for saying that Jewish people who have lived in this country their whole lives do not understand English irony.

Jeremy Corbyn (Islington North) (Lab): There is no place for racism in any form within our society—on that we are all agreed—and we should tackle it wherever it arises, in our parties as well, and that includes the Conservative party.

I join the Prime Minister in congratulating the English and Scottish women's football teams on their qualification for the World cup, and I look forward to them doing extremely well.

The International Trade Secretary said that the likelihood of no deal is now 60:40, which in betting parlance means that there is a pretty good chance that there will not be a deal—it is more likely than not. Is he right?

The Prime Minister: We are continuing to do what we have always been doing, which is working to get a good deal with the European Union for our future relationship once we have left the EU, but it is entirely right and proper that we should prepare for all eventualities, because we have not yet come to the end of the negotiations. That means that it is right that we are preparing for no deal, as indeed the EU has been doing, sending out notices in relation to no deal. We have also been publishing technical notices, so that businesses and citizens would know where they stand and how to prepare in the event of no deal. We have published over 20 such notices so far, and the final total is likely to be around 70. We are making those preparations, but, crucially, this Government are working for a good deal, preparing for every eventuality and preparing to ensure that this country makes a success of leaving the EU, regardless of the outcome of the negotiations.

Jeremy Corbyn: The International Trade Secretary has said that he is unfazed by no deal; the new Foreign Secretary, who is here today, said over the summer that no deal would be a “huge geostrategic mistake”; and the Chancellor, who is sitting next to the Prime Minister, wrote to the Treasury Committee stating that a no deal Brexit would slash GDP by almost 8%, which is comparable with the global financial crash. Which assessment does she agree with?

The Prime Minister: The director of the World Trade Organisation said that no deal would not be a “walk in the park” but it would not be the “end of the world”. The Government are right to make the necessary preparations for no deal while working for a good deal

to ensure that we deliver on the vote of the British people, that we come out of the European Union on 29 March 2019, and that we do so in a way that protects jobs and livelihoods, ensures no hard border between Northern Ireland and Ireland and maintains the precious Union of our United Kingdom. On one thing I am clear: we are working for that outcome and we will not have a second referendum. The right hon. Gentleman should stand up and rule out a second referendum.

Jeremy Corbyn: The Prime Minister says that no deal is better than a bad deal, the Chancellor says that no deal would cause a catastrophic collapse of our economy, and the Brexit Secretary waded in yesterday to say that there were “countervailing opportunities” to a no deal Brexit. Will the Prime Minister enlighten us as to what these “countervailing opportunities” actually are?

The Prime Minister: As I said to the right hon. Gentleman in answer to his first question, this Government are working to ensure that, whatever the outcome of the negotiations, this country makes a success of coming out of the European Union and that we see a global Britain and a brighter future for people here in this country.

Interestingly, I yet again suggested to the right hon. Gentleman that he stand up and categorically rule out a second referendum, and he refused to do so. I will give him another opportunity to do it now.

Jeremy Corbyn: A majority of people might have voted to leave but they expected the negotiations to be handled competently, and they certainly are not. I did not hear a single one of those countervailing opportunities. I simply say to the Prime Minister that she cannot keep dancing around all the issues. It seems that Panasonic has taken the cue and decided to dance off altogether—it is relocating out of this country. Could the Prime Minister tell the House how many other companies have been in touch with her or her ministerial team and told her privately that they intend to relocate in the absence of a serious, sensible deal with the European Union?

The Prime Minister: What we have seen is businesses showing confidence in our economy. In August, Dyson announced £200 million of investment in its electric vehicle testing facility in Wiltshire, and 2 Sisters Food Group—Bernard Matthews—has won major new contracts with supermarkets, underpinning 600 new jobs. The Hut Group has announced 200 new tech jobs in Salford. We welcomed £130 million of foreign direct investment in our automotive sector from four companies in July, generating around 500 new jobs.

What we are doing is negotiating a Brexit deal that will deliver for this country and deliver on the vote of the British people, and will ensure that we do so while protecting jobs, maintaining our Union and ensuring no hard border between Northern Ireland and Ireland. And what do we get from the right hon. Gentleman? He said that he wants to do new trade deals, and now he wants to be in the customs union. At one stage he was asked about his view on free movement, and he said:

“Labour is not wedded to freedom of movement for EU citizens as a point of principle, but...nor do we rule it out.”

So he cannot even agree with himself on his own position.

Jeremy Corbyn: I am not quite sure who the Prime Minister is listening to, but she may have heard from the National Farmers Union, which says it will be an “Armageddon scenario”. The TUC says that a no deal Brexit

“would be devastating for working people.”

The EU’s chief negotiator and President Macron both seem to have categorically ruled out the Prime Minister’s Chequers proposals. We are now at a critical point. Will the Prime Minister tell the House whether she believes a deal will be reached by the agreed deadline of October? That is October 2018, not any other one.

The Prime Minister: We are working for a good deal. We are still working, as are the European Union, to the timetable of October, because we are leaving the European Union on 29 March 2019. We will need to pass legislation in this House prior to our leaving the European Union. The right hon. Gentleman talks about no deal, and he talks about a deal. I will tell him what would be bad for this country: signing up to a deal at any price whatsoever, which is the position of the Labour party. That would destroy jobs and that would be bad for the British people.

Jeremy Corbyn: Yesterday the Brexit Secretary admitted there had been “some slippage”. Today Lord King condemned the “incompetence of the preparation”, saying that it “beggared belief” that the sixth biggest economy in the world should get itself into this position.

The Prime Minister has repeatedly said that no deal is better than a bad deal, but no deal is a bad deal, and everyone from the CBI to the TUC to her own Chancellor is telling her the same thing. The Chequers proposal is dead, already ripped apart by her own MPs. When will the Prime Minister publish a real plan that survives contact with her Cabinet and with reality? Those are, of course, two very separate concepts. When will we get proposals that put jobs and the economy ahead of her survival and that of her own Government?

The Prime Minister: We have published a plan, which we are discussing with the European Union, that ensures that we deliver on the vote of the British people; that we bring an end to free movement; that we come out of the common agricultural policy and the common fisheries policy; that we no longer send vast amounts of money to the EU every year; that we no longer have the jurisdiction of the European Court of Justice here in this country; and that we do not have a hard border between Northern Ireland and Ireland, and do not have a border between Northern Ireland and Great Britain. What I am doing is negotiating a Brexit deal for Britain. I am making sure that the economy works for everyone. I am building a stronger, fairer country. What is the right hon. Gentleman doing? He is trying to change his party so that antisemites can call the creation of Israel racist, and he should be ashamed of himself.

Q8. [906688] **John Lamont** (Berwickshire, Roxburgh and Selkirk) (Con): The Prime Minister will be aware of the campaign to extend the Borders railway from Tweedbank to Hawick and Newcastleton, and on to Carlisle. That will provide a huge boost to the local economy and will help demonstrate what Scotland’s two Governments can do for my region. So what will

the Prime Minister do to ensure there is sufficient resource in the Borderlands growth deal to allow this project to move forward?

The Prime Minister: I understand the importance to partners across the region of the campaign and proposal to which my hon. Friend refers. I am sure he understands that this is a devolved transport issue, but I encourage all parties involved to come to a workable solution and to ensure the best outcome for the entire region, because this can bring great benefits. On his point about the Borderlands growth deal, may I assure him that the UK and Scottish Governments will continue to work in partnership to deliver that deal?

Ian Blackford (Ross, Skye and Lochaber) (SNP): I congratulate Scotland and England on qualifying for the World cup. All of us in Scotland are immensely proud of our Scottish women's team.

When the Tories introduced Thatcher's poll tax in the 1980s, Scotland was used as a guinea pig and the Scottish Tories paid the price for their folly—they were wiped off the political map of Scotland. The Prime Minister's Chequers plan is even more unpopular than the poll tax. Why is the Prime Minister gambling with Scotland's future by taking us out of the EU against our will with her disastrous Chequers plan?

The Prime Minister: The only people gambling with Scotland's future are those in the Scottish National party, who want to take Scotland out of the United Kingdom.

Ian Blackford: That was no answer to the question—I should remind the Prime Minister that this is Prime Minister's questions. Michel Barnier has said that the Chequers plan is "not acceptable". Mervyn King has called the Government's preparations "incompetent". Prime Minister, your Chequers plan is as dead as a dodo. With the clock ticking down, will the Prime Minister finally concede that backing the single market and customs union is the only option to protect jobs, the economy and the Good Friday agreement?

The Prime Minister: We have put forward a proposal, under the Chequers plan, that protects jobs and livelihoods, that ensures that we deliver on the vote of the British people and that ensures that we deliver on no hard border between Northern Ireland and Ireland and maintain the Union of the United Kingdom. Michel Barnier has put forward another proposal, which keeps Northern Ireland in the customs union and the single market, is a free trade agreement only for Great Britain and creates a border down the Irish sea. I have said that it is unacceptable to me as Prime Minister. I believe that no British Prime Minister would find that deal acceptable. We are negotiating on the Chequers deal. It delivers for the United Kingdom—it delivers for the people of the whole United Kingdom.

Q15. [906695] **Eddie Hughes** (Walsall North) (Con): Walsall Manor Hospital serves many of my constituents, and it desperately needs a new and extended accident and emergency department. With other hospitals in the Black country supporting its bid, will the Prime Minister

assure me that some of the £20 billion additional funding for the NHS is coming to Walsall to improve A&E provision?

The Prime Minister: We are committed to providing the local NHS with the funding it needs. As my hon. Friend knows, we have announced more than £3.9 billion of new additional capital funding for the NHS up to 2022-23. We announced that last year. The majority is to support the implementation of plans from local communities. I understand that the Walsall Healthcare NHS Trust has resubmitted an application for the £36.2 million of funding in July for the Walsall Manor Hospital emergency department. The Department of Health and Social Care expects the successful schemes to be announced in the autumn, but my right hon. Friend the Health and Social Care Secretary will be pleased to meet my hon. Friend to discuss his campaign.

Q2. [906682] **Brendan O'Hara** (Argyll and Bute) (SNP): Rural Scotland, including my Argyll and Bute constituency, is facing a depopulation crisis that will be exacerbated by Brexit. Last week, Cleland Sneddon, the chief executive of Argyll and Bute Council, added his name to those calling for a more flexible, devolved and regional immigration policy and offered Argyll and Bute as a pilot area to test it. Will the Prime Minister agree to meet me and the chief executive to discuss the merits of such a proposal?

The Prime Minister: I welcome the hon. Gentleman asking a question at PMQs, but he has asked about a regional immigration policy, an issue that the Migration Advisory Committee looked at a while back. It made it very clear that that was not a situation that the Government should accept, partly because of the practical problems in implementing it. When we put forward our proposals for the immigration policy for people coming from the European Union, we will ensure that they are right for the whole United Kingdom.

Amber Rudd (Hastings and Rye) (Con): SIS II, Prüm and PNR are all EU-wide databases, many of which the UK helped to shape and which keep us safe. While there is much debate here about the type of trading arrangement we will have with the EU, may I ask the Prime Minister for reassurance that there will still be the highest level of security arrangement with the EU as we leave the European Union, because any reduction would be completely unacceptable to the people of the UK?

The Prime Minister: My right hon. Friend is right to highlight the importance of our security relationship with the EU. I remember the discussions and debates that led to the establishment of the PNR directive. The White Paper provides a comprehensive and ambitious vision for that future security relationship, and that is why we propose that security partnership to protect our shared law enforcement and criminal justice capabilities, facilitate continued co-operation and support our joint working on security issues, such as counter-terrorism. Michel Barnier has recognised the progress made in our discussions on security, so our focus should be on trying to obtain and define that ambitious and unprecedented partnership that will help to keep people safe, not just here but across the whole EU.

Q3. [906683] **Chris Law** (Dundee West) (SNP): The opening of the V&A museum of design next week in my city of Dundee is already attracting worldwide attention, is expected to have up to 500,000 visitors in its first year and will drive millions of pounds into the local economy. The Prime Minister will be aware that an announcement to confirm funding for the Tay cities deal is imminent, and improved connectivity is key to driving the prosperity of the region. As an air link to Dundee was part of Heathrow's successful bid for the third runway, will the Prime Minister express her firm commitment to the introduction of a new direct air service to Dundee by 2021 and the associated investment required to secure it?

The Prime Minister: The hon. Gentleman is right to bring to the attention of the House both that deal and the opening of the V&A in Dundee. These are important ways in which the UK Government are working to ensure support for Scotland and those opportunities for the Scottish economy. Another one of those is the fact that this Government have taken the decision to enable the third runway to go ahead at Heathrow, and we expect that when that happens we will see better connectivity within the United Kingdom.

Henry Smith (Crawley) (Con): This September is blood cancer awareness month, and I am therefore delighted that it was announced yesterday that the NHS will provide innovative CAR-T cell immune therapy to under-25s—the first health system in Europe to do so. I seek assurances from my right hon. Friend the Prime Minister that a focus on blood cancer awareness, diagnosis and prevention will continue into the future.

The Prime Minister: I commend my hon. Friend for the work that he has done to champion the cause of blood cancer and raise a much greater awareness of the issue. I can assure him that we will continue to press on and raise awareness of the issue, and I, too, am pleased that the decision that was announced yesterday was able to be made. I congratulate him, because he has personally campaigned on this and championed this cause.

Q5. [906685] **Dr Rupa Huq** (Ealing Central and Acton) (Lab): The Prime Minister and I both represent seats around Heathrow airport, and we both campaigned for years against its damaging effects on our constituents and against its expansion. But when it came to the third runway vote, she shifted. If I can understand her change of heart—because new facts emerge and it was not the same proposal as it was years ago—can she not apply the same logic and allow the electorate the final say on the final Brexit deal?

The Prime Minister: The hon. Lady makes an ingenious attempt to raise the Brexit issue. This Parliament overwhelmingly gave the British the decision on whether to remain in or leave the European Union. The British people voted. It is now up to this Government and politicians across the whole House to show our faith with the British people and deliver on their vote.

Damian Green (Ashford) (Con): At a time when this House will inevitably be spending a lot of time discussing Brexit, it is important that we also concentrate on other issues. For many families, their children's future is a

very immediate concern. With that in mind, does the Prime Minister agree that ensuring that as many children as possible grow up in a household where someone is working is the best way not only to provide a secure economic background for children, but to ensure that future generations are prepared to play a full and productive role in society?

The Prime Minister: I absolutely agree with my right hon. Friend that work is the best route out of poverty. It is also important for the example that it gives to children in households when they see a parent or parents working. I am pleased to say that the number of children being brought up in workless households is at the lowest level that we have seen. This is very important. We know that three quarters of children move out of poverty when their parents go into full-time work. Being in work sets an example and brings benefits to children, families and our whole society, and it is important to ensure that jobs are provided so that people can be in work for the future of their children.

Q6. [906686] **Mr Virendra Sharma** (Ealing, Southall) (Lab): Will the Prime Minister commit to securing and simplifying the future for people up and down the UK and pledge to protect the pensions dashboard?

The Prime Minister: I believe that the responsible Minister has made an announcement about the fact that the pensions dashboard will be going ahead, and I think that there will some piloting and consultations.

Mr John Hayes (South Holland and The Deepings) (Con): The Prime Minister appreciates the plight of the poorest Britons, who, when they have loved and lost, struggle to afford to provide a dignified and decent funeral, as she established the children's funeral fund. Nevertheless, the grant available to the poorest people for this purpose has been frozen at £700 since 2003 and 30% of people get nothing at all. The Select Committee on Work and Pensions, chaired by the right hon. Member for Birkenhead (Frank Field), recommended changes in 2016. Will the Prime Minister meet me, him and others to discuss this matter? It is not just our task or our duty; it is our mission to help to heal the broken-hearted.

The Prime Minister: My right hon. Friend raises an important and sensitive issue. None of us wants to see a situation where people are not able to afford to do what is a terrible task, given that they have seen a loved one die, and it is important to families and individuals to be able to give their loved one a proper funeral. As he will know, the funeral expenses payments do continue to cover the necessary costs involved with funerals and cremations and up to £700 for other funeral expenses. Some changes have been made to ensure that other contributions are not deducted from the funeral expenses payment so that there is no change to that. My right hon. Friend's position sounds like a Budget submission, which I suggest he might wish to put forward to my right hon. Friend the Chancellor of the Exchequer.

Q7. [906687] **Meg Hillier** (Hackney South and Shoreditch) (Lab/Co-op): Because of funding pressures, many schools are cutting short the school week, so what is the Prime Minister's message to parents whose children will be out of school for half a day a week?

The Prime Minister: First, I think we should all pay tribute to the work that our teachers and headteachers do across the country. I am pleased that 1.9 million more children are now in good or outstanding schools. We are backing schools with an extra £1.3 billion over the next two years. Per-pupil funding is being protected in real terms. But we are doing more than that. The Department for Education is working with schools to help reduce their non-staffing costs—that includes up to £1 billion through better procurement—so teachers will be able to do what they do best, which is carry on teaching.

Julian Knight (Solihull) (Con): Last Monday in Solihull, the lives of a mother and daughter, Khaola Saleem and Raneem Oudeh, were brought to an end after a double stabbing outside their home. I have met Khaola and Raneem's family and seen first-hand their quiet dignity, clear love for one another and desire to see something good come from their loss. Will the Prime Minister join me in sending our thoughts and prayers to Khaola and Raneem's family and thanking our emergency services, police liaison officers and the wider community of Solihull, which has shown great stoicism and heartfelt concern as this tragedy has unfolded?

The Prime Minister: I think that the whole House will want to join me in sending our deepest sympathies to the families and loved ones of Khaola Saleem and Raneem Oudeh. This is a terrible tragedy. I am sure that my hon. Friend understands that I cannot comment on the ongoing investigation that is taking place, but he is right to draw attention to the work of the emergency services. Indeed, I join him in paying tribute not only to our emergency services but to the local community for the support that they have shown at this very difficult time.

Q9. [906689] Tonia Antoniazzi (Gower) (Lab): According to the patients' group End Our Pain, there has been a near total refusal of NHS trusts to back applications for medical cannabis. The Home Secretary has only paid lip service to two high-profile cases and has not proposed a workable solution for other desperate children and adults across the UK. The Prime Minister could show real leadership and solve this for hundreds of families—but will she?

The Prime Minister: First, I offer deepest sympathies to those who are suffering severe conditions where other treatments have not been effective and these cannabis-based medicinal products have the potential to help. That is why the Home Secretary has announced that the law will be changed so that specialist clinicians will be able to prescribe—legally prescribe—cannabis-based medicinal products to patients with an exceptional clinical need. While that change is taking place, an expert panel of clinicians has been established, as an interim, to ensure that treatment is safe and effective. So we are not just waiting for the legislation to change. We will change the law, but we have also put in place a procedure to ensure that those cases can be considered properly.

Robert Neill (Bromley and Chislehurst) (Con): On Monday, right hon. and hon. Members from across the House will join the people of Gibraltar in celebrating their national day on 10 September. Will my right hon. Friend confirm that it is Her Majesty's Government's

full resolve that Gibraltar and its people will be fully included in all aspects of the withdrawal negotiations and future arrangements and that no other party will have any veto on that?

The Prime Minister: I am very happy to give my hon. Friend that reassurance and that commitment on behalf of this Government. I send best wishes to the people of Gibraltar for their celebrations on 10 September.

Q10. [906690] Mohammad Yasin (Bedford) (Lab): Last year, Bedford's maternity unit closed its doors six times due to capacity and staffing issues. This is disgraceful. Will the Prime Minister admit now that starving our NHS of funds has had very devastating consequences? Will she reinstate the nursing bursaries to address the shameful national shortage of 3,500 midwives and fund our NHS properly?

The Prime Minister: I simply point out to the hon. Gentleman that health funding in his area will be £1.5 billion this year, and thanks to our funding commitments, this is an increase of over £60 million on the previous year—a cash increase of 4.2%. The Bedfordshire clinical commissioning group will receive a cash increase of 4.34% on last year. We are putting extra money into the national health service. But more than that, we have committed future funding—a five-year funding programme—and a 10-year plan for the national health service to deliver the services that patients need.

Mr Steve Baker (Wycombe) (Con): With exit day fast approaching, will my right hon. Friend now give instructions to the whole of Government that the first priority of every Department must be domestic preparedness, whether we leave the EU with a deal or without one?

The Prime Minister: First, I commend my hon. Friend for the work he did on this issue when he was a Minister. I assure him that the Department for Exiting the European Union has indeed stepped up the work on preparations. We have 6,400 civil servants working on EU exit. There are an additional 1,850 recruits in the pipeline so that we can accelerate preparations as necessary. We have passed necessary laws in this House such as the European Union (Withdrawal) Act 2018—an historic Act. Obviously, there are other pieces of legislation, like the sanctions Act and the Nuclear Safeguards Bill. We are publishing the technical notices on no deal preparations. We are ensuring that our preparations are being made, and they are being made for every eventuality. We are working for a good deal; we prepare for every eventuality.

Q11. [906691] Jeff Smith (Manchester, Withington) (Lab): Does the Prime Minister agree with the chief constable of Greater Manchester when he says that, after losing 2,000 officers in eight years, the public have to accept that without more resources, it is impossible for the police to respond to crimes like car break-ins, antisocial behaviour and even property theft? Is that just the reality of policing under this Government, or will the Prime Minister commit to give our police the funding they need?

The Prime Minister: Obviously, we understand that the demand on policing is changing and becoming increasingly complex. That is why, after speaking to

forces in England and Wales, we provided a comprehensive funding settlement that will increase total investment in the police system by over £460 million in this year, 2018-19. The hon. Gentleman might like to note that the force has a higher number of officers per head of population than the England and Wales average.

Alberto Costa (South Leicestershire) (Con): Earlier this morning, my daughter Sophie—on her own merit, along with thousands of other schoolchildren—attended her first day at grammar school. What message does the Prime Minister have for my daughter Sophie and the thousands of other children who, on their own merit, secured a place at grammar school?

The Prime Minister: First, I would say well done to my hon. Friend's daughter Sophie and those other children. Secondly, I would say to Sophie and others that this is a country where how far you get on in life should depend on how hard you work and your talents and abilities. A good education is crucial to that, so I would say: enjoy your time at school and make the best of it, because education is the key that unlocks the door to your future.

Q12. [906692] **Mike Kane** (Wythenshawe and Sale East) (Lab): Twenty-five thousand jobs and 30 million passengers depend on Manchester airport, which is in my constituency, but with no World Trade Organisation fall-back position after Brexit, can the Prime Minister explain why the Government have downgraded the possibility of an aviation sector deal?

The Prime Minister: Not only are we of course making sure that the arrangements in relation to aviation will be what they should be when we leave the European Union, but we have been working with the aerospace sector generally and with aviation to ensure that as we put in place our modern industrial strategy, we see jobs being not just maintained but created across the country, with high-skilled and well-paid jobs for people in these important sectors. Aviation is an important sector for the UK.

Andrea Jenkyns (Morley and Outwood) (Con): In this year's local election, we elected the first Conservative councillor in my constituency—a wonderful lady called Nic—but since her election, she has been subjected to the most awful abuse by Labour and Momentum activists. Police have been called to her home several times. People have hung around her home late at night, and one has allegedly trolled her via his dead wife's social media account. Her special needs son is now too scared to leave the house. Will the Prime Minister join me in condemning that abhorrent intimidation of elected officials? Is that supposed to be the kinder, gentler politics of the Labour party?

The Prime Minister: May I first say to my hon. Friend that I congratulate Nic, who fought the election, and that I am sorry she has been subjected to this appalling series of attacks of various sorts since that election? Across our democracy, we have different opinions about what we want to achieve and sometimes about how we achieve what we want to achieve, but it is right that we are able to put those opinions forward. The democratic process means we put our views to the public and the public choose, as they have chosen my hon. Friend's

constituent to represent them on the council. She should be able to get on with the job of representing her constituents free of hatred and free of the abuse that she appears to be getting, and I say that this should be condemned on all sides of this House.

Q13. [906693] **Helen Hayes** (Dulwich and West Norwood) (Lab): It has been reported this morning that the Treasury and No. 10 are blocking plans for legally binding three-year tenancies for private renters. This is of great concern to private renters in my constituency, including many families sending their children back to school this week who do not know where they will be living this time next year. Will the Prime Minister make a clear promise to private tenants that they will be entitled to three-year tenancies in law?

The Prime Minister: We are keen to support tenants to access longer, more secure tenancies, while also obviously ensuring that landlords are able to recover their property when needed. The consultation on overcoming the barriers to longer tenancies in the private rented sector closed on 26 August. It considered the various barriers to longer tenancies and how to overcome them, and it did propose a new three-year tenancy model with a six-month break clause. We asked for views on the viability of that and how it could be implemented. We are now analysing those responses, and we will provide information on the next steps once we have done that.

Mr Ranil Jayawardena (North East Hampshire) (Con): I know my right hon. Friend will be as concerned as me, and I am sure the whole House, to hear of and see the carcasses of nearly 90 elephants near a wildlife sanctuary in Botswana. This coincides with Botswana's anti-poaching unit being disarmed. Will she do more to tackle this scourge, including through our aid budget by funding more rangers and more training through the Ministry of Defence?

The Prime Minister: The whole issue of the illegal wildlife trade is a very important one. It was an issue that I touched on when I was in South Africa, in fact, and there was a Minister from Botswana there at the time. We are holding a major conference later this year on the illegal wildlife trade, because we see it as an important issue, and we are bringing people together across the international community to consider how we can further deal with this.

Q14. [906694] **Chris Ruane** (Vale of Clwyd) (Lab): Prominent Tory Brexiteers promised that Wales would not lose out on funding if it voted to leave the EU. Wales has received £5.3 billion in European structural funds since 2000—the highest level in the UK and Europe. Will the Prime Minister guarantee, here and now, that Wales will not lose out on these funds should the UK leave the EU?

The Prime Minister: First, the hon. Gentleman says “should” the UK leave the EU. The UK is leaving the European Union, and that will happen on 29 March next year. What we will be doing—what we are doing—is reassessing and looking at the structural funds that have come from the European Union in the past. We are setting up the shared prosperity fund, which will ensure that we are looking at disparities within regions and within and between the nations of the United Kingdom.

We are working to ensure that we have a system, and a deal with the European Union for the future, that works for the whole of the United Kingdom.

Gillian Keegan (Chichester) (Con): Like my right hon. Friend, I have recently returned from Africa, where I visited a refugee camp in Tanzania with Plan, witnessing the transformative impact of UK aid in protecting women from sexual violence and giving children access to education. With the UN General Assembly fast approaching, will the Prime Minister outline what preparations she has made for the global compact on refugees?

The Prime Minister: Yes, we are looking at this. We are not just looking at what has been proposed for the global compact for refugees; we have actually been part of the discussions about what should be in that global compact. This partly reflects one of the speeches I gave when I was at UNGA in 2016, shortly after I became Prime Minister, about the need to look internationally at how we deal with migration and refugees. I want to see a better ability to differentiate between illegal economic migrants and refugees, because I think by doing that we will be able to ensure that we are providing the support necessary for refugees.

Sir Vince Cable (Twickenham) (LD): Can the Prime Minister explain why the process by which European nationals acquire settled status requires 59 pages of guidance? Is not this simply providing 59 ways of saying no in a continued hostile environment?

The Prime Minister: As the right hon. Gentleman will know, the system was launched not that long ago. It is very clear; it is an online system, and it is a simple system. We guaranteed that that would be what we provided, and it is what we have delivered.

Stephen Kerr (Stirling) (Con): Wilkies is a central Scotland department store. Over the years, it has become something of an institution in Stirling, and it recently announced that it was to close. While the Scottish Government continue to delay any changes to the business rate system in Scotland, which is killing our high streets, can the Prime Minister assure me that there will be some action to level the playing field between high street businesses and online sellers?

The Prime Minister: My hon. Friend is right to highlight the importance of using the tax system in a responsible way. It is right that businesses make a contribution to their local area through the business rates, but this should be as fair as possible. That is why we have improved the system and made changes worth over £10 billion to businesses, including taking 600,000 small businesses out of paying business rates altogether. Britain's retailers, be they high street shops or independent traders, are a crucial part of our economy. They create jobs, and they inject billions into our economy. All those responsible for the tax system should deal with our retailers responsibly and recognise the impact of the decisions they make.

Several hon. Members *rose*—

Mr Speaker: I think we should wrap up with a new, young Member seeking to make an early mark—Mr Geoffrey Robinson.

Mr Geoffrey Robinson (Coventry North West) (Lab): I am grateful, Mr Speaker.

Is the Prime Minister aware that next Wednesday, 12 September, we have the Committee stage of my private Member's Bill, the Organ Donation (Deemed Consent) Bill? I wish to thank her personally for her tremendous support, and of course I thank my right hon. Friend the Leader of the Opposition. The Prime Minister's support, the Government time and the Minister's support have been vital. Can the Prime Minister assure us that she will sustain that support through Committee stage? If that is the case, we can get the Bill through the Commons procedures by the end of the year and have it on the statute book early in the new year. I think the whole House would be pleased to see the Bill become an Act, because its sole purpose is to save, preserve and enhance lives.

The Prime Minister: This is an important piece of legislation and, as the hon. Gentleman says, it will make a difference to people's lives. We have, as he says, given this legislation our backing, and we will continue to give it our backing precisely because of its importance and the impact it will have on people.

Hannah Bardell (Livingston) (SNP): On a point of order, Mr Speaker.

Mr Speaker: Well, we are coming now to a statement by the Prime Minister. If the point of order relates to something that has happened during Prime Minister's questions, I will hear it. But if it is simply that it is convenient for the hon. Lady, I am afraid that she will have to wait till later.

Hannah Bardell: The point of order is about an urgent matter that is happening and was developing during Prime Minister's questions.

Mr Speaker: Very well. I will give the hon. Lady the benefit of the doubt while the Prime Minister consumes some water.

Hannah Bardell: Thank you, Mr. Speaker. I seek your guidance. My constituent Kweku Adoboli is facing imminent deportation to Ghana, where he has not lived since he was four years old. Despite my constituent's rehabilitation and reform since his release from prison, and his work for a number of UK universities and the special forces, the Prime Minister has not responded directly to the letters I have written to her and the points I have made. What can I do to ensure that she responds directly and reviews this decision?

Mr Speaker: The short and honest answer is that the hon. Lady can wait patiently and in an egalitarian spirit, like every other Member, for the opportunity to put a question to the Prime Minister at the appropriate time, rather than using the bogus device of a contrived point of order inappropriately to try to put her point on the record. Being as I am a decent and charitable soul, I am happy to admire her ingenuity on this occasion, but I would not encourage her to use this ruse too frequently.

Salisbury Update

12.49 pm

The Prime Minister (Mrs Theresa May): With permission, Mr Speaker, I would like to update the House on the investigation into the attempted murder of Sergei and Yulia Skripal, and the subsequent poisoning of Dawn Sturgess and Charlie Rowley earlier this year. This was a sickening and despicable act in which a devastatingly toxic nerve agent, known as Novichok, was used to attack our country. It left four people fighting for their lives and one innocent woman dead. I know the thoughts of the whole House will be with the family of Dawn Sturgess in particular, following their tragic loss.

In March, I set out for the House why the Government concluded that the Russian state was culpable for the attempted murder of Mr Skripal and his daughter. I also said that, while we all share a sense of impatience to bring those responsible to justice, as a nation that believes in the rule of law, we would give the police the space and time to carry out their investigation properly. Since then, about 250 detectives have trawled through more than 11,000 hours of CCTV and taken more than 1,400 statements. Working around the clock, they have carried out painstaking and methodical work to ascertain exactly which individuals were responsible and the methods they used to carry out this attack.

This forensic investigation has now produced sufficient evidence for the independent Director of Public Prosecutions to bring charges against two Russian nationals for the conspiracy to murder Sergei Skripal; the attempted murder of Sergei and Yulia Skripal and Detective Sergeant Nick Bailey; the use and possession of Novichok; and causing grievous bodily harm with intent to Yulia Skripal and Nick Bailey. This morning, the police set out how the two Russian nationals travelled under the names of Alexander Petrov and Ruslan Boshirov, names the police believe to be aliases. They arrived at Gatwick airport at 3 pm on Friday 2 March, having flown from Moscow on flight SU2588. They travelled by train to London Victoria, then on to Waterloo before going to the City Stay Hotel in Bow Road, east London. They stayed there on both Friday and Saturday evenings, and traces of Novichok were found in their hotel room. On Saturday 3 March, they visited Salisbury, arriving at approximately 2.25 pm and leaving less than two hours later, at 4.10 pm. The police are confident this was for reconnaissance of the Salisbury area. On Sunday 4 March, they made the same journey, travelling by underground from Bow to Waterloo station at approximately 8.5 am, before continuing by train to Salisbury.

The police have today released CCTV footage of the two men which clearly places them in the immediate vicinity of the Skripals' house at 11.58 am, which the police say was moments before the attack. They left Salisbury and returned to Waterloo, arriving at approximately 4.45 pm and boarded the underground at approximately 6.30 pm to Heathrow, from where they returned to Moscow on flight SU2585, departing at 10.30 pm.

This hard evidence has enabled the independent Crown Prosecution Service to conclude it has a sufficient basis on which to bring charges against these two men for the attack in Salisbury. The same two men are now also the prime suspects in the case of Dawn Sturgess and Charlie

Rowley, too. There is no other line of inquiry beyond this. The police have today formally linked the attack on the Skripals and the events in Amesbury such that it now forms one investigation. There are good reasons for doing so.

Our own analysis, together with yesterday's report from the Organisation for the Prohibition of Chemical Weapons, has confirmed that the exact same chemical nerve agent was used in both cases. There is no evidence to suggest that Dawn and Charlie may have been deliberately targeted, but rather they were victims of the reckless disposal of this agent. The police have today released further details of the small glass counterfeit perfume bottle and box discovered in Charlie Rowley's house which was found to contain this nerve agent. The manner in which the bottle was modified leaves no doubt it was a cover for smuggling the weapon into the country and for the delivery method for the attack against the Skripals' front door. The police investigation into the poisoning of Dawn and Charlie is ongoing, and the police are today appealing for further information. But were these two suspects within our jurisdiction there would be a clear basis in law for their arrest for murder.

We repeatedly asked Russia to account for what happened in Salisbury in March, and they have replied with obfuscation and lies. This has included trying to pass the blame for the attack on to terrorists, on to our international partners, and even on to the future mother-in-law of Yulia Skripal. They even claimed that I, myself, invented Novichok. Their attempts to hide the truth by pushing out a deluge of disinformation simply reinforces their culpability. As we made clear in March, only Russia had the technical means, operational experience and motive to carry out the attack.

Novichok nerve agents were developed by the Soviet Union in the 1980s under a programme codenamed Foliant. Within the past decade Russia has produced and stockpiled small quantities of these agents, long after it signed the chemical weapons convention. During the 2000s, Russia commenced a programme to test means of delivering nerve agents including by application to door handles. We were right to say in March that the Russian state was responsible. Now we have identified the individuals involved, we can go even further.

Just as the police investigation has enabled the CPS to bring charges against the two suspects, so the security and intelligence agencies have carried out their own investigations into the organisation behind this attack. Based on this work, I can today tell the House that, based on a body of intelligence, the Government have concluded that the two individuals named by the police and CPS are officers from the Russian military intelligence service, also known as the GRU. The GRU is a highly disciplined organisation with a well-established chain of command, so this was not a rogue operation. It was almost certainly also approved outside the GRU at a senior level of the Russian state.

The House will appreciate that I cannot go into details about the work of our security and intelligence agencies, but we will be briefing Opposition leaders and others on Privy Council terms, and also giving further detail to the Intelligence and Security Committee.

Let me turn to our response to this appalling attack and the further knowledge we now have about those responsible. First, with respect to the two individuals, as

[*The Prime Minister*]

the Crown Prosecution Service and police announced earlier today, we have obtained a European arrest warrant and will shortly issue an Interpol red notice. Of course, Russia has repeatedly refused to allow its nationals to stand trial overseas, citing a bar on extradition in its constitution. So, as we found following the murder of Alexander Litvinenko, any formal extradition request in this case would be futile. But should either of these individuals ever again travel outside Russia, we will take every possible step to detain them, to extradite them and to bring them to face justice here in the United Kingdom.

This chemical weapons attack on our soil was part of a wider pattern of Russian behaviour that persistently seeks to undermine our security and that of our allies around the world. The Russian Government have fomented conflict in the Donbas, illegally annexed Crimea, repeatedly violated the national airspace of several European countries and mounted a sustained campaign of cyber espionage and election interference. They were behind a violent attempted coup in Montenegro, and a Russian-made missile, launched from territory held by Russian-backed separatists, brought down MH17.

We must step up our collective effort to protect ourselves in response to this threat and that is exactly what we have done since the attack in March, both domestically and collectively with our allies. We have introduced a new power to detain people at the UK border to determine whether they are engaged in hostile state activity. We have introduced the Magnitsky amendment to the Sanctions and Money Laundering Act 2018 in response to the violation of human rights. And we have radically stepped up our activity against illicit finance entering our country. We also expelled 23 Russian diplomats who had been identified as undeclared Russian intelligence officers, fundamentally degrading Russian intelligence capability in the UK for years to come. In collective solidarity, and in recognition of the shared threat posed to our allies, 28 other countries as well as NATO joined us in expelling over 150 Russian intelligence officers: the largest collective expulsion ever.

Since then, the EU has agreed a comprehensive package to tackle hybrid threats; the G7 has agreed a rapid response mechanism to share intelligence on hostile state activity; NATO has substantially strengthened its collective deterrence, including through a new cyber operations centre; and the US has announced additional sanctions against Russia for the Salisbury attack. Our allies acted in good faith, and the painstaking work of our police and intelligence agencies over the last six months further reinforces that they were right to do so.

Together, we will continue to show that those who attempt to undermine the international rules-based system cannot act with impunity. We will continue to press for all of the measures agreed so far to be fully implemented, including the creation of a new EU chemical weapons sanctions regime, but we will not stop there. We will also push for new EU sanctions regimes against those responsible for cyber-attacks and gross human rights violations, and for new listings under the existing regime against Russia. We will work with our partners to empower the OPCW to attribute chemical weapons attacks to other states beyond Syria.

Most significantly, what we have learnt from today's announcement is the specific nature of the threat from the Russian GRU. We know that the GRU has played a key part in malign Russian activity in recent years. Today, we have exposed its role behind the despicable chemical weapons attack on the streets of Salisbury. The actions of the GRU are a threat to all our allies and to all our citizens. On the basis of what we have learnt in the Salisbury investigation and what we know about this organisation more broadly, we must now step up our collective efforts, specifically against the GRU. We are increasing our understanding of what the GRU is doing in our countries, shining a light on its activities, and exposing its methods and sharing them with our allies, just as we have done with Salisbury. While the House will appreciate that I cannot go into details, together with our allies we will deploy the full range of tools from across our national security apparatus to counter the threat posed by the GRU.

I have said before, and I say again now, that the UK has no quarrel with the Russian people. We continue to hold out hope that we will one day once again enjoy a strong partnership with the Government of this great nation. As a fellow permanent member of the United Nations Security Council, we will continue to engage Russia on topics of international peace and security, but we will also use those channels of communication to make it clear that there can be no place in any civilised international order for the kind of barbaric activity we saw in Salisbury in March.

I pay tribute to the fortitude of the people of Salisbury, Amesbury and the surrounding areas, who have faced such disruption to their daily lives over the past six months, and I again thank the emergency services and the national health service for their outstanding efforts in responding to these incidents. I also thank all those involved in the police and intelligence community for their tireless and painstaking work, which has led to today's announcement.

In March, Russia sought to sow doubt and uncertainty about the evidence we presented to this House, and some were minded to believe it. Today's announcement shows that we were right. We were right to act against the Russian state in the way we did, and we are right now to step up our efforts against the GRU. We will not tolerate such barbaric attacks against our country. Together with our allies, this Government will continue to do whatever is necessary to keep our people safe. I commend this statement to the House.

1.3 pm

Jeremy Corbyn (Islington North) (Lab): I thank the Prime Minister for advance sight of her statement and for the security briefings that we have received.

Our thoughts today are with the family of Dawn Sturgess and with Charlie Rowley, who is still recovering from his ordeal. We are obviously very sad at the death of Dawn and we send condolences to her partner and her family. We also send our best wishes to Sergei and Yulia Skripal for a full recovery.

The use of military nerve agents on the streets of Britain is an outrage and beyond reckless. Six months after the attack, Salisbury and its people are still suffering the after-effects, as I found when I visited the city earlier this summer. An eerie calm hung over the city on that

summer's evening. A large part of it is cordoned off for security purposes, so that the police can continue their investigations, creating a very strange and eerie atmosphere. We should show some sympathy for the people of Salisbury, given what they have gone through. I know that the Prime Minister did that in her statement.

I commend the police for their superhuman efforts in forensically trawling through hours and hours of information in helping to identify the suspects. Given today's announcement on the decision to charge two Russian citizens with responsibility for this appalling attack, what steps is the Prime Minister taking to secure co-operation from the Russian Government in bringing them to trial? *[Interruption.]* This is a serious matter, Mr Speaker, and I think they should be brought to trial.

The OPCW's finding that there is evidence that Novichok was used in Salisbury is a stark reminder that the international community must strengthen its resolve to take effective action against the possession, spread or use of chemical weapons in any circumstances. No Government anywhere can or should put itself above international law. The Prime Minister previously outlined that the type of nerve agent used was identified as having been manufactured in Russia. The use of this nerve agent is a clear violation of the chemical weapons convention and, therefore, a breach of international law.

Based on the OPCW's findings, the Russian Government must give a full account of how this nerve agent came to be used in the UK. Will the Prime Minister continue to pursue a formal request for evidence from the Russian Government under article IX, paragraph 2? It is in the interests of the peace and security of all people and all countries that no Government play fast and loose with the international human rights rules-based system. Will the Prime Minister update the House on what contacts, if any, she has had with the Russian Government more recently to hold them to account?

Our response as a country must be guided by the rule of law, support for international agreements and respect for human rights, even—and perhaps especially—when other countries do not respect those agreements. I will say more on that in a moment, but I want to assure the Prime Minister and the House that we will back any further reasonable and effective actions, whether against Russia as a state or the GRU as an organisation. I encourage the Prime Minister to seek the widest possible European and international consensus for that to maximise its impact.

In 2015, the United Nations set up the OPCW-UN joint investigative mechanism, but due to there being no agreement in the UN Security Council, there is no international mechanism that is responsible for attributing chemical weapons attacks to specific perpetrators. Will the Prime Minister outline what efforts the UK has made at the UN Security Council to overcome this impasse, so that the OPCW will be allowed to provide clarity and attribution as to the violators of international chemical weapons law?

While we all hope that our country will never suffer such an attack again, can the Prime Minister outline what lessons have been learned by police and health service staff, and what training they have been given in dealing with a nerve agent attack? That is in no way a criticism of them—indeed, I congratulate them on the way they performed after the attack in Salisbury.

In conclusion, we utterly condemn the appalling attacks. We commend the police and security services for their diligence in investigating this appalling crime, and we will support any reasonable action to bring those responsible to justice and to take further action against Russia for its failure to co-operate with this investigation.

The Prime Minister: I say first to the right hon. Gentleman that, as I said in my statement, I am sure all Members of the House join both of us in saying to the people of Salisbury, Amesbury and the surrounding area that they have been through terrible disruption in recent months and that we commend the dignity and calm with which they have dealt with it.

The right hon. Gentleman asked what we have done to approach the Russian Government on the question of bringing the two individuals to justice.

As I said in my statement, we are issuing an Interpol red notice and have issued a European arrest warrant but, as we saw in the case of Alexander Litvinenko, Russia does not allow its citizens to be extradited to face justice in other countries. I think the phrase I used in my statement was that an extradition request would be “futile”.

What we have done is to repeatedly ask Russia to account for what happened in Salisbury in March, and it has responded with obfuscation and lies. We want Russia to act as a responsible member of the international community. That means that it must account for the reckless and outrageous actions of the GRU, which is part of the Russian state. This is a decision that would have been taken outside the GRU and at a high level in the Russian state. It must rein in the activities of the GRU and recognise that there can be no place in any civilised international order for the kind of barbaric activity that we saw in Salisbury in March.

The right hon. Gentleman asks me about the OPCW and the United Nations Security Council. We have been working through the OPCW. I am pleased to say that we had an overwhelming vote on the proposal that we and others put forward earlier in the summer on strengthening the OPCW's ability to attribute responsibility for the use of chemical weapons. Further discussions are to take place within the OPCW on that issue, but I hope that the whole international community—and, I would hope, some of those who previously were cautious about accepting what we said in March about responsibility for the attack—will now see the clear responsibility that lies at Russia's door and act accordingly.

It is right that the United Nations Security Council has not been able to come together to agree an arrangement for the attribution of responsibility for the use of chemical weapons. Why is that? It is because Russia vetoes any attempt to do so. We will work through the OPCW and continue to give the very clear message that states and people cannot use chemical weapons with impunity. We will maintain, and do all that we can to reinforce, the international rules-based order in relation to the use of chemical weapons. I and the Government—and, I am sure, other Members of the House—will be very clear about the culpability of the Russian state for the attack on Salisbury.

Boris Johnson (Uxbridge and South Ruislip) (Con): I thank the Prime Minister for her statement. The whole House will have noted what I am afraid was the somewhat

[Boris Johnson]

weaselly language of the Leader of the Opposition in failing to condemn what is now incontrovertible in the eyes of all right-thinking people—the involvement of the Russian state at the highest level in the Salisbury poisonings. Will my right hon. Friend confirm that we will be asking that these two individuals be produced for justice by Russia? Will she be stepping up our diplomatic activity, our counter-measures and our targeted sanctions so that the whole international community can show its repugnance at what Russia has done in a way I am afraid that Leader of the Opposition signally failed to do today?

The Prime Minister: I thank my right hon. Friend for his comments. Obviously he was Foreign Secretary when the attack took place and worked, as I did, with the international community on its response.

The CPS does not have a policy of requesting extradition from states whose constitutions bar the possibility of extradition. That is why we have issued the notices available to us—the Interpol red notice and the European arrest warrant. As I said in my statement, if these two individuals step outside Russia, we will take every step possible to ensure that they are detained and brought to face justice here in the United Kingdom.

On the other points that my right hon. Friend makes, we will indeed be stepping up our activity across the broad range of our capabilities and what is available to us across our national security apparatus to ensure that we make every effort to deal with malign state activity and, in particular, as I said in my statement, the activity of the GRU.

Ian Blackford (Ross, Skye and Lochaber) (SNP): Scottish National party Members welcome the Prime Minister's statement and the news that we have now been able to identify the suspects in the Salisbury attack. The attack on Mr Skripal and his daughter was an unlawful use of force by the Russian state on the streets of Salisbury, and we now have evidence that absolutely and unequivocally confirms that. Of course, while our thoughts are with the Skripals in their recovery, we ought today to remember Dawn Sturgess, who sadly died, and Charlie Rowley, who is recovering from the attack he suffered.

The news of the arrest warrants today will send a clear message that all of us here will not tolerate the behaviour from the Russians that took place in Salisbury. While I agree with the Prime Minister's remarks about the actions open to us and the fact that should these two individuals ever leave Russia they will face the threat of arrest, we ought to put the maximum pressure on Russia, working with our international partners, to turn those individuals over. They must face trial here in the United Kingdom.

There must always be a robust response to the use of terror on our streets. Let me reassure the Prime Minister that the Scottish National party is fully committed to working constructively with the Government to ensure that we do all that we can to protect the public. I am sure that others across the House will join me in extending our gratitude to the members of the security services and the police who worked to ensure that today's announcements could be made. Their dedication and

commitment to rooting out these criminals are critical to securing the safety of citizens and, on behalf of the Scottish National party, I send my sincerest thanks for all their efforts.

The threat from Russia must always be met by a united front from all of us together standing in solidarity against the abuse of power. Only together will we take on the abuse of state power by the Kremlin, and only then can we ensure that we work towards a peaceful future for citizens across the United Kingdom and beyond. It is right that the Prime Minister has made this statement, and I am grateful for that. I look forward to justice being done—it must be done.

Will the Prime Minister also provide us with an update on the Government's actions to tackle Russia's abuse of Scottish limited partnerships? SLPs have been used to move more than \$80 billion from Russia in just four years, according to our own Government. All action must be taken to stand up to this abuse of power and to show that we are prepared to take on Russia over human rights abuses and money laundering. We will and we must take effective action together.

The Prime Minister: I thank the right hon. Gentleman for the tone of his response and his support for the Government's work. He mentioned the emergency services. As I said, and he also said, we send our immense thanks to all those in the emergency services, the police, our security and intelligence agencies and the national health service who responded to these incidents, and for the work of the police and the intelligence agencies that has enabled us to identify these two individuals and to issue the Interpol red notice and the European arrest warrant. The armed forces were also present in the clean-up and made their expertise available. We are grateful to them, too.

The right hon. Gentleman asks about Scottish limited partnerships. The Home Office has been looking at this issue with the Department for Business, Energy and Industrial Strategy. We intend to introduce legislation to cover a range of abuses, and I am sure that the Security Minister would be happy to speak to him about that.

I thank the right hon. Gentleman for his understanding and acceptance of what I said in my statement about the role of the GRU and the culpability of the Russian state. I also thank him for his clear condemnation of the Russian state. I only wish that such a clear condemnation might be possible from the leaders of all parties in the House.

Mr Dominic Grieve (Beaconsfield) (Con): My right hon. Friend is absolutely right in her identification of the Russian state. What we are is the victim of state terrorism by a state that is run as a gangster organisation, that threatens us all and has done so repeatedly on the international stage, and that is wholly outside the international rules-based system. I greatly agree with her in commending the work of our police and security services in elucidating the surrounding circumstances around this appalling act.

On behalf of the Intelligence and Security Committee, I look forward to further details relating to the background. In the meantime, does my right hon. Friend agree that we will have to look carefully at the ease with which Russian nationals on Russian passports can come in

and out of this country? Obviously, as a free country, we wish to facilitate the exchange of people, but that will clearly become a pertinent issue when it becomes so apparent that the system is being abused by the Russian state for the purpose of sending hoods and murderers into our country to kill our citizens and those who are protected by us.

The Prime Minister: I thank my right hon. and learned Friend for his comments. As I said in my statement, we will indeed ensure that further detail is available for the Intelligence and Security Committee. As I understand it, the individuals came into the United Kingdom under valid passports that were issued by the Russian Government. We have already stepped up our powers by introducing an ability to stop people at ports to consider and investigate whether they are involved in hostile state activity. Of course, we look continually to ensure that we have all the powers necessary to deal with these issues, and my right hon. Friend the Home Secretary will continue to do that.

Sir Vince Cable (Twickenham) (LD): I give strong support to the Prime Minister for her condemnation of the Russian state, but since our seriousness will be judged by actions rather than words, will she explain how many of the Russian oligarchs whom we know to be cronies of the Russian regime and who have wealth in the UK have had their assets seized under unexplained wealth orders following the powerful example of the United States?

The Prime Minister: I thank the right hon. Gentleman for his opening remarks on this issue and for his reference to the role of the Russian state in what happened in Salisbury. The National Crime Agency has stepped up its activity in relation to illicit finance. A considerable amount of work is being undertaken in relation to that. Of course these are operational matters for the NCA. As he will know, we do not comment on individual cases, but I can assure him that the work that is going on in relation to these matters has been stepped up considerably since what happened in March.

Amber Rudd (Hastings and Rye) (Con): I join the Prime Minister in congratulating the security and police services on their brilliant work in arriving at these conclusions. Two named Russian intelligence officers—nothing could be more conclusive. The nature of the Russian propaganda machine is that it will always try to throw up smoke to confuse us, but does she share my hope that the evidence here will make it clear to all people who doubted what we said before—particularly Opposition Front Benchers—that when the security services lead us in this direction, they know what they are doing?

The Prime Minister: I thank my right hon. Friend for the role that she played as Home Secretary and for the visits that she made to Salisbury on this issue. She is absolutely right that when I first presented what had happened in Salisbury in March to this House, there were those who questioned my statement about the involvement of the Russian state. Now we have clearly seen what happened. The police have identified two individuals. The independent CPS has laid charges against those two individuals. We have clearly identified a link

with the Russian military intelligence agency—the GRU—and it is clear that permission for an act of this sort would have been taken outside the GRU and at a senior level within the Russian state. It is incumbent on all those who were sceptical back in March to see the evidence that has been laid before this House and before the public, and to recognise the involvement of the Russian state and condemn it wholeheartedly.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): I thank the Prime Minister for her immensely serious statement and pay tribute to the impressive forensic work of our police and intelligence agencies. They and the Government have support from across the House for their work in the face of this vile chemical attack, this threat from the GRU and the operations of the Russian state, which we must unreservedly condemn not only for this chemical attack, but for the wider propaganda and for the online spread to undermine democracy and truth.

Alexander Litvinenko was murdered 12 years ago and the Prime Minister will know that there were then long delays in setting up an inquiry, and in taking action against the assets of suspects who were identified and those who were linked to them. Has she considered the lessons from the Litvinenko case, and what further measures is she ensuring are put in place now around those suspects and those who may be linked to them so that we learn those lessons, too?

The Prime Minister: I thank the right hon. Lady for her comments and for her support for the police, the intelligence agencies and the work that the Government have been doing in relation to this particular issue. Yes, we did look at the Alexander Litvinenko case and at the lessons that we as a Government needed to learn from the response to that and the action that was taken, and we acted accordingly. One key difference from the Litvinenko case that we saw in March was the very strong international response to what had happened here in Salisbury. As I have said, we saw the biggest single number of expulsions that has ever taken place of Russian personnel of this sort. Obviously we will continue to look at this matter. We will be looking at what further action can be taken. As I have said, we will be using all the tools in our national security apparatus to do that. It is not possible for me to go into detail on some of those matters, but I am sure that it will be possible to give the right hon. Lady a briefing on Privy Council terms.

Dr Julian Lewis (New Forest East) (Con): May I urge the Prime Minister to make more of the passage of a law in July 2006 by the Russian Federation Parliament specifically enabling and empowering its President to order the assassination of Russia's enemies abroad? As we know, this happened only weeks before the killing of Litvinenko. If she really wants to send a strong message to the Russian Government, will she have a quiet word with the Chancellor about enabling defence to get the uplift in its budget that it needs if further cuts in our ability to deter Russia are not to be inflicted by the Budget?

The Prime Minister: My right hon. Friend is of course right to highlight the law that was passed in Russia in 2006 that gives that ability to order assassinations

[*The Prime Minister*]

outside the Russian state. He is right to point that out; it is an important fact for people to recognise. That is the background against which Russia is operating and we see that happening today. May I also say to him—I suspect that he will not be surprised by the response that I am giving him in relation to this matter—that, of course, we are looking at the modernising defence programme? As we look at the threat that is posed by Russia and at those that we also see from a whole variety of other sources, what is important is that we not only look at the conventional way in which we have dealt with those threats, but recognise the diverse and varied way in which malign state activity is undertaken today. As I referenced in my statement, we see a lot of propaganda and cyber-activity taking place by the Russian state. We need to make sure that we have all the tools at our disposal, and that will run across a number of parts of Government and not simply the Ministry of Defence.

Mr Pat McFadden (Wolverhampton South East) (Lab): The first duty of anyone occupying the Prime Minister's office is to protect the public and to be clear-eyed about the threats that the country faces. I thank her for her statement today and echo the praise that she and other Members have given to the police and intelligence services for the tremendous work that has been done to enable her to come to the conclusions that she has shared with the House today. Given her responsibilities, may I ask her why she thinks that the Russian state authorised such a barbaric operation—this state-sanctioned attempted murder—on the streets of the UK?

The Prime Minister: I thank the right hon. Gentleman for his opening comments and his praise for the police and intelligence agencies. As I have said, there were 250 detectives trawling through 11,000 hours of CCTV and over 1,400 statements; this was a very significant investigation, and there has also of course been the work of the intelligence agencies, which I referred to in my statement as well.

It is not for me to ascribe the motivation of the Russian state in relation to this issue. I suspect it wanted to give a message to Russians living elsewhere who had been involved in matters relating to the Russian state; that is the only reason that I can assume lay behind what it wanted to do. But it is up to the Russians to explain what happened in Salisbury. I have said consistently—I did so in March, we have done so since, and I have said it again this afternoon—that the Russian state needs to explain what happened in Salisbury; all we have had are obfuscation and lies.

Sir Roger Gale (North Thanet) (Con): In the light of my right hon. Friend's statement, does she agree that for the Parliamentary Assembly of the Council of Europe to change its rules at the behest of the secretary general in order to facilitate the readmission of the delegation of the Russian Federation would make an absolute nonsense of the convention on human rights? Does he also agree that it is incumbent on the Council of Europe and all other international bodies to send a clear message to the Russian Federation that human rights are not an à la carte menu?

The Prime Minister: I thank my hon. Friend for raising this very real issue. Of course the Government will be looking to raise it in the international forums where we are able to do so. My hon. Friend is of course absolutely right. This information will be provided to the Council of Europe, and I hope it will make it think again about the steps it is proposing. As my hon. Friend says, human rights are not an à la carte menu from which we can pick and choose.

Rushanara Ali (Bethnal Green and Bow) (Lab): May I too commend the police and security services for all their work on this very serious issue? This morning my hon. Friend the Member for Poplar and Limehouse (Jim Fitzpatrick) and I were assured that local people do not face a threat and that the local hotel in Bow where the perpetrators stayed has been checked and is safe, but can the Prime Minister assure us that further reassurance will be provided, that lessons will be learned, and that local police who have to work in partnership with security and counter-terrorism officers will be supported in dealing with this new kind of threat that cuts across different boroughs and different parts of the country?

The Prime Minister: The hon. Lady raises an important issue and it is right that we are able to give that reassurance. On the hotel that the individuals stayed in, the situation is clear: the chief medical officer has also given a statement this morning about issues relating to public health and makes very clear in that statement the low risk that pertains there. Samples were taken from the hotel room as a precautionary measure; when that first happened, at the initial stage when that hotel room was identified, the contamination with Novichok was identified as being below the level to cause concern to public health; further samples were then taken and have come back negative. Following these tests, the experts deemed that the room was safe and posed no risk to the public. I believe the chief medical officer has indicated that anybody who stayed in the room between 4 March and 4 May would, had they been affected, have been affected by now, and there have been no reports of any health effect on anybody during that period. But reference has been made to this, and people may wish to get in touch with the investigatory team to be reassured on the matter.

The hon. Lady also mentioned other elements. The chief medical officer has made it clear that staff who operated, maintained and cleaned the transport systems are safe, and that there is no risk to members of the public who travelled alongside the individuals between 2 March and 4 March or those who used the transport system afterwards.

Mr Bob Seely (Isle of Wight) (Con): My right hon. Friend has mentioned the 2006 Russian law, which would surely logically assume that the man who allowed this assassination attempt to happen was the head of the Russian state, Vladimir Putin. But the GRU is not a new organisation. Is the Prime Minister aware of its involvement as the lead agency in the Crimean annexation and as a critical agency, but not the only one, in the east Ukrainian war; of GRU General "Orion" who was the senior man at the time of the shooting down of the MH17; and of the very close and short command chain that allegedly exists between the GRU and the Russian presidency?

The Prime Minister: My hon. Friend has worked tirelessly on ensuring that we are all aware of the activities of the Russian state and the threat they pose. We have specifically identified these two individuals in relation to the GRU, but, as I have said and as my hon. Friend acknowledged, the GRU has had involvement elsewhere, and other parts of the Russian state have been involved in malign state activity elsewhere as well. As I said in my statement, it is almost certain that a decision of this sort will have been taken outside the GRU and at a senior level.

Mike Gapes (Ilford South) (Lab/Co-op): The Prime Minister referred in her comprehensive and detailed statement to co-operation with our European Union partners and the EU chemical weapons sanction regime. Can she assure me and the whole country that we will continue to work closely with our EU partners, as the closest possible security and intelligence and sanctions co-operation will be necessary whatever happens in March next year?

The Prime Minister: I give the hon. Gentleman that reassurance. We recognise the importance of working with our European partners on these matters of security. It is why we have set out proposals for an ambitious and comprehensive security partnership in our future relationship, covering co-operation across a range of areas and continued access for the UK to certain instruments that can be helpful in dealing with these matters, such as the European arrest warrant; and, indeed, where we have taken our own powers such that after March next year we will be able to have our own individual sanctions regime, we would want to continue to co-operate with our European partners on those issues, too.

Mr Mark Francois (Rayleigh and Wickford) (Con): The GRU is Russian military intelligence. Its operatives are recruited almost exclusively from the Russian military; it reports to the Russian general staff, via them to the Defence Ministry; and it is on a very short leash to the Kremlin. We should therefore understand the enormity of what has happened here: British citizens have been murdered or almost murdered on British soil by two highly trained Russian soldiers. May I suggest that in responding to this heinous attack we should now target the GRU both in our country and again among our allies, and seek specific expulsions of GRU officers from around NATO and our friends around the world in order to disrupt the networks of this vile organisation?

The Prime Minister: My right hon. Friend makes an important point. It is important that we now specifically look at the actions of the GRU and take action in relation to the GRU. That is about sharing our experience and understanding of the GRU with our allies, and it is about the threat potentially posed to other countries. It is not just about what happened here, heinous though that crime was, as my right hon. Friend has said; it is about ensuring a level of protection and security for everybody across Europe.

Alison Thewliss (Glasgow Central) (SNP): Global Witness has found that 43% of Scottish limited partnerships are controlled by persons with either a correspondence address in or citizenship of a former Soviet state. However,

there are still huge issues with compliance, and many SLPs have not even provided a person of significant control. Will the Prime Minister give more detail on future legislation to combat dirty money laundered through SLPs, and say whether resources and priority will be given to enforcing existing laws through Companies House, which remains a huge loophole in all of this?

The Prime Minister: As I said in response to the question this afternoon from the hon. Lady's party leader, the right hon. Member for Ross, Skye and Lochaber (Ian Blackford), the Home Office and the Business Department have been working on this issue in relation to SLPs; they have been looking at some of these areas of abuse. We have as a general point stepped up our ability to deal with economic crime through the establishment within the National Crime Agency of the national economic crime centre, and we are continuing to build up that ability to deal with economic crime. I am sure the Minister for Security and Economic Crime will be happy to speak to the right hon. Gentleman as leader of the Scottish National party here about the action being taken and the work being done. There is an intention to legislate in this area, but obviously we need to ensure we get this right; SLPs are not the only issue raised in this regard and we need to look at a range of abuses.

Mr John Whittingdale (Maldon) (Con): My right hon. Friend has set out very powerful evidence that a British citizen died on British soil as a direct result of a Russian assassination, but she will be aware that there have been a number of other deaths in Britain in the past few years of Russian citizens or of people with close connections with Russia. Can she say whether those cases are now being actively re-examined?

The Prime Minister: My right hon. Friend is absolutely right to raise that issue. There have been a number of cases—the number of 13 or 14 comes into my head—and they have indeed been reconsidered by the police, who have looked at all the evidence in relation to those matters. I understand that a letter will shortly be going to the Chairman of the Home Affairs Committee setting out the outcome of that, but I understand that there is no cause for further consideration of those cases.

Chris Bryant (Rhondda) (Lab): I do not doubt for a single instant that the bloody trail goes all the way to the Kremlin and to President Putin himself personally. I do not think that anybody acting for the GRU would go it alone. I think that that is what the Prime Minister meant when she said that this was not rogue activity. The cynicism of the Russian state is phenomenal. It is not only that laws are being passed to allow impunity for murderers when they go overseas; it is also the fact that the Russian embassy's response yesterday was to ask for access to the Skripals—presumably to finish the job. If we cannot bring these people into a court in this country, as seems likely, is it not important to ensure that we have a proper judicial process in this country, such as the judge-led inquiry that was able to come to proper legal conclusions after Litvinenko?

The Prime Minister: As I said in my statement, this was not a rogue operation. It was almost certainly approved outside the GRU at a senior level of the

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Russian state. The hon. Gentleman raises the possibility of an inquiry to look into this. Obviously, the police investigation into what happened at Amesbury is ongoing. As I said, this is now a single investigation, and there is no further line of inquiry beyond the two individuals who have been named in relation to the attack on the Skripals and on Detective Sergeant Nick Bailey, who was affected by that as well. Obviously, we will want to take steps to ensure that we learn appropriate lessons from this. In relation to bringing the individuals to justice, I repeat that if they do step outside Russia, we will strain every sinew and do everything we can to bring them to justice in this country.

Richard Benyon (Newbury) (Con): The revolting regime of President Putin that has so impoverished and abused the Russian people has many fellow travellers and useful idiots in the Parliaments of those we assume to be our allies, including the European Parliament. Does my right hon. Friend agree that the very professional diplomatic efforts by her Government that took place after the attacks need to be continued with full vigour to ensure that our allies remain onside and understand what a terrible crime has been committed against one of their allies?

The Prime Minister: My right hon. Friend is absolutely right. I would also say that this confirms that those of our allies who stood by us and took action after March were right to do so. There were those who were sceptical, internationally as well as within this Chamber, about the role of the Russian state at the time, but the evidence that has now been produced shows absolutely the culpability of the Russian state. I hope that in the international arena we will now see countries that have exercised a degree of restraint in their approach recognising the role that Russia has played in this and acting accordingly.

Mr Chris Leslie (Nottingham East) (Lab/Co-op): Given the extraordinary trail of evidence that the Prime Minister has shared with the House today, and the number of communities affected, is it not all the more important that everyone in all corners of the Chamber should express their total faith and confidence in the police and the security forces? We do not do that simply so that we can pay lip service to them or thank them; expressing that confidence is important so that communities or witnesses with evidence can come forward and feel that it is legitimate to provide that evidence to the security services. May I urge the Prime Minister to ignore the cranks and ideological extremists whose first instinct seems to be to sow mistrust in our security professionals?

The Prime Minister: I absolutely support what the hon. Gentleman has said. Our security professionals do an amazing job for us on a daily basis. We have seen the painstaking professionalism that they have shown in this particular investigation, which has led us to the position where we can make the statements that the Metropolitan police and I have made today in relation to these two individuals and to what happened in Salisbury. It is incumbent on all of us across the whole House unequivocally to give our support to the security services in the job that they do. We face a range of threats in this

country, and the people of this country need the reassurance of knowing that their politicians are giving the necessary support to the security services.

Sir Desmond Swayne (New Forest West) (Con): A decision outside the GRU by the Russian state at a senior level—she means President Putin, doesn't she?

The Prime Minister: I mean a decision outside the GRU at a senior level in the Russian state.

John Woodcock (Barrow and Furness) (Ind): The public need to see that their elected representatives accept the forensically reached conclusions of the police and the British security services over the lies and propaganda that will be pumped out by our enemies, so it is heartening that the overwhelming majority of speakers in this session have accepted that. The Prime Minister mentioned NATO. Does she agree that an attack by the Russian state on British soil using chemical weapons was sufficient to invoke article 5, had she wished to do so? Does she reserve the right to do that in future, if there is another act of aggression by the Russians?

The Prime Minister: The interpretation of matters in relation to article 5 obviously rests on matters of law, apart from anything else. The hon. Gentleman's earlier point was important. It was about the ability of this House to show the public, the emergency services and our security services our support and to reassure them of our determination to get to the bottom of what happened in Salisbury. He is right to say that it has been forensic, painstaking work that has led to the police having the ability to identify these two individuals, and to making it possible for me to be clear that they were members of the GRU and linked to the Russian state. We should be eternally grateful to them for the service that they provide for us. We will continue to talk with NATO about the ways in which we can enhance NATO's ability to deal with malign state activity of the variety of sorts that we now see today. When NATO was established, it was very much on the basis of what would now be seen as conventional warfare. Looking at the propaganda and the cyber-attacks that we see today—I understand that the propaganda has already started from the Russian state in relation to today's statements—we need to ensure that NATO has the necessary capability to deal with them.

Mr John Hayes (South Holland and The Deepings) (Con): The character of espionage is changing as the methods by which it is conducted alter, partly as a result of technology. At the Home Office, my right hon. Friend and I worked to ensure that the necessary legislation was in place, but given these events and others, will she look again at whether our excellent security and intelligence services need any further powers in order to do their work to keep us safe?

The Prime Minister: My right hon. Friend speaks from his experience as a Security Minister, and I am grateful to him for the point he makes. We have already taken steps such as enhancing the power to stop people at ports when there is a suspicion that they might be involved in hostile state activity. Legislation is also going through the House in relation to enhancing our powers in certain areas relating to counter-terrorism.

As my right hon. Friend the Home Secretary has already said, we will look at the issue of espionage legislation to see whether there is anything further that we need to do.

Peter Kyle (Hove) (Lab): After the attacks earlier in the year, our friends and partners abroad came together in a fantastic way to bring pressure to bear against Russia in response to what happened on our soil. In the light of today's conclusions, that action should be seen as the start, not the end, of international pressure, because Vladimir Putin responds only to strength, and internationally co-ordinated strength works best. Where next for that partnership?

The Prime Minister: The hon. Gentleman is right that we saw an important international coalition come together. Since then, we have seen some further action being taken by individual countries, such as the United States, in relation to sanctions against Russia. We have also seen a coming together at the European Union level in relation to a sanctions regime for chemical weapons use, and we will continue to push that matter. We will also continue to push on sanctions in relation to Russia in several other areas. That activity will be continuing, and we will continue to step up pressure among our international allies. As I said earlier, I hope that the evidence that has been presented today will clearly show why this is so important.

Dr Andrew Morrison (South West Wiltshire) (Con): I thank the Prime Minister for the Government support that has been given to Wiltshire in its recovery phase. It continues to be much needed. The apparent ease with which two GRU operatives were able to enter this country will fill people with alarm and suggests continued vulnerability. Accepting the difficulty of detecting agents such as Novichok at our ports and airports, what can be done to reduce the chances not just of individuals but of substances entering the country and permitting a repetition of what we have seen?

The Prime Minister: I reiterate that these individuals travelled on valid passports that were issued by the Russian Government. We have looked at what is necessary at the ports, which is why we have responded by giving the police the power, as they have had in other circumstances, to stop people and interview them at ports should there be a concern that they may be involved in hostile state activity.

Alan Brown (Kilmarnock and Loudoun) (SNP): The Prime Minister highlighted the fact that the US has imposed additional sanctions on Russia. However, that has been partly counterbalanced by the fact that, just a few weeks ago, Steven Mnuchin spoke about lifting sanctions on a Russian company with links to Putin's inner circle, and the reality is that Congress has actually forced President Trump's hand a lot of the time. We saw in Helsinki that Putin clearly ran rings around President Trump, so what direct discussions has the Prime Minister had with the President to reinforce the importance of keeping sanctions on Russia? What is she going to do to gain support for additional sanctions going forward?

The Prime Minister: We have been talking to several allies and partners in relation to the information that we now have about what happened in Salisbury. As I have said, we will continue to talk, particularly in the forums

where we have already generated activity in relation to a future sanctions regime, such as in the European Union in relation to the crucial chemical weapons sanctions regime. We will continue to press our allies on that.

Richard Graham (Gloucester) (Con): Given that the Russian state will deny that Alexander Petrov and Ruslan Boshirov even exist, will my right hon. Friend confirm whether sufficient evidence from our excellent agencies will be shared with others who did not feel able to support the Government in March, so that they can now join the 28 nations who acted in solidarity with us against a state that uses military intelligence officers and nerve agents to murder abroad?

The Prime Minister: I can absolutely give my hon. Friend that reassurance. We will obviously share the information to ensure that those to whom he refers are now aware of the further evidence that has been made available. Of course, this is not just about the names, because the police have today released CCTV images of the two individuals.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): The Prime Minister's comprehensive statement highlights that the Russian state effectively put hundreds of British citizens in mortal danger, not least those in our NHS who so expertly treated the victims. Will she therefore outline what measures she is putting in place to enhance the resilience of our chemical, biological, radiological and nuclear training, so that personnel across civilian and military services are able to deal with such threats? Will she also review the 2011 decision to disband the Joint Chemical, Biological, Radiological and Nuclear Regiment?

The Prime Minister: The hon. Gentleman makes an important point and gives me a further opportunity to commend the excellent work done by the national health service when faced with the attack in Salisbury. Many people would have found it difficult to deal with such a difficult case, so the fact that they did is a huge commendation for the professionalism of our national health service.

A decontamination review took place a couple of years ago. The Home Office will also be looking at a review of protective measures, as the hon. Gentleman would expect.

James Gray (North Wiltshire) (Con): In joining the Prime Minister and the whole House in warmly congratulating and thanking our armed services, intelligence services and police on all they have done, I hope that she will understand if I pay particular tribute to the Wiltshire constabulary, which has played an extraordinarily important role in this operation, and the NHS staff at Salisbury hospital. She will also forgive me if I ask two rather local questions. First, will she confirm that the costs borne by the Wiltshire constabulary will be given to the Home Office rather than the people of Wiltshire? Secondly, will she reconfirm to my constituents and people across Wiltshire that there is now no risk of any kind whatsoever from any remnants of the Novichok poisoning?

The Prime Minister: I understand that the Home Office is indeed assisting the Wiltshire constabulary with the costs and that some payments have already

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been made. My hon. Friend is right to commend the actions of the police officers, ambulance personnel and fire service personnel who were early on the scenes and faced situations in which they did not know exactly what was happening, but they dealt with things professionally and we should commend them for their professionalism.

As for the situation in the surrounding area, the message continues to be that there is a low risk. The police have put out a public appeal today, which includes CCTV footage, so if anybody has any information about having seen the individuals in any particular place, they can bring that information forward. Of course, the police have conducted fingertip searches of all the areas of concern, and, as I say, the risk to the public is low.

Helen Goodman (Bishop Auckland) (Lab): I add my congratulations to the police on their excellent detective work. The Opposition were pleased that the Government added Magnitsky provisions to the Sanctions and Anti-Money Laundering Act 2018. Section 31 of that Act provides for the appointment of an independent reviewer of counter-terrorism regulations. Has that appointment been made?

The Prime Minister: I will write to the hon. Lady about that particular question.

Mr Jonathan Djanogly (Huntingdon) (Con): As my right hon. Friend pointed out earlier, during the summer the United States increased its sanctions against Russia specifically as a result of this heinous crime. To what extent are we intending to replicate the sanctions that the US has put in place? Are we intending to get our EU allies to do the same?

The Prime Minister: Obviously, we have worked closely with our EU allies and others in relation to sanctions on Russia, for which there are various reasons at the moment due to the various aspects of malign state activity. I have referenced the chemical weapons sanctions regime that the EU has agreed in principle, and we will be working with our allies on that. Of course, after 29 March next year, we will have our own sanctions powers in place as an independent state, but we will want to continue to work with allies and others on that.

To clarify a point I made in response to other questions about the new power to stop at the border those concerned with hostile state activity, that matter is contained within the Counter-Terrorism and Border Security Bill, which is currently before the House. I may have given the impression that the measure had already been passed, but it is currently before the House.

Stewart Malcolm McDonald (Glasgow South) (SNP): A regime that is intent on committing murder around the world will inevitably make mistakes, and the extraordinary work of the police and security services that the Prime Minister has outlined has only punctured the myth of Putin's omnipotence. I have two specific questions. First, without having to go into the detail, will the Prime Minister assure the House that the Government are pulling out all the stops to provide

security to UK assets, such as Mr Skripal, who is a former Russian intelligence agent? Secondly, will she provide an assurance that full co-ordination is also being undertaken with agencies such as Police Scotland?

The Prime Minister: I am happy to give reassurance on both those points that proper and full co-ordination is taking place with agencies such as Police Scotland. There is a very good working relationship between law enforcement across the United Kingdom, and that continues on this particular matter.

The protection of individuals here in the UK was, obviously, looked at with urgency after what happened in Salisbury. My right hon. Friend the Security Minister has chaired a number of meetings in relation to this matter and receives regular updates on it.

James Cleverly (Braintree) (Con): The evidence is compelling: the Russian state was involved. Will my right hon. Friend condemn the Kremlin apologists and the false-flag conspiracy theorists who have argued with those facts? Further, will she make it clear that our response, in whatever form is necessary, will be robust, decisive and unwavering?

The Prime Minister: I am happy to give my hon. Friend the reassurance that our response will be robust, decisive and unwavering, and it will be ongoing, because this is a matter we need to continue working on. I condemn those who see fit to defend the Russian state where it is clear that it is culpable for this action, this heinous crime committed on UK soil against citizens here in the United Kingdom.

Chris Law (Dundee West) (SNP): Given the sheer weight of evidence that has been disclosed today regarding the Salisbury attack, can we expect the UK Government, along with their allies, to ensure further sanctions, including deportations of Russian state actors?

The Prime Minister: As I have indicated, we will be looking at these issues on sanctioning, including some aspects of new sanctions regimes, such as I referred to on the EU chemical weapons use regime. Of course, the deportation of individuals relies on there being the required evidence to enable the Home Secretary to take such a decision.

Bill Wiggins (North Herefordshire) (Con): I commend my right hon. Friend for the very cool way in which she has handled this bellicose threat. Particularly, does she agree that we should remind our constituents, and indeed the Russian people, that this state-sponsored GRU mission was a complete and abject failure, as the Skripals are still alive?

The Prime Minister: My hon. Friend is absolutely right. Obviously, the Skripals are still alive but, sadly, we have seen the death of Dawn Sturgess. There was an impact not just on the Skripals but on Detective Sergeant Nick Bailey and Charlie Rowley as well. Through what I have shown today, I think that we can reassure people across the UK on the excellent professionalism that our security services and our police service have shown in response to this, in bringing us to the point where we are able to identify two individuals.

Kevin Foster (Torbay) (Con): I thank the Prime Minister for the way in which she has delivered this statement and for the work being done on this issue. I was a member of the Counter-Terrorism and Border Security Bill Committee, and this situation clearly shows exactly why we need these powers to be brought into law. Will she therefore confirm that the Government will quickly seek to bring the Bill to the Floor of the House for Report and Third Reading so it can continue its progress?

The Prime Minister: Yes. We fully recognise the importance of this legislation and of bringing it through. I thank my hon. Friend for his work on that Committee and for his recognition of the significance of this legislation. Of course, the timing of legislation depends on the business managers and on other legislation, but we understand the importance of this Bill and the need to get it on the statute book.

Nigel Huddleston (Mid Worcestershire) (Con): A deadly chemical attack on a British cathedral city is a truly shocking event, yet the residents of Salisbury have shown great strength since the attack. What assurances can the Prime Minister give local residents and visitors to the Salisbury area that they can now carry out their activities safely? What further support can the Government give so that the local environment can recover from the attack?

The Prime Minister: The Government worked with the local authority and others in the Salisbury and Wiltshire area more generally to ensure that support was in place to help those communities through the disruption and difficulties they had as a result of these incidents. I was very pleased to visit Salisbury shortly after the attack. As I said, the then Home Secretary made two visits to Salisbury, and others have also visited. I want people to go to Salisbury, and I want people to enjoy Salisbury as a city and Wiltshire as a great part of the UK to visit.

I have thanked the police and security services, and I would like to thank the local authority and, indeed, my hon. Friend the Member for Salisbury (John Glen) for their work.

Ross Thomson (Aberdeen South) (Con): I commend my right hon. Friend for her statement. She referred to Russia's response of extraordinary obfuscation and lies. Will she update the House on the actions she will be taking to counter propaganda and the dissemination of disinformation from Russia?

The Prime Minister: I hope that my hon. Friend will take the reassurance that we will be acting on this. I cannot go into detail on everything we will be doing, but we will be ensuring that we bring the full panoply of the national security apparatus to deal with the issues we face in terms of this malign state activity.

Widowed Parent's Allowance

2.6 pm

The Parliamentary Under-Secretary of State for Work and Pensions (Justin Tomlinson): With permission, Mr Speaker, I will make a statement on widowed parent's allowance.

Widowed parent's allowance is paid to families in receipt of child benefit where one parent's husband, wife or civil partner died prior to 6 April 2017. It was replaced after that date by bereavement support payments, which are now paid by the Government to families who find themselves in the same unfortunate circumstances. New claimants have no eligibility for widowed parent's allowance.

Last week the Supreme Court ruled that the primary legislation that governs widowed parent's allowance is incompatible with the principles of European human rights law, as the benefit precludes any entitlement to widowed parent's allowance for a surviving unmarried partner. We are in the very earliest stages of carefully considering the full implications of that ruling. Officials at the Department are working closely with their counterparts in Northern Ireland to examine the judgment and what our next steps should be.

However, as the House will be aware, only Parliament is able to change primary legislation. Lady Hale ruled:

"A declaration of incompatibility does not change the law: it is then for the relevant legislature to decide whether or how it should be changed."

The Court's ruling therefore does not change the current eligibility rules for receiving bereavement benefits.

I remind the House that the question of opening up bereavement benefits to cohabitants was debated and decided against in this place during the passage of the Pensions Act 2014, which introduced bereavement support payments, the successor to widowed parent's allowance. It is worth noting that restricting bereavement payments to claimants who were in a legal union with the deceased has been a consistent feature of bereavement support in order to protect and clarify the entitlement. Other contributory benefits linked to national insurance contributions also contain special rules for claimants in a legal union.

A legal union gives the surviving spouse the right to claim state benefits derived from their deceased partner's national insurance contributions. This principle provides a clear threshold for determining who can be provided for from a deceased person's NI accumulation, and it serves to promote the institutions of marriage and civil partnership.

As I have stated, we are carefully considering the Court's judgment and how the Department should proceed in light of it. When we have looked at all the options, I will come before the House to update Parliament further.

2.9 pm

Margaret Greenwood (Wirral West) (Lab): Last week the Supreme Court ruled that the denial of widowed parent's allowance to surviving unmarried partners with children is incompatible with the law, in upholding the appeal of Siobhan McLaughlin, who lived with her partner, John Adams, and their four children for 23 years until John died in January 2014. I thank the Minister

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for advance sight of his statement, and I pay tribute to Siobhan McLaughlin and her family for their courage in pursuing this important case. Unmarried bereaved parents should not be subject to discrimination because of their marital status; to put it simply, their children's needs are the same. The Supreme Court said:

"The financial loss caused to families with children by the death of a parent...is the same whether or not the parents are married or in a civil partnership."

The financial support provided by the state can be vital to a family who are already grieving for their loss and who may also be facing financial hardship because of diminished income.

The judgment relates to legislation in Northern Ireland, but unmarried couples are ineligible for widowed parent's allowance in the rest of the UK as well, so the principle established by the Supreme Court has wider implications. Bereaved parents are already contacting support organisations, such as the Childhood Bereavement Network, to ask for guidance in the light of the judgment.

The Minister said that the Government are considering the Court's judgment and how the Department should proceed, but this judgment did not come out of the blue. In March 2016, the Work and Pensions Committee warned the Government that they could be forced to change their policy as a result of this specific case. The Select Committee's "Support for the bereaved" report, published in March 2016, clearly expressed the view that excluding unmarried couples was wrong. It said:

"Penalising children on the grounds of the marital status of their parents is unjust."

So what assessment has the Department made of the cost of bringing the legislation on eligibility for widowed parent's allowance into line with the Supreme Court judgment in the whole of the UK? What assessment has the Department made of the number of families who made a claim for widowed parent's allowance that was denied because the parents were not married?

The Minister said that restricting eligibility to those in a legal union has been a consistent feature of bereavement support in order to protect and clarify the entitlement. However, although unmarried couples were treated differently when it came to making a claim for widowed parent's allowance, that does not apply when it comes to the Department ending their claim, because if the surviving partner cohabits with a new partner their claim is ended, just as it would be if they remarried or entered a civil partnership. The Minister said that it was for Parliament to change the law, and he referred to the vote in 2014. That led to the Government introducing the bereavement support payment in April 2017 to replace widowed parent's allowance and two other bereavement benefits. Yet they decided to continue to exclude unmarried couples, even though both Members in this place and voluntary organisations working in the field called for eligibility to be extended to them. The Department for Work and Pensions itself estimated that 75% of bereaved families with children would receive less support under the new system.

The Government claimed that they were motivated not by the desire to save money but by the need to "modernise" financial support for bereaved families in order to better reflect society. According to the Office for National Statistics, cohabiting couples are the second

largest family type and the fastest growing. The number of cohabiting couples has more than doubled, from 1.5 million in 1996 to 3.3 million in 2017, and the percentage of dependent children living in cohabiting couple families increased from 7% in 1996 to 15% by 2017. When the Government introduced the bereavement support payment to "modernise" support, why did they not extend eligibility to unmarried couples? What message does that send to those children about how they are valued by this Government?

Will the Government now act to bring bereavement support payment into line with the principle established by the Supreme Court that bereaved children should not be disadvantaged because of their parents' marital status? The purpose of financial support by the state for bereaved families is to try to ensure that, as far as possible, families struggling with grief at the loss of a parent or partner should not have to face the additional worry of how they will manage financially. That should surely apply to families regardless of whether the parents were married or not, as the Supreme Court said last week.

Justin Tomlinson: I thank the hon. Lady for her response. As I said in my statement, the Court cannot change primary legislation, and many of the points she raises are the very ones we will be considering, including the potential impacts of any changes that could happen. I will happily update the House on those once we have had the chance to consider them fully.

Many of the other points raised were at the heart of the principles of why we brought forward the new bereavement payments process: it is far simpler and it is a quicker process. We did consider the point about cohabitation, but this is not straightforward, as was extensively debated during the discussions around the time of the Pensions Act 2014, particularly as the regulations were brought forward. That makes this a complex process, because it can be open to interpretation, leading to delays and additional burdens for claimants, particularly at a time of distress. Any extension could trigger multiple claims; a bereaved person may have been legally married to one person but living with a new partner, who would therefore become eligible.

The hon. Lady talked about the new proposals for families with children, but I will challenge her back on that, because the new system is easier and quicker, and the payment is in addition to other household income. It is not taxed or means-tested, and it is not applied to the benefit cap. These are all key areas that help those with the lowest income, as the principle was based on fairness. We also widened support so that anyone of working age would qualify and younger spouses and civil partners without children would get support. Specifically for those bereaved with children, an additional £1,500 was paid as the first lump sum. In some cases, those families could be eligible for additional benefits, whether through universal credit, child benefit, tax credits or the funeral expenses payment.

Sir Desmond Swayne (New Forest West) (Con): Whatever the decision of the Court, will the Minister give consideration in his deliberations to the fact that many on these Benches have a preference for our own law made in this House over the provisions of European human rights law?

Justin Tomlinson: I thank my right hon. Friend for his question. Let me reassure him that that has always been the founding principle of contributory benefits, and to our mind it should continue to be so.

Neil Gray (Airdrie and Shotts) (SNP): I thank the Minister for advance sight of his statement. He said that the Department was only consulting Northern Ireland on the implications of this Court ruling, but this is a UK reserved benefit, so why is that consultation not extending further? He also said that the Supreme Court ruling does not change the law, but the ruling does say that the law as it stands is flawed, so not updating the eligibility rules has the potential to store up further challenge to the new as well as the legacy benefit, given the precedent that has now been set by Siobhan McLaughlin's significant win. It would be grossly unfair, and surely open to further challenge, if the Minister did not come back to the House to explain how this decision was to be applied across the board, so can he confirm that the work he is now undertaking with the Department is with that end destination in mind, and is not seeking to limit this significant win to just one family?

Justin Tomlinson: I thank the hon. Gentleman for his comments. The Court ruling specifically applied to Northern Ireland, but I understand the point he has made and I would be happy to meet him to discuss wider implications across the UK. On the other points he raised, those are the very things we are considering, and I will update the House once we have the chance to assess them fully.

Sir Mike Penning (Hemel Hempstead) (Con): I am no fan of the European courts and I am extremely pro-marriage, but we have to live in the modern world that we live in now, and when the Government consider how to respond to this Court ruling, will they look at something called fairness and natural justice? Many people who will have been able to go to work because their partner stayed at home with the children will have then lost their loved one when they were not married. We need to show compassion, while understanding the benefits system.

Justin Tomlinson: I thank my right hon. Friend for that and he raises a fair point. As with any of the benefits we provide for those in need, this is always underpinned by the principle of fairness.

Frank Field (Birkenhead) (Ind): May I welcome the Minister back to the Treasury Bench, after a very short period with the Work and Pensions Committee? Might I say that there is some disappointment at the fact that more progress has not been made for him to report to the House today. In other areas of social security the cohabitation rule applies and evidence of cohabitation can be male slippers in the home, but in this case we are talking about evidence of children. There is no doubt that this was a stable union. As the right hon. Member for Hemel Hempstead (Sir Mike Penning) said, surely in such cases fairness is not operating.

Justin Tomlinson: I thank the right hon. Gentleman for that. I enjoyed my brief four or five weeks as part of his Select Committee, where he was a formidable, excellent and well-respected Chair. Fairness is the key. In my

defence, this judgment was made only last week and it would have been churlish of me to make a rushed decision, as this has very serious implications and we need to consider it carefully. I will return to update the House as quickly but as sensibly as possible.

Richard Graham (Gloucester) (Con): When I served on the Work and Pensions Committee, under the chairmanship of the excellent right hon. Member for Birkenhead (Frank Field), whose party no longer seems to find room for him, although he remains Chairman of the Committee, we looked at various issues to do with the widowed parent's allowance. I hope the Minister will look carefully at the recommendations in that report, which tackled the issue of partners and of how income would be treated under universal credit, because there is a question of fairness to address in how widowed parent's allowance is currently treated.

Justin Tomlinson: My hon. Friend raises an important point, and that is why under the new benefit payments any income that is gained is not means-tested and the benefit cap does not apply to it, to make sure that people are not given money on the one hand that is taken away on the other, and that the most vulnerable people get the support that they need.

Stella Creasy (Walthamstow) (Lab/Co-op): I have to tell the Minister that I met his predecessors about this issue, because it is clear that legislation written in 1958 should not mean that children in 2018 live in poverty. We have cases of parents having to get married in intensive care units to avoid the humiliation that this legislation entails. Will he learn from Germany, where the money follows the child through orphan pensions and parenting is the requirement, not marriage? Telling parents that they have only 18 months to grieve is hurtful. Telling them that their family does not exist because they did not put a ring on it is unforgivable. I hope that he will take up my offer of a meeting with the campaigners from Walthamstow—women who have been directly affected by this—and I hope we will finally bring the legislation up to 2018.

Justin Tomlinson: I will be happy to meet the hon. Lady and her colleagues. I have worked with her before on several issues, and I am happy to extend that invitation. It is a balance: contributory benefits have always followed the principle that inheritable benefits are based on the concept of legal marriage or civil partnership because that provides legal certainty. I understand the points that have been raised, and we are considering them following the judgment.

Kevin Foster (Torbay) (Con): I know that the Minister recognises that all such cases involve distressing circumstances as someone has lost a parent, and that legal niceties are therefore not their first thought. When the Government look at this, will they consider carefully a system that is compassionate but also brings clarity, so that people know exactly when they will qualify?

Justin Tomlinson: As I have said, fairness must underpin this. We do not want to have a complex benefit, because it is a very distressing time for people. We want it to be simple and quick and to provide support to those most in need.

Chris Stephens (Glasgow South West) (SNP): It seems clear that the will of the House is that a child who has lost a parent should not be penalised because of the marital status of the parents. Does the Minister intend to carry out an equality impact assessment of this benefit?

Justin Tomlinson: Actually, as part of the commitment to bringing in the new bereavement payments, we will do a full impact assessment, which will be shared with the House. One of the key changes is the additional £1,500 in the initial payment for those in a marriage or civil partnership who had children. We understand the importance of making sure that those with children get additional support.¹

Debbie Abrahams (Oldham East and Saddleworth) (Lab): I echo the calls for compassion and fairness when dealing with children affected in this way. I also gently remind the Minister that this is the seventh ruling in the last 18 months against different aspects of the Government's social security policy. It would be appropriate for the Government to show some humility and listen.

Justin Tomlinson: I thank the hon. Lady, but those are the principles that govern us. The new system that we have brought in provides immediate support; it prioritises help for those on the lowest incomes; and it recognises that those with children, regardless of age, need additional immediate support. We will continue to assess both the ruling of the Court in relation to Northern Ireland and the wider implications of the new benefit.

Stephen Lloyd (Eastbourne) (LD): I urge the Government to accept the ruling by the Court. Several hon. Members have talked about fairness, and it is a basic issue of right or wrong. Why does the Department take account of cohabiting couples when determining eligibility for universal credit, but deny those same households bereavement support if one of them passes away?

Justin Tomlinson: I would gently remind the hon. Gentleman that it was his former colleague Steve Webb who steered through the Pensions Act 2014, when this issue was extensively debated. The principle of the new benefit is about fairness and delivering quick and immediate support for those most in need.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): I too thank the Minister for advance sight of the statement.

My constituent Donna McClelland died on 20 May, leaving two sons, Cian and Danial, and her partner of 24 years, Arwel Pritchard. They were engaged, but they had prioritised buying a house over the cost of getting married. Arwel and Donna put their children's home first. When will the Government bring forward a review that will console Mr Pritchard and admit that a legal contract is not a precondition for supporting a grieving family?

Justin Tomlinson: May I first express my personal condolences to the family at this distressing time? I understand the points that the hon. Lady makes, and they are being considered. In the short term, I urge hon. Members to look at the other potential benefits that could be offered to support families, including universal

credit and tax credits. I will return to update the House fully as soon as I can following the ruling by the Court last week.

Patricia Gibson (North Ayrshire and Arran) (SNP): In a debate on 2 March 2017 on bereavement support benefit, I pressed the then Minister on the issue of cohabiting couples. I pointed out that they are treated as couples for other benefits such as tax credits, but I was told that extending eligibility to cohabitants would "increase spend" and be "complex to administer". Despite what the Minister has said about legal certainties, we know that many bereaved cohabitants and their children have lost out because of the UK Government's reluctance to recognise them as families. In the light of the Court judgment and the hardship caused to bereaved cohabitants and their children, does he agree that the Government should apologise for their inaction and that, as soon as can possibly be arranged, this needs to be corrected retrospectively so that justice is obtained for the people affected?

Justin Tomlinson: This issue was considered at great length in debates on the Pensions Act 2014 and the subsequent regulations. It is not straightforward. How do the Government act as judge and jury in situations in which someone could be living with a different partner? At a time of great distress, the emphasis has to be on providing appropriate and quick support particularly targeted at those in the most need. Following the ruling in the Supreme Court, the points raised will be considered and I will come back as quickly as is appropriate to provide an update to the House.

Alison Thewliss (Glasgow Central) (SNP): It is an important principle that social security should be a safety net for us all, because we cannot predict circumstances such as the death of a partner or parent, which could happen at any time. Children should not lose out regardless of the marital status of their parents. How much has the Department spent on fighting the decision in the courts, and can the Minister confirm that it has ruled out appealing the decision?

Justin Tomlinson: It is right to highlight that we should provide support, and that is why in the new benefit we have widened the support available to anyone of a working age and to younger spouses and civil partners without children. They will now get support, and it will not be lost when someone moves into a new relationship. We will continue to review the situation following the Court decision last week, and I will fully update the House.

Alan Brown (Kilmarnock and Loudoun) (SNP): The Minister's statement did not contain the word "sorry". Following on the question asked by my hon. Friend the Member for North Ayrshire and Arran (Patricia Gibson), I will give the Minister an opportunity to say sorry to the individuals affected. Can he also tell us how many of the Government's welfare and benefit policies have been found to be illegal since 2010?

Justin Tomlinson: As I have previously said, we are considering the Supreme Court ruling. As we have demonstrated, with the introduction of the new bereavement payments we have made it easier to claim, it is paid in

1. [Official Report, 13 September 2018, Vol. 646, c. 6MC.]

addition to other household income, it is not taxed, it is not means-tested and is not included in the benefit cap. We have extended access to it and targeted those most in need. It is that principle of fairness that underlies not just these reforms but all our benefit reforms.

Marriage and Civil Partnership (Minimum Age)

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

2.29 pm

Mrs Pauline Latham (Mid Derbyshire) (Con): I beg to move,

That leave be given to bring in a Bill to raise the minimum age of consent to marriage or civil partnership to eighteen; and for connected purposes.

Young people in this country have to stay in education or training until they are 18, although they can marry before that, at the age of 16, but only with parental consent. UNICEF believes that marriage before the age of 18 is a fundamental violation of human rights. I agree, and believe that it should be banned in this country. Following the first Girl Summit in 2014, the Department for International Development allocated up to £39 million over five years to support global efforts in preventing child marriages. By its proactive contribution, the UK recognised that child marriages resulted in early pregnancy and girls facing social isolation, interrupted schooling, limited career and vocational opportunities, as well as the increased risk of domestic violence. So why are we not leading the way by increasing the legal age of marriage in this country from 16 to 18—the recognised age of adulthood?

Under the United Nations sustainable development goals, states around the world pledged to end by 2030 marriages in which one or both spouses are under 18, but many Commonwealth countries still follow the legal lead of the UK. In Bangladesh, for instance, the official minimum age of matrimony is 18 for women and 21 for men, but a new provision allows child marriage to take place under special circumstances—that is, with parental consent and with permission from the courts. Lobbyists for this provision cited the current UK law as an example of why the legal age of marriage in Bangladesh should be lowered. Changes to laws in the UK reverberate around the world but this is not the only reason that fresh impetus should be given to increasing the minimum age for marriage from 16 to 18. It should be our priority to protect children, and that may mean from themselves as well as from potential dangers from others.

As we celebrate the centenary of the suffragette movement this year, we should recall that it was pressure from magnificent campaigners that brought about the Age of Marriage Act 1929. Until then, there was no defined minimum age, and making it 16 was seen as protecting children. However, 90 years ago, most young people would have been wage earners, unlike now when, in England, they must stay in full-time education, training or start an apprenticeship. None of these is compatible with a married environment. In fact, my own mother—along with very many others—began her working life after leaving school at 14. Life was very different in those days.

In the United Kingdom, children of 16 and 17 need the consent of their parents to be married. Surely this shows that they are not mature enough to make the decision themselves. But this is not the safeguard that it may once have been because it opens the door for forced marriages, or at least for pressure to be exerted on

[Mrs Pauline Latham]

young people to marry to fulfil family demands. We have outlawed forced marriages here, due to a campaign by Jasvinder Sanghera of Karma Nirvana, which started in Derby. I would like the Minister for Women and Equalities to meet her at some point.

Marriage is a major life decision for which children are not emotionally and physically ready. Setting the minimum age of marriage at 18 provides an objective, rather than subjective, standard of maturity, which safeguards a child from being married when they are not physically, mentally or emotionally ready. Many argue that there should be a minimum level of maturity, and free and full consent about whether, whom and when to marry.

The international human rights conventions on the rights of women and children say that countries should end the practice of enabling child marriage below 18; thus the UK is violating these same commitments. International law is very specific about who should be allowed to marry. If a country wants to permit exceptions to the minimum marriage age of 18, “mature, capable” children are allowed to marry only “in exceptional circumstances” at age 16 or older, when

“such decisions are made by a judge based on legitimate exceptional grounds defined by law...without deference to culture and tradition.”

By allowing 16-year-olds to marry without consent from a judge, the UK is breaking international law, but that has not stopped the UK from telling other countries to follow the same rules that it is flouting. It is important to realise that the UK has a duty to live by the very standards that it is keen to advocate for in the developing world. It is crucial that, as well as trying to eradicate child marriage around the world, the UK meets international human rights standards at home to end this harmful practice.

In 1951, *Pugh v. Pugh* set legal precedent in handling a case relating to the capacity for the young to be married. In his conclusion, Mr Justice Pearce said: “According to modern thought”—this is 1951, remember—

“it is considered socially and morally wrong that persons of an age, at which we now believe them to be immature and provide for their education, should have the stresses, responsibilities and sexual freedom of marriage and the physical strain of childbirth. Child marriages by common consent are bad for the participants and bad for the institution of marriage.”

His words are as relevant today as they were 70 years ago.

We have an outdated system that we need to change. There are all sorts of things that people can do at different ages, but I believe that we should be looking at moving all, or most, of those things to 18. In most people’s view, 16-year-olds are still children. We should be giving them the opportunity to get married when they are more mature, more sensible and more settled in their lives than they are when they are still at school. Can anybody imagine sustaining a married life while at school, with the strains of exams such as GCSEs and A-levels, and education in college? There are so many pressures at that age, and a marriage intruding on that will cause young people, who think they are mature, to face huge strains and will prevent them from fulfilling their potential. We should now show the world how seriously we take this issue, and increase the minimum age of marriage in England and Wales to 18.

2.37 pm

Kevin Foster (Torbay) (Con): To be clear, I do not propose to divide the House on this matter, but I thought that it would be right to offer my observations and concerns about the motion.

I recognise that getting married at 16 is not the right life choice for many people, particularly if there is any form of coercion, which there should never be in marriage. Marriage should be something that is unique and special, entered into by two loving people of their own free will and free choice. It should not be the case that either side feels a particular obligation to get married. However, the proposal to bring forward this Bill raised quite a number of questions in my mind. The obvious starting point is whether making the age for marriage 18 would mean that we should also make the age of sexual consent 18. Now, that could be a separate debate. Within the last 20 years—in the time of some Members sat in the Chamber this afternoon—there have been quite impassioned debates in this House about the equalisation of the age of consent at 16. Some of the arguments used against that seem rather odd now, even only 20 years later. This Bill raises the question: are we going to reopen the issue of whether the age of consent should be set at 18 or 16?

What would the implications be for those who are currently married? I presume that such a Bill would exempt those who had freely married at 16 or 17. It would be quite onerous suddenly to have a situation where someone who was 16 had legally married after the data law was introduced, yet someone aged 17 now had to wait until their 18th birthday.

I accept the points made, and it is obvious that there is a strong point around the idea that people cannot get married at 16 or 17 without an element of consent, but this is a very long-standing legal age. For me, there are all sorts of arguments about what should be allowed at 16 and what should be allowed at 18. We have just talked about the benefits of the widowed parent’s allowance and the impact of being married or not being married as parents. Under this proposal, someone who decided at 16—legally, if we did not change the age of consent—to make the life-changing decision to have children could not get married until they were 18. That would be a bit of an oddity in our law.

I appreciate the position with regard to the message that this might send internationally, but most countries have similar provisions to the United Kingdom on the age of consent. At the moment, the minimum age of 16 is shared between ourselves and Scotland. If the age in England and Wales were 18, what would be the position if there were a run to Gretna, as was very popular in previous generations when the laws of marriage in Scotland were different from those in the rest of the United Kingdom? What would be the position in terms of recognising marriage certificates? Likewise, Northern Ireland has a separate jurisdiction but is still part of the United Kingdom. How would we recognise that? [Interruption.] I know that it is disappointing for the Scottish National party that Scotland is still part of the United Kingdom, but we would miss the hon. Member for Glasgow East (David Linden) too much if it were not. It would be a significant moment for me in the UK if there were different ages at which people could get married in the UK. Particularly at a time when some are arguing very powerfully in this Chamber that the

situation in Northern Ireland, where those of the same sex cannot get married, should be brought to an end and that equal marriage should be spread across the UK, it would be strange to have a different age threshold for doing that.

Those concerns brought me on to whether it is right that this proposal is in a private Member's Bill. I accept that private Members' Bills can be good vehicles for looking at faults in the law, looking at changing things, and looking at areas that may not necessarily be significant but where there is a need to bring in a piece of primary legislation. I passed my own private Member's Bill about small-scale digital radio through this House. I see one or two Members who participated in those debates sitting in the Chamber. The hon. Member for Bath (Wera Hobhouse), who is in her place, has brought up the issue of upskirting—a fault in the law that needed to be resolved to give the law its actual intention.

However, this is a much more significant change. If we were to do it, it should follow a more significant consultation process, and it should be debated in Government time, where we would have the time available to make proper and informed observations. As a regular attendee on Fridays, I see this all too often, particularly at this stage of the Session. A ten-minute rule Bill would almost certainly not get any debate on Second Reading or on Report, given the number of remaining stages already listed for the remaining two Fridays of this Session. This Bill would make a significant change to our law and it could have wider implications, so it would be odd to go down that route.

There is clearly an argument around the ages at which we can do things. It is odd, as my hon. Friend the Member for Mid Derbyshire (Mrs Latham) said, that such a life-changing commitment can be made at 16, yet someone cannot drive a truck or a steam-powered road roller until they are 21. Certain products can be bought only at 18. Someone can drive a car at 17. There is a whole area to look at. That tempts me towards the view that this is something that should be looked at following a proper review of our law, perhaps through a Government Bill or a Law Commission examination of the knock-on effects if we decided to make such a significant change.

I do not disagree with some of the thrust of the arguments that have been advanced. I see the Under-Secretary of State for Justice, my hon. Friend the Member for Charnwood (Edward Argar), who is a very diligent listener, in his place. I am sure that he will look at how we make sure that provisions around parental consent are meaningful, in a way that they perhaps would have been in the past, but today may not be. In fact, the parents may be the source of the pressure rather than, as the law sees them, a safeguard. That provision is based on an old patriarchal view of society—it would not be the parents; it would be, in effect, the male head of the household who would give consent for the daughter to get married. That is clearly a view from the past that we would not look to codify into law today.

How can we make that more meaningful? Yes, we should look to target forced marriage. However, making such a significant change to a very long-standing provision of law that has a knock-on effect for many other aspects of our legislation should not be done via a ten-minute rule Bill that will potentially receive next to no debate when, in reality, these matters should be more properly considered. That could be done, first, via the Government

looking into it—I am sure there will be constructive engagement—and secondly, via consultation. Following that, we could have a Bill via a process that would give us the time for appropriate discussion on the Floor of the House, with the ability to examine in more depth and to have, to be blunt, more than two speakers. Sadly, given the procedures under which we have debated private Members' Bills for a long time, these are likely to be the only two speeches on this Bill and this issue in the current Session.

As I said, I do not intend to divide the House. I appreciate many of the sentiments that have been expressed. I have written articles myself about the debate about 16 and 17-year-olds and the law with regard to people much older than themselves who are relations. I take the view that once someone is 18 they are an adult and it is up to them who their partner should be, what sex they should be, and any other factors. The only determinant should be that it is a loving and consenting relationship. While it is right that this issue has been brought to the Floor of the House today, my concern is about doing this via a ten-minute rule Bill. Although I will not divide the House, I think it is right that some concerns were expressed about the motion.

Question put and agreed to.

Ordered,

That Mrs Pauline Latham, Priti Patel, Stephen Twigg, Jeremy Lefroy, Chris Philp, Sarah Champion, James Duddridge, Sir Graham Brady, Mr Virendra Sharma, Henry Smith, Philip Davies and Sir Roger Gale present the Bill.

Mrs Pauline Latham accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 26 October and to be printed (Bill 261).

James Cartlidge (South Suffolk) (Con): On a point of order, Madam Deputy Speaker. I seek your guidance and clarification on the business ahead of us today. We have two very important Bills—the Tenant Fees Bill and the Voyeurism (Offences) (No. 2) Bill. Will motion 6, which proposes that my hon. Friend the Member for Daventry (Chris Heaton-Harris) be discharged from the Selection Committee and my hon. Friend the Member for Calder Valley (Craig Whittaker) be added, still be reached even if we go past the moment of interruption?

Madam Deputy Speaker (Dame Eleanor Laing): Yes, that item can still be reached and can still be moved. It is properly on the Order Paper and the time will come for the House properly to address it. I thank the hon. Gentleman for giving me the opportunity to clarify the matter.

TENANT FEES BILL (PROGRAMME) (NO. 2)

Ordered,

That the Order of 21 May 2018 (Tenant Fees Bill: Programme) be varied as follows:

(1) Paragraphs (4) and (5) of the Order shall be omitted.

(2) Proceedings on Consideration and 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.—(*Rishi Sunak.*)

Tenant Fees Bill

Consideration of Bill, not amended in the Public Bill Committee

Clause 1

PROHIBITIONS APPLYING TO LANDLORDS

2.49 pm

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Rishi Sunak): I beg to move amendment 5, page 2, line 17, after “(c),” insert—

- “(o) requires the person to do any of those things—
 - (i) as a result of an act or default of the person relating to such a tenancy or housing let under it, and
 - (ii) otherwise than pursuant to, or for the breach of, a provision of a tenancy agreement,”

This amendment means that Clause 1 prohibits a landlord from requiring a tenant or other relevant person to make a prohibited payment or take other action within the clause in the event of an act or default of the tenant where the requirement is imposed otherwise than by the tenancy agreement.

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

Government amendments 6 and 7.

Amendment 1, in clause 8, page 5, line 13 leave out “£5,000” and insert “£30,000”.

Amendment 2, page 5, line 16, leave out from “exceed” to end of line 17 and insert “£30,000”.

Government amendments 8 to 23.

Amendment 4, in schedule 1, page 23, line 29, at end insert—

“Letting agent charges

3A (1) A payment to a letting agent or third party for the establishment or renewal of a tenancy is a permitted payment.

(2) In this section, a payment for the establishment or renewal of a tenancy may include, but is not limited to, fees for—

- (a) administrative costs,
- (b) credit checks,
- (c) tenancy renewal fees, and
- (d) inventory charges.

(3) The total payment under this section must not exceed £300.”

This amendment would allow letting agents to charge fees for various services connected with the establishment or renewal of a tenancy but would cap such fees at £300.

Amendment 3, page 23, line 30, leave out paragraph 4 and insert—

“Payment of Landlord or Agent expenses

4 (1) A payment that a tenant is required to make to cover a landlord’s or agent’s reasonable loss arising from a breach of a fair condition of the tenancy agreement by the tenant is a permitted payment.

(2) In this paragraph a “fair condition” is one that relates to—

- (a) the replacement cost of a lost key or security device, or
 - (b) payment of the amount of late rent payments and interest relating to those payments
- arising under or in connection with the tenancy.

(3) Paragraph 4(2)(a) does not apply if the payment required—

- (a) pertains to rent that was paid within 14 days of the date due under the tenancy agreement, or
- (b) exceeds the interest at Bank of England base rate on the rent from the day the rent was due to the day it was paid.

(4) Paragraph 4(2)(b) does not apply if the condition in the tenancy agreement prescribes a fixed fee to be paid for each breach of this term.”

This amendment would remove default fees as a permitted payment and permit the payment of landlord and agent expenses where there is a clear cost due to a tenant fault.

Government amendments 24 to 48.

Rishi Sunak: I will speak to all the Government amendments but, for ease, I will take them in a slightly different order from the one in which they have been set out.

I welcome the Under-Secretary of State for Housing, Communities and Local Government, my hon. Friend the Member for South Derbyshire (Mrs Wheeler), back to her place on the Front Bench. Everything we are discussing today is built on the foundations of her incredible diligence in preparing the Bill for us to consider in Committee, where I enjoyed constructive discussions with my opposite number, the hon. Member for Great Grimsby (Melanie Onn). I am delighted that my hon. Friend is back with us to help us to move the Bill through its final stages.

Amendments 5 and 6 will ensure that landlords and agents cannot charge any fees to tenants in the event of default, except under those circumstances set out in paragraph 4 of schedule 1. That now specifically includes prohibiting default fees that may have been set out in a separate agreement between the agent and the tenant, rather than in the tenancy agreement.

More generally, our provision on default fees in paragraph 4 of schedule 1 has been the source of much discussion and debate. Indeed, the hon. Member for Great Grimsby has tabled an amendment to the provision. Members from across the House, the Housing, Communities and Local Government Committee, and those who provided evidence to the Bill Committee have agreed with the principle that it is not fair for landlords to pay fees that arise due to the fault of the tenant. However, we have listened to concerns expressed by Members on Second Reading and in Committee, including the hon. Members for Great Grimsby and for Dulwich and West Norwood (Helen Hayes), and by tenant groups and the Chartered Trading Standards Institute that the default fees provisions as currently constructed may be open to abuse.

Frank Field (Birkenhead) (Ind): May I mention a case involving my constituent, which is not uncommon in my constituency or in constituencies throughout the country? A young mother paid a deposit of £595 to her landlord for a wet, mildewed house in Rock Ferry in Birkenhead. When she was driven out by the mould, the landlord claimed that the bins were not emptied by the local authority, so she lost her £595 deposit. She wished to pay the rent for her new property on a day that coincided with her universal credit payments, but the landlord said, “Well, there’s no repayment of your previous deposit, and I want £900 up front if I’m changing the rent day.” In the meantime, during all that stress, my constituent lost her triplets. Will she be covered by the Bill, as amended?

Rishi Sunak: I thank the right hon. Gentleman for his intervention. Without going into the specific details or knowing the full facts, I can say that the example he

gives is exactly the kind of bad practice that the Bill is designed to stamp out. It is not just this piece of legislation, which tackles the specific issue of tenant fees, that is relevant, because across the piece, the Government are examining the private rented sector to ensure that there is balance and fairness between tenants and landlords. He touched on the issue of health and whether properties are fit for habitation. The hon. Member for Westminster North (Ms Buck) has proposed a Bill to tackle that exact issue, and the Government are delighted to be supporting its passage through the House.

The issue of transferring deposits from one tenancy to another is out of this Bill's scope, but the right hon. Gentleman will be pleased to know that the Government have convened a working group to examine deposit passporting. The group has already met, and the findings will be published in the spring of next year.

Frank Field: I am grateful to the Minister, and I will not intervene again, but there is no transporting of the deposit in my constituent's case. She loses the deposit and then faces paying another deposit of £900 to get her rent payment day in line with her universal credit payments.

Rishi Sunak: The specific issue of one tenancy ending, and the process for recovering part or all of the deposit and starting a new tenancy, is out of scope for this piece of legislation, but it will be a subject for the working group set up by the Government with the sector. There are some interesting ideas about how to solve the problem that the right hon. Gentleman outlines.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): The right hon. Member for Birkenhead (Frank Field) has quite rightly raised a horror story on behalf of his constituent, but will the Minister acknowledge that there are many highly professional letting agents throughout the country who seek to provide the very best service for their customers under the difficult circumstances that they sometimes face?

Rishi Sunak: I thank my hon. Friend for his intervention, and I entirely agree. The Bill is not about driving letting agents out of business, but about levelling the playing field so that the small minority of bad actors in the industry are not able to continue to the disadvantage of the vast majority of agents who do a terrific and valuable job, which we want to see continue.

Mr Robert Goodwill (Scarborough and Whitby) (Con): It is precisely the sort of case that the right hon. Member for Birkenhead (Frank Field) raises that gives all landlords a bad name. Most landlords are actually trying to do their best to provide a service to their tenants and hope to have long-standing tenants.

Under the current legislation, for a deposit to be retained by the landlord, there has to be agreement on both sides, otherwise there is an arbitration process. If it is just a case of someone not emptying the bins, there is no way that the landlord would be able to keep all the deposit.

Rishi Sunak: My right hon. Friend is absolutely right. The abuse that the right hon. Member for Birkenhead highlights is exactly why we are all here today to discuss this important subject.

I will return to the topic of default fees. The Bill as drafted already partly mitigates the risk of such abuse by limiting default fees to the landlord's loss and permitting such fees only if they are expressly set out in the tenancy agreement, which the tenant will obviously have sight of before agreeing to the tenancy. But we acknowledge that more can be done, which is why the Government have tabled a series of amendments to tighten the default fee provision.

As I have said, amendments 5 and 6 will ensure that landlords and agents cannot charge fees to the tenant in the event of default, except under those circumstances set out under paragraph 4 of schedule 1. Secondly, amendment 27 will extend the limitation on what can be charged to incorporate the agent's costs. We want to ensure that an agent cannot bill a landlord a significant amount only for that to be passed on to the tenant as the landlord's incurred costs.

Thirdly—and similarly to amendment 3, which was tabled by the hon. Member for Great Grimsby—we are introducing a provision to specify that any fees charged must be reasonable in respect of the works undertaken, rather than simply tied to actual loss or costs incurred. This will ensure that landlords and agents cannot make claims for charges that exceed the reasonable commercial value of goods or services.

James Cartledge (South Suffolk) (Con): Will my hon. Friend clarify how this would affect fees charged at the end of a tenancy, such as cleaning fees, which we know people will be expected to pay, although they may not have been aware of them at the start of the contract?

Rishi Sunak: I am happy to tell my hon. Friend that the fees he mentions are specifically banned under this piece of legislation. The Bill has been drafted tightly to ban all fees in connection with a tenancy. It is specifically drafted to capture fees such as the ones he raises, so those fees will no longer be in place once the Bill is enacted.

Debbie Abrahams (Oldham East and Saddleworth) (Lab): Could the Minister expand on who will be monitoring what happens with default fees? Some charities, including Shelter and Citizens Advice, have concerns that this might be used as a loophole for additional costs. Who will monitor the Bill and the default fees arrangements after the Bill is passed?

Rishi Sunak: If you will indulge me, Madam Deputy Speaker, I will expand a little to answer that question. The great thing about the Bill and the simplicity of a ban is that tenants' ability to self-enforce will be greatly enhanced, which is something that was recognised by various people in the industry who gave evidence to our Bill Committee. Attached to any tenancy agreement is a consumer guide on how to rent and how to let, which provides straightforward advice for a tenant on what is and is not permissible. That will enable them to know whether something they are being charged is not appropriate.

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At that stage, there are several avenues for redress that the tenant can pursue. It is mandatory for letting agents to be a member of a redress scheme, and we are consulting on extending that to landlords, but in the first instance there are redress schemes that the tenant can go to. Obviously they can talk directly to the agent and the landlord themselves. If the tenant does not get satisfaction in those conversations, the next step would be to go to the first-tier tribunal. That was recommended by the Housing, Communities and Local Government Committee, and the Government were happy to introduce it into the Bill as an accessible place for our constituents to go and seek redress.

3 pm

If the tenant is not happy at that level, they can go further—to the county courts, where further redress can be sought. The body enforcing all this at local level will be the local trading standards authority, which in most cases is the upper-tier authority. Sitting on top of all that will be a lead enforcement authority, which the Government will nominate—this is similar to the role that Powys County Council plays for the estate agency industry in Wales—that will also have the ability to enforce.

Debbie Abrahams: The Minister is being generous with his time. I absolutely understand what he is saying, and the arrangement seems very comprehensive. My concern, given the emaciated state of trading standards and other local authority enforcement agencies, is that this will not be an effective way of monitoring the situation. Tenants in such a position are still vulnerable, with potentially little legal redress other than by themselves. Is there no opportunity for the Government to monitor what is happening with default fees?

Rishi Sunak: I am sure that the hon. Lady knows that it would not be appropriate for the Government to monitor every single rental transaction that takes place, but the job of the lead enforcement agency is to have exactly that oversight for the industry. I would point out that the Government will fund the first year's cost for trading standards and enforcement authorities to the tune of about £500,000. Thereafter, the fines under the legislation will enable enforcement authorities to recoup some of the costs, and indeed to invest some of that money in better enforcement. To go back to the heart of the hon. Lady's question—

Dr David Drew (Stroud) (Lab/Co-op): Before the Minister does so, will he give way?

Rishi Sunak: I am happy to do so.

Dr Drew: In my area, the good agents are beginning to say that those who are already exploiting the situation are trying to push up rent levels. Will the Government at least look at what has happened since the Bill was introduced to make sure that rents are not pushed up by landlords artificially to overcome this loss of money?

Rishi Sunak: On that relatively unrelated point, it is worth pointing out that when similar legislation was

introduced in Scotland, we did not see any greater increase in rents than we would have anticipated.

On the specific question asked by the hon. Member for Oldham East and Saddleworth (Debbie Abrahams) about tenants' ability to enforce and the ease of their doing so, it is worth bearing in mind that default fees are specifically required to be identified in the tenancy agreement. Up front, at the outset of a new tenancy agreement, the new tenant's contract has to say exactly what default fees may be relevant under that contract—for example involving the loss of keys, late rent or the loss of an alarm fob. That has to be there in black and white; it is not as though the landlord can come up later on with something that they want to charge the tenant for. That will also be spelled out in the guidance, so it will be very easy for tenants to know whether the default fees they are being charged are appropriate.

Kevin Hollinrake (Thirsk and Malton) (Con): Will the Minister give way?

John Stevenson (Carlisle) (Con): Will the Minister give way?

Bob Blackman (Harrow East) (Con): Will the Minister give way?

Rishi Sunak: I am happy to give way to my constituency neighbour.

Kevin Hollinrake: May I take this opportunity to draw the House's attention to my entry in the Register of Members' Financial Interests?

On the point the Minister was making about redress for a tenant, does he agree that the vast majority of these problems are very easily solved by contacting the redress schemes, which are very effective at resolving any disputes that may arise? Will he clarify the point about cleaning? The cleaning of a property that a tenant has left in an inferior condition should still be the responsibility of the tenant, and that is a reasonable requirement to put into any tenancy agreement.

Rishi Sunak: We are very lucky to have the insights today of my hon. Friend and constituency neighbour. He has been a successful business operator in this particular industry and I always listen to what he says with keen interest. I can tell him that he is absolutely right with regard to redress schemes. Our experience—we have heard this throughout the Bill process—is that they do work well and provide a very easy way to resolve most issues. Simply talking directly to the agent and the landlord in the first place is also a way to resolve the vast majority of issues without having to turn to a specific or formal redress scheme.

On the second point, of course a state of condition and an inventory may be attached to a tenancy, and such a cost would be recovered during the normal course of a deposit return. The tenant would obviously have obligations in that regard, and a breach of those terms would be considered damages in the normal way. However, there will not be a specific charging of fees at the outset of a tenancy; unless otherwise broadly agreed, that is covered by the damages provision in a contract.

I believe my hon. Friend the Member for Carlisle (John Stevenson) wanted to intervene.

John Stevenson: The Minister referred to certain clauses being in a tenancy agreement with which the tenant would be obliged to comply. Agricultural law lays down prescribed clauses that have to be incorporated into agricultural tenancies. Has any thought been given to the Government setting out prescribed clauses to be incorporated into a tenancy agreement for residential property?

Rishi Sunak: That is the crux of what we will come on to later. The Government's approach has been not narrowly to specify the specific things that could qualify as default fees. There has indeed been discussion of this topic. The Government's point of view, which I will explain later, will I hope provide some clarity on that point.

If I may return to the—

Bob Blackman: Will the Minister give way?

Rishi Sunak: Ah—I give way to my hon. Friend.

Bob Blackman: A lot of the Government proposals are formed around what is reasonable, and one of the key tests in law relates to what is reasonable. I gently ask him to set out for the House what he considers to be reasonable. To give an example, he has mentioned the loss of keys. The loss of a normal household door key may be relatively cheap, but security keys provided by only one manufacturer can be very expensive. Is it reasonable for a tenant to be charged should he or she lose such a key? If so, that would mean a default charge of quite a considerable sum of money, even if it was specified in the original contract—the lease or rental agreement. Would that need to be specified in that way, or would it be classified as a reasonable default charge if the key was lost?

Rishi Sunak: I again thank my hon. Friend for all his work on the Select Committee in helping us to improve this legislation. I know that he has given great thought to the matters we are discussing today, and we have just heard another example. I can tell him that the word “reasonable” has been chosen very deliberately, because it is a commonly accepted legal term that is widely used in various pieces of legislation and is open to interpretation in a consistent way by the courts. Indeed, the Opposition have chosen the same term in amendment 3.

Mr Jim Cunningham (Coventry South) (Lab): To come back to the question asked by the hon. Member for Harrow East (Bob Blackman), some weeks ago I watched a documentary about this. It looked at the safety of a particular house, and it ended up with the enforcement officers directing the landlord to replace the sort of very expensive locks that he mentioned. I do not know whether that is common, but the Minister may know more than me.

Rishi Sunak: That ties in nicely with the point made by my hon. Friend the Member for Harrow East (Bob Blackman), but it would not be right for me to stand at the Dispatch Box and define what is reasonable in any particular case. There is a general test of reasonableness, which will vary from circumstance to circumstance. A simple key for a garden gate with no security attached to it will rightly cost very little—people can go down to

Timpson or wherever to replace it—but a security identity fob for an alarm system may be much more expensive. The point is that the charges could not exceed the reasonable commercial or market value of such goods or services.

On that point, I reassure my hon. Friend that we want to go further than amendment 3, which was tabled by the hon. Member for Great Grimsby, would have us do. We have listened to concerns about the fact that tenants may find it difficult to challenge the reasonableness of default fees, and we believe that it would be easier for them to do so if they were offered up-front evidence of default charges. That is why amendment 28 introduces a requirement for landlords and agents to demonstrate their loss proactively by providing written evidence—for example, in the form of receipts or invoices—of the costs incurred before charging tenants. That will put the onus on landlords and agents to be clear about the charges that they want to levy, and it will give tenants additional assurance that they are paying a fair and reasonable amount.

To return to the intervention by my hon. Friend the Member for Carlisle (John Stevenson), the Government maintain that it would not be appropriate to list default charges in the Bill, given the risk that such a list will be incomplete or insufficient. We believe it is for the tenant and the landlord to determine what it is necessary and fair to include as default charges, on a case-by-case basis. There are other potential default charges besides those for late payment of rent and lost keys. Charges might also result from not parking in the space allotted to a property in a communal area, from the loss of a home automation smart remote and from the misuse of a common space—perhaps for a barbecue or other party event. Our amendments will increase transparency and fairness by ensuring that landlords and agents can recover their costs, while providing greater protection to tenants over the level of fees that they can be charged and further minimising the risk of abuse.

I turn to our other amendments regarding permitted payments. We want to ensure that the Bill delivers on the policy intention that the party who contracts a service should pay for the service. We have already been clear that where tenants procure their own third-party services—for example, a reference check or an inventory—they should be responsible for the cost. The legislation allows for that, although agents and landlords cannot, of course, require a tenant to use and pay for a third-party service.

Similarly, tenants should be able to make payments to agents whose services they contract for the purpose of finding accommodation, provided that the agent does not work on behalf of the landlord. That may be the case if a tenant lives overseas or otherwise requires assistance in relocating. We do not wish to prevent relocation agents from charging a fee for their services. Amendment 7 is designed to ensure that tenants are free to contract the services of a relocation or similar agent should they wish to do so, provided that the agent does not also act on behalf of the landlord with whom the tenancy is being agreed.

There are some further minor amendments to clause 28. Amendments 20 to 23 ensure that if a payment, such as a default charge, is required under a tenancy agreement that was entered into before the ban comes into force, that payment will be prohibited where it is paid to an

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agent after a period of 12 months. The Bill already prohibits that in relation to landlords, and we want to ensure that there is consistency with respect to agreements with agents.

Further to that, amendments 24, 25 and 29 to 42 make some minor drafting changes to clarify that a person acting on behalf of the tenant, or someone who has guaranteed the payment of rent—a relevant person—can also make a permitted payment. That will ensure that if somebody guarantees a tenant's rent, they can make payments on the tenant's behalf to a landlord or agent if required.

We have also tabled several amendments to clarify the enforcement and repayment provisions in the Bill. The amendments will ensure that the legislation can be effectively and fairly enforced, and that tenants have proper access to redress when things go wrong. First, amendments 13, 14 and 44 to 48 ensure that if a landlord or agent charges the tenant an unlawful payment, the landlord or agent must repay it as soon as is practically possible. Currently, when a tenant seeks repayment through the local authority or first-tier tribunal, a landlord or agent has 14 days or 28 days, respectively, to return the unlawfully charged payment once an enforcement order has been made.

We are talking about tenants' money, and we want to ensure that tenants can recover it in good time. It is not fair for a tenant to be out of pocket because a landlord or an agent has charged a fee or unlawfully required a tenant to pay a third party. Our amendments will require a landlord or an agent to repay unlawful fees within seven to 14 days of the making of an order by the enforcement authority or the first-tier tribunal. The authority or tribunal will have discretion over when the payment is required, within that narrow period. We expect that most repayments will be made within seven days, but we have provided for a range because in certain circumstances it may not be possible for a landlord or agent to repay the money within seven days. I hope that this amendment addresses the concerns that we have heard about the speed of repayment when a landlord or agent is at fault, and we hope that it reassures tenants about the recovery of their money.

3.15 pm

Secondly, it has always been our policy intent that a landlord or agent should not receive more than one financial penalty for each breach of the ban. Amendment 8 makes this clear by preventing a landlord or agent from being penalized more than once for the same offence by different enforcement authorities. There should only be one fine per breach, regardless of which enforcement authority charges it.

Thirdly, we want to ensure that when financial penalties and convictions are secured, there is a clear record of this enforcement action and the relevant authorities are made aware of it. Amendment 11 will extend the obligation on enforcement authorities to provide notice when they secure a conviction under clause 12. Currently, enforcement authorities are required to notify the relevant local housing authority when they secure a conviction under the legislation, but we want to ensure that enforcement authorities are also required to notify the lead enforcement authority in such circumstances.

Mr Jim Cunningham: The last time we debated the Bill, I raised the issue of who would enforce it. The Minister has mentioned the enforcement authorities. Is it still his intention that trading standards officers should be enforcement officers, or has that changed?

Rishi Sunak: That has not changed. In Committee and during the evidence sessions, there was overwhelming support for the idea of trading standards authorities playing a key role in enforcement, given their complementary responsibilities in similar legislation. We have heard good evidence for that, and they will be supported up front by half a million pounds from the Government in the first year of the implementation of the legislation.

We want to ensure that the enforcement authorities are required to notify the lead enforcement authority in the circumstances that I have set out. At present, they are required to notify the lead enforcement authorities only when they impose a financial penalty. Extending the notification requirement to criminal offences will help the lead enforcement authority more effectively to monitor and report on the effectiveness and operation of the ban. This will also help to support local authorities better with their own enforcement actions.

Fourthly, on enforcement, when a tenant takes action to recover their fees, they should have confidence that their local authority can assist them through the process. The Bill already provides that local authorities can assist an individual in recovering a prohibited payment via the first-tier tribunal.

Maria Caulfield (Lewes) (Con): One issue with current legislation on the requirement to publish letting agents' fees has been the lack of enforcement. What confidence can the Minister give the House that enforcement will actually happen under this very welcome new legislation?

Rishi Sunak: My hon. Friend spoke passionately on Second Reading about renters in her constituency and the work she has done with them to ensure that they are treated fairly. I commend her for that, and for raising a very good point. I am pleased to tell her that the Government are funding enforcement activity with half a million pounds of fresh funding in the first year after the Bill is enacted. Subsequent to that, the fines that the legislation will enable local authorities to levy—potentially up to £30,000 for a repeat incidence—will help to fund ongoing activity. I am confident that we will be able to deal with the issue that she raises.

Mr Goodwill: Is the Minister confident that local authorities will have the resources and expertise to do what is set out in the Bill? We in the Bill Committee were concerned that 93% of local authorities had failed to issue even one penalty, and that the level of activity in this area was very poor.

Rishi Sunak: As the Minister with responsibility for local government, I am full of admiration for local authorities and their ability to do many things. The pace of the creation of new legislation over the past year or two means that many of the local authorities' powers in this area are relatively new, so local authorities are getting to grips with them bit by bit. I am pleased to say that there are very positive examples on the ground

of local authorities taking action to enforce housing legislation and reinvesting in enforcement the fines that they generate.

A brilliant example of that is Torbay Council, which has used the fines from civil penalties to employ an extra enforcement officer to help with exactly the activities that we are discussing.

Sir Christopher Chope (Christchurch) (Con): Why are we not talking about a duty on local authorities to carry out enforcement? The Minister is saying that they have the powers, but the Public Bill Committee heard evidence that the London Borough of Newham prosecutes around 250 landlords and agents a year and that that represents half the total number of prosecutions in the whole sector. Why is there not a duty on local authorities to carry out enforcement?

Rishi Sunak: As I mentioned previously, Newham is obviously ahead of the curve, and the Committee did hear evidence about that, but many other local authorities are now following suit. Liverpool, Camden and Torbay are examples of local authorities that are getting to grips with the new legislation and putting it into effect in good order. I am pleased to say that, as these are relatively new powers, over the summer recess my Department conducted an extensive engagement activity across five different events throughout the country, involving almost 200 different local authorities, to talk specifically about the enforcement of regulations in the sector. Those conversations have sparked a lot of interesting collaboration across local authorities as they contemplate using the existing regulations and the new legislation in future. As we go forward together, with greater awareness and collaboration and, indeed, the greater funding that will come as a result of the legislation, I am confident that we will see enhanced enforcement activity from local authorities, where required.

Kevin Hollinrake: The Minister is doing an excellent job at the Dispatch Box, as always. Does he agree that another method of sanctioning landlords and agents who will not comply with reasonable regulations is through the redress process? The requirement for agents to be members of a redress scheme was introduced by our Administration in 2014. It was a seminal moment in the raising of standards in the industry. The requirement to be a member of a redress scheme, with an agreement going across the other two redress schemes, means that a practitioner can in effect be banned from the sector because they are not allowed to be a member of a redress scheme. If that idea is expanded to landlords, we will have another method of excluding from the sector people who will not do the right thing in the right way.

Rishi Sunak: I thank my hon. Friend for that clear example of an activity that is already happening that enables redress to be found. He is absolutely right to highlight the potential extension of membership of redress schemes from agents to landlords, which would further improve tenants' ability to seek redress when they need it and would more generally act as an incentive for good behaviour in the first place. He will know that the Government are conducting a broader conversation about the regulation of estate agents, about ensuring that the industry is properly regulated and that standards are high and about ensuring that the actions of a small

minority do not jeopardise the health of the great majority of the sector. That is an ongoing piece of work, and I am sure that we will discuss it in the House in due course.

As we discussed in Committee, when a tenant has paid an unlawful fee, it is only fair that they should be given a say in how those fees are reimbursed, and the hon. Members for Great Grimsby (Melanie Onn) and for Croydon Central (Sarah Jones), whom I am pleased to see in their places on the Front Bench, tabled an amendment to that specific effect. As I said I would in Committee, I have considered their amendment and agree that such a provision would be a worthwhile addition to the legislation. As such, amendments 9, 10, 12, 18, 19 and 43 will place a requirement on landlords and agents to seek consent if they wish to offset such a fee against a tenancy deposit or rent payment. I hope that those hon. Members will be happy with that incorporation.

I am pleased to say that our amendments go slightly further than the one proposed by the Opposition Front-Bench team, by also requiring agents and landlords to seek the tenant's consent if they wish to offset the holding deposit from the tenancy deposit or a future rent payment. If the landlord or agent does not seek consent from the tenant or relevant person about how the prohibited payment or holding deposit should be refunded, they will be judged not to have fulfilled their obligation to repay the fee. That will leave the landlord or agent liable for a financial penalty and give the tenant the right to recover their fee through the relevant enforcement authority. It will also restrict the landlord's ability to serve a section 21 eviction notice.

I have already explained why we do not support the amendment tabled by the hon. Member for Great Grimsby on the default fee provision and why our proposed alternative is fairer and more workable. I wish briefly to address amendment 1, which she also tabled and which would increase the financial penalty for a breach of the ban from £5,000 to £30,000, and explain why we do not support it. We want the fine to act as a serious deterrent to non-compliance. We have listened to feedback from across the sector, and we firmly believe that financial penalties provided in the Bill are the right ones. I think that most people would agree that a £30,000 fine for an initial breach of the ban, as proposed in the amendment, would be excessive. We do not want unfairly to penalise landlords and agents who may inadvertently breach the ban on fees. In particular, that might seriously financially hurt individual landlords who, for context, collect on average rent of around £8,000 from a single property. A £30,000 fine is almost four multiples of that.

Mr Goodwill: Does the Minister agree that a £30,000 fine might well precipitate the sale of the property and the eviction of the tenant—the very person whom the Bill is meant to protect?

Rishi Sunak: My right hon. Friend is right. He made the same points in Committee, and I appreciate his raising them again today.

The Government have listened to concerns that some agents and landlords see the £5,000 initial fines as a cost of business and thus repeatedly refuse to comply. That is why the legislation makes landlords and agents liable for a financial penalty for each individual breach of the

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ban that they commit. In addition, setting financial penalty at up to £30,000 for a second or further breach of the ban will act as a serious deterrent for prolific offenders. It is worth pointing out that further breaches will leave the landlord or agent liable to prosecution and an unlimited fine and, indeed, qualify as a banning-order offence. The Government believe that, taken together, this set of sanctions forms a serious deterrent to poor behaviour. To accept the Opposition amendment would be disproportionate and excessive in respect of the cases we are discussing.

Bob Blackman: There is a specific issue in relation to very corrupt landlords who exploit vulnerable people. The concern that I think many Members who have investigated the background to this issue will have had, particularly in parts of London, is that a fine of merely £5,000 will be seen as just the cost of doing business. These people are exploiting vulnerable people to the tune of hundreds of thousands of pounds, so for them even a fine of £30,000 would be nothing. I therefore urge my hon. Friend to consider this matter further as the Bill makes its way through the other place. Will he look at what can be done to take on these people? They are not landlords, but rogues and crooks. They need to be brought to account for the damage they are doing to the rental market and for the exploitation of very vulnerable people who have no choice in where they live.

Rishi Sunak: I thank my hon. Friend for that powerful intervention. He knows first hand, from the excellent work he does with his constituents to tackle this issue, the scale of the problem in particular cases. He will be reassured to know that, while existing legislation allows local authorities to levy a £30,000 fine for a second breach, if they choose not to do so, they can go down the prosecution route. For the cases he mentions, that would probably be more appropriate. The sanctions in that case are an unlimited fine and a banning order, which, for the specific landlords he mentions, would be appropriate. I think that he would agree that being banned from being able to rent any property for 12 months or longer, or an unlimited fine, would serve as a very significant sanction to the core behaviour in such cases. With that final assurance, I commend the Government's amendments.

3.30 pm

Melanie Onn (Great Grimsby) (Lab): I welcome the Government's amendments. They go some way towards making the Bill much more meaningful, and we will support them. I remain, however, disappointed at the lack of movement on the requirement for deposits, which will stay at up to six weeks. I believe that that remains a significant financial barrier into the private rented sector for many people. Deposits are currently in the region of four weeks at a natural level. Allowing deposits of up to six weeks is likely to encourage more landlords or agents to increase their length and make it even harder for people to access the private rented sector.

Kevin Hollinrake: The hon. Lady makes a point about the length of deposits. Does she not acknowledge that there can be different circumstances? For example, a tenant with pets may damage a property more than a

tenant without pets. If we do not allow some flexibility, people in those circumstances might not be able to rent a property at all. Scotland provides a basis for many of the measures in the proposed legislation, and the length of a deposit in Scotland can be up to two months. Does she therefore not agree that six weeks is actually fair and covers more circumstances than simply keeping it at a month?

Melanie Onn: I respectfully disagree with the hon. Gentleman's perspective. Four weeks is an acceptable deposit. Introducing the possibility of an increase to a maximum of six weeks is unnecessary, and I urge the Government to look at that again.

Before I move on to amendments 3, 1 and 2, I would like to return to a number of important issues raised in Committee that have not been addressed in the Government's amendments. I hope that the Minister will provide more clarification on them. Perhaps they could be considered as the Bill goes through its next stages.

It is about 12 weeks since we last discussed the Bill, which is something like the timeframe that I and many of us had in mind when the Minister said in Committee that its main provisions would come into force in "a few months" after the Bill had passed. However, on her YouTube channel, "Agent Rainmaker—Letting Agent Growth", Sally Lawson, the former president of ARLA Propertymark, tells us that the measures in the Bill will not come into force until April next year. That seemed to be a fairly definite date. Can the Minister advise the House on whether that is simply speculation, or whether it is the very earliest the Government can manage to bring forward these very important measures?

I would like further clarification regarding erroneous right to rent decisions by the Home Office and their impact on the return of a holding deposit. Will the Minister confirm that, if the Home Office makes a mistake with a right to rent check and misinforms the landlord that a tenant has failed the check, the landlord will not be liable for a financial penalty? Will he confirm that the landlord will simply be required to return the holding deposit to the tenant, as recommended by the Housing, Communities and Local Government Committee?

Despite the need for further clarification on those issues, I am pleased that the Government have acceded to common sense on a number of issues that we in the Opposition raised in Committee. First, I welcome the Government's acceptance of the amendment we tabled in Committee to give tenants who are owed money following a prohibited payment a choice over how it is repaid. The original wording could have caused problems for tenants in certain circumstances. More widely, it would have contravened the principle that the money belongs to the tenant and that it is for the tenant to decide what to do with it.

Secondly, after a lot of persuasion from the Opposition, the Government are taking steps in a positive direction on their description of a default fee. It is right that it includes the definition of "reasonable" in association with costs and that there will now be a requirement to produce audits or invoices of any costs levied. Those changes will add substantial benefits to the Government's definition of default fees and help to prevent the very worst offenders from defining unreasonable costs as a loss.

Similarly, requiring landlords or agents to provide invoices for their costs will provide greater transparency for tenants and represents a substantial shift from the Government's position in Committee. Giving tenants an invoice allows them to account for what they are being charged and provides a platform for an appropriate challenge when the fee is considered unreasonable or prohibited. I am reassured by the Government amendments that the Minister has heard the point that simply relying on guidance, which was the initial proposal, would not be enough to prevent the continuation of tenants being overcharged. The only way to end punitive default fees, which unfortunately have turned into a cash cow for some unscrupulous landlords and letting agents, is to spell out firmly in the Bill what is and is not acceptable, rather than to rely on guidance.

Less than half of renters in this country see their deposit agreement before handing over their money, and a third have signed a tenancy agreement without fully understanding it. The Bill provides a loophole for unscrupulous landlords and agents to exploit that by placing unfair terms in their tenancy agreements. That is why I ask all Members to support amendment 3. It would provide a clear list of acceptable payments that cover a loss to the landlord. It would allow for fees to be charged only when there was a clear and indisputable cost, and it would prevent the use of tenancy agreements as a device through which to include additional charges. Although we set out a limited set of terms for permitted payments in the amendment, it would not stop landlords claiming damages or taking money out of a deposit where needed. The amendment relates only to situations where there is no dispute and there is a real, additional or exceptional cost to the landlord that falls outside usual expected business costs, such as sending a letter or email to a tenant.

Kevin Hollinrake: Are the fair conditions in amendment 3 examples of charges that may be levied or a definitive list? One thing the hon. Lady has neglected to put in the amendment, for example, is what happens if a tenant breaks the terms of the agreement and wants to leave early or change the sharer. That can result in significant costs to a landlord or agent. Is she excluding that possibility with the amendment?

Melanie Onn: I accept what the hon. Gentleman says. The amendment would serve as an example. I would be happy for it to be adopted and then to be taken on further by the Lords. It sets out examples, rather than being a full definition of the circumstances in which a tenant could be charged.

In principle, putting in place a simple paragraph such as that in amendment 3 would make it far clearer to tenants when a breach had taken place. As it stands, the Bill will still be extremely confusing for any tenant trying to tell whether a breach has taken place. That, in turn, will inhibit the right and opportunity of a tenant to properly challenge a landlord or letting agent at a tribunal. Providing clarity on the face of the Bill would remove the ambiguity. Under amendment 3, it would be easy for a tenant to tell if they had been charged an unfair fee, and they would be better able to self-enforce their rights.

Such self-enforcement may be necessary. The Minister talked about it in very positive terms, but I am not sure it is so positive. It reinforces the point that the Bill does

not carry the weight of enforcement behind it to take landlords and letting agents to task properly when they continue to break the law. For the Bill to succeed, it must be backed by sufficient enforcement power.

That is why we propose amendments 1 and 2, the primary aim of which is to allow trading councils the freedom to apply higher fines to those who break the rules. That would improve the enforcement of the Bill twofold. First, it would deter landlords and letting agents from taking the chance of applying prohibited levels of fines towards tenants. Even with strong legislation, we know that tenants can often end up in illegal renting situations owing to a lack of knowledge, a lack of confidence to challenge an unfair decision or the fear that a complaint or relationship breakdown could leave them without a house and on the street. We can see this in the Citizens Advice report "Touch and go", which highlighted the fact that 44% of tenants did not complain about a category 1 hazard in their house.

Secondly, the Opposition are worried that unscrupulous landlords and letting agents may still be tempted to charge prohibited fees in the belief that they will not be challenged until they have taken well over £5,000 in prohibited fees, and that as a result they will see those fines as a business cost. As the hon. Member for Harrow East (Bob Blackman) pointed out, it is just the cost of doing business, rather than the real deterrent it should be. I echo his point that some of the people who local authorities have been enforcing against are not genuine, upstanding, licensed and registered, above-board landlords and agents, but criminals and crooks, and the fine of £5,000 will simply not be enough to deter them.

The Minister had concerns about the £30,000 fine, but amendment 2 states only that it "must not exceed" £30,000. That need not necessarily be the first fine—that would be for the enforcement agency to determine, given the circumstances and an understanding of the situation. Still, to provide a full deterrent would certainly increase the odds against those who take the chance and charge prohibited fees.

Mr Goodwill: I do not for one second wish to defend the actions of some of these unscrupulous letting agents, but the fine will be £5,000 for each occurrence, so if they are serial offenders, they are likely to get serial penalties. At the same time, of course, some landlords may inadvertently fall foul of the law, and it would be unfair to impose on them fines as big as £30,000. As I said to the Minister, it might result in properties having to be sold and tenants losing their house.

Melanie Onn: I hear what the right hon. Gentleman says, and I thank him for his intervention, but I repeat the point that the fine "must not exceed" £30,000 but need not necessarily be £30,000 in the first instance.

Daniel Kawczynski: The hon. Lady is eloquently highlighting the importance of protecting tenants, but I am a little concerned that in all her points there is little reference to protecting landlords and letting agents. I hope she will come on to that. When ARLA Propertymark surveyed Members of Parliament, one newly elected Member informed it that there should be no private sector rentals, that they should be abolished and that we should have either owner-occupier homes or social housing. I hope she does not agree with that and that she will put on the record her support for the private sector in providing jobs.

Melanie Onn: There is absolutely no suggestion in my comments that we should do away with the private rented sector, but the balance to date has been too far in favour of a private rented sector that has grown exponentially over the last 10 to 15 years and left tenants in a tenuous situation when it comes to their properties. When properties are just being used as commercial entities, with no consideration for the fact that they are people's homes, that is where the difficulty lies, and it is absolutely right that the Bill is primarily designed to shift the balance a little more in favour of tenants, who so far have had a very bad deal.

James Cartlidge: Further to the intervention by my hon. Friend the Member for Shrewsbury and Atcham (Daniel Kawczynski), while we all agree that the Bill is a positive measure to help tenants, is there not a danger that if we start ramping up fines and so on, instead of a positive measure to help tenants, the Bill will look like an attack on many small businesses, the vast majority of which conduct their businesses entirely in accordance with regulations?

Melanie Onn: I thank the hon. Gentleman for his contribution. If the Government were to adopt my amendment, I am absolutely sure that that is not the message that they would want to send out to the private landlord sector. This is not about people who are operating legitimately, who do a good job for their tenants, who are supportive of tenants and who are doing everything in their power to assist them when problems arise; it is about the minority of landlords who do not care about the standard of accommodation that they are providing or about the concerns that tenants may raise with them. If we are to have legislation that has some teeth and that does what it intends to do, which is to try to prevent those people from entering the market in the first place, we should have potential fines of significant figures. That would be a positive thing, and legitimate landlords and agents would welcome it.

3.45 pm

Maria Caulfield: To go back to amendment 3, is the hon. Lady not reassured by schedule 1? It states that "if the amount of the payment exceeds the loss suffered by the landlord as a result of the default, the amount of the excess is a prohibited payment."

Does that not reassure her that the Bill will protect tenants from those who want to charge exorbitant default fees, as evidence will have to be provided and the amount will have to be justified by the cost that the landlord or the letting agent has had to pay out?

Melanie Onn: As I said at the outset, we support the Government amendments and will not oppose any of them, but I am not sufficiently reassured that my amendment is not still required. As I said, we will not oppose the relevant Government amendment, which has come about as a result of constructive conversations in Committee, where a lot of these issues were dealt with in great detail.

We have not touched in great detail so far on how we can ensure that landlords do not avoid their responsibilities, and that is by enabling local authorities to enforce more proactively. The increase in the fines will go towards assisting with that, and we know that the Government have also committed some funding towards that. The evidence that we heard was that trading standards

across the country is a decimated sector within local government. It is already unable to do what is required of it in making checks on letting agents—for example, on the displaying of tenants' fees. We should therefore allow the additional funding that comes in through these fines to go to local authorities and back into enforcement, which is exactly what the Minister has proposed with the £5,000 fine. That will give local authorities greater income and revenue to provide that enforcement.

I will leave it there, but I hope that Members on both sides of the House will consider voting for the amendments that we have put forward today.

Several hon. Members *rose*—

Madam Deputy Speaker (Dame Eleanor Laing): Order. It will be obvious to the House that there is one hour and one minute left to debate this part of the proceedings and that a great many people wish to speak. I quite understand why those on the Front Benches had a lot to say and took a lot of interventions; this is a very large group of amendments. I appeal to hon. Members that if anybody speaks for much more than five minutes, they will be preventing many of their colleagues from speaking at all. It is not up to me to regulate that; it is up to the honour of each Member of the House to limit their remarks, not necessarily in scope but in time, because brevity is the soul of wit.

Mr Goodwill: I was very pleased to serve on the Bill Committee and to hear the very good reasons why the Bill came forward. I am pleased that the Minister has responded to some of the points made in Committee with the Government amendments, which I am very pleased to support.

The picture painted by colleagues from the south of England, particularly from London, does not represent the position in places such as Scarborough in the north of England, where there is a very vibrant rented sector, with adequate supply and demand and where the sort of fees that some have been talking about are not extracted from tenants. However, it is obvious from what we have heard that the current system is not working to protect tenants. Ninety-three per cent. of local authorities have failed to impose a penalty, and with many letting agents not publicising their fees it is difficult for prospective tenants to know what they would actually have to pay and almost impossible to make comparisons. I have also spoken to local estate agents, who have told me about some of the charges they have to take on board. A credit check, for example, can cost as little as £15, but a rogue agent could be charging as much as £625, which is taking advantage.

Daniel Kawczynski: Does my right hon. Friend agree that in places such as Shropshire and Yorkshire the market is in the main regulating itself rather well and these changes might be perceived to be slightly excessive?

Mr Goodwill: Yes. As a landlord myself I am aware of how that operates. We have talked about private landlords and social landlords. I like to see myself as a social landlord: I do not see what I provide to my tenants as being any different from what is provided by a housing association or a local authority—indeed, I like to think I give a better service. Still, it is right that this legislation has been introduced, particularly as double-charging

could take place, with both tenant and landlord paying fees to the letting agent and the letting agent doing very well out of that.

I do not agree with the Labour shadow Minister, the hon. Member for Great Grimsby (Melanie Onn), about the fines in amendment 1 and 2. A £5,000 fine for a landlord is already equivalent to a year's rent for many properties in my part of the world. As I said, having much larger fines could jeopardise the business of such landlords. I also do not support amendment 4, tabled by my hon. Friend the Member for Shrewsbury and Atcham (Daniel Kawczynski). We must do everything we can to help people to get into housing—I would prefer that they were able to buy their houses, but if not, we must help them to get into the rented market. A problem people often face when moving house is that the deposit put on the previous house is not made available at the same time as the new tenancy takes effect. Therefore, having to find, for example, six weeks' rent at £100 a week plus another six weeks' rent at £100 a week, plus maybe a £300 fee, as the amendment suggests, means a person looking to rent a two-bedroom flat in Scarborough or Whitby would need to find £1,500 of cash just to make that house move.

I was appalled to hear the nightmare stories mentioned by the right hon. Member for Birkenhead (Frank Field). As my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake) made clear, the tenants' redress scheme introduced in 2014 means that the landlord can no longer see that money as their own money that they can snaffle when the tenant moves; instead, they need to demonstrate that real damage has been done or there are real problems that require that money to be used. In the past, I am afraid, I have heard horror stories where reasonable wear and tear was put down as damage or a slight scratch on the wall was taken to indicate that a whole room had to be decorated. I was pleased to hear from the Minister that he is looking at the possibility of a passporting scheme for these deposits. That is desperately needed because it is so frustrating for a tenant wishing to move that their deposit, which they will get in due course, is frozen and cannot be used to pay the next deposit.

To return to amendment 4, it is not reasonable to introduce these fees of £200 or £300. That would become the norm and, to be fair, it is the landlord who is getting this service: it is the landlord who is interested in the creditworthiness of the tenant and who wants to see the legalities and the administration done correctly, and therefore it is not unreasonable for the landlord to pick up the bill. Indeed, many landlords will do much of this work themselves, and tenancy agreements are available to download which makes doing that much easier.

In supporting the Government amendments, I hope that my hon. Friend the Member for Shrewsbury and Atcham will not press his amendment. We certainly would not want the Opposition amendments to be pressed.

Matt Rodda (Reading East) (Lab): I am grateful for the opportunity to speak in this debate, having spoken on Second Reading in May. It is also a pleasure to follow my hon. Friend the Member for Great Grimsby (Melanie Onn) and other Members.

In Reading East we have seen increasing numbers of young people and families entering the rental market, and it is in the vital interests of these residents and all my constituents that the rental market in our area

is affordable, transparent and accessible. However, as with many other constituencies, rising rents, large deposits and high letting fees are increasingly causing difficulties for those seeking to access rented accommodation.

Along with my Labour colleagues, I welcome the Bill as a first step towards establishing a fair and reliable rental market for tenants in my constituency and across the country. However, I remain concerned that the Bill does not go far enough in its protection for tenants. In particular, I am concerned that it does not go far enough to protect tenants against default fees. As we have heard, these are the fees that are chargeable if a letting agent or landlord incurs costs due to a tenant's actions, such as replacing a lost key or making a late payment. These fees are set at the discretion of the landlord or the agent, and have been described by agents themselves as a back door to reclaiming income lost through this Bill. I share the concern expressed by the Housing, Communities and Local Government Committee and by other respected organisations such as Shelter and Citizens Advice that the lack of clarity regarding default fees creates a major loophole that could expose tenants to unreasonable fines from unscrupulous landlords or letting agents.

Dr Drew: In a survey that I conducted in Stroud, I found that the agents were making just that point. They want complete transparency and fairness in relation to tenants as well as landlords. Does my hon. Friend see the Opposition amendments as a way in which we could strengthen the Bill and deliver that?

Matt Rodda: My hon. Friend makes an interesting point, and I urge the Minister to take this opportunity to listen to him and to the points made by our Front Benchers.

Amendment 3 provides a clear definition of default fees and limits the amount that could be charged, while still allowing landlords and agents to charge for expenses where there is a clear cost. It would provide clarity for all parties and, crucially, it would provide tenants in my constituency and elsewhere with the protection from exploitation that they so desperately need. Surely colleagues across the whole House would agree that that is the right thing to do. I therefore urge the Minister to consider this amendment and to consider strengthening the Bill to provide limits on what can be charged for. I urge him to take this opportunity to protect tenants from exploitation. It is time for the Government to listen to tenants and to deliver a fair, accessible and accountable rental market for all.

Richard Graham (Gloucester) (Con): I rise to support the Tenant Fees Bill, which has been so clearly presented today by the Minister. The abolition of most up-front fees, the capping of security deposits at six weeks' rent, the reduction of costs to tenants in the private sector potentially by hundreds of pounds and the increasing of transparency in the housing market—surely we can all unite in saying that these characteristics of the Bill are a good thing. We have all met constituents who rent and whose fees have gone up by roughly 60% in the period between 2010 and 2014 and who have been charged fees for the most bizarre and sometimes unfair reasons—including, for example, checks being made by the same agency on the same tenant for a different property in a short space of time. As my right hon. Friend the Member for Scarborough and Whitby

[Richard Graham]

(Mr Goodwill) mentioned, those fees should be paid by the landlord if they are going to be paid by anyone. As rents and demand increase, the unfairness in the marketplace from a few—I stress a few—landlords and agents that is tolerated by law requires a response from the Government.

However, the Bill is not just about saving money and increasing transparency. The principle of fairness will also be boosted because all landlords will have to be members of a redress scheme, and because tenants should have easier access to dispute resolution. That is an issue that many of us will be familiar with through our own surgeries. Agents will have to be registered as members of a client money protection scheme, as many already are, and banning orders and a database of rogue landlords will be introduced. We all know about the frequent suspects whose properties consistently fail environmental health inspections, and I suspect that they will find their way on to that list unless they change their habits, which is the point of the Bill. At the same time, there will be a further consultation on benefits and barriers relating to longer-term tenancies, which I also welcome.

The ban on fees, the capping of security deposits and much else has already been welcomed by many organisations, such as Which? and Citizens Advice, and on the face of it there is no reason why anyone should object to the changes. However, there are of course some who have opposed some of the detail of the legislation, and at a time when trust is such a crucial element in the relationship between tenant, agent and landlord it is worth touching on those objections.

4 pm

In Committee, we heard evidence from landlord associations that landlords should not pay for tenants' mistakes. The often quoted example is when a tenant loses a key at 2 am and requires an out-of-hours emergency visit and so on. Inevitably, therefore, such associations do not support the abolition of fees. They worry about a rise in rents from landlords to compensate for agency closures and a decline in standards. They worry that the six-week cap on deposits may result in landlords turning away certain risky tenants. However, the evidence from Scotland suggests that concern about rents is not borne out by experience. The six-week period chosen for the cap on deposits is actually greater than the period recommended by the Housing, Communities and Local Government Committee and, importantly, is significantly above one month's notice so that, for example, inadequate cleaning can be covered by the additional deposit if need be.

The Bill is not about redressing some medieval struggle between a landlord with as keen a sense of social justice as Keith Allen's Sheriff of Nottingham in the TV drama "Robin Hood" and cowed, brutalised tenants with no rights. In fact, there are clear examples of the opposite. One of Gloucester's larger landladies is a woman who fights tooth and nail for her tenants. She accompanies them to meetings at the Jobcentre Plus. She drives one veteran to the Gloucester day parade, where those who served with the Gloucesters at the battle of the Imjin River gather in their decreasing numbers. She goes the extra mile to ensure that her tenants are well looked after, understanding the benefit of them being in a good position to be able to pay their rent. Maid Marian can be a landlady as well as a tenant.

The changes being proposed today should improve the degree of trust between all tenants, agents and landlords. In a world of tougher rules and penalties, I have argued for some time that landlords should be choosing agents who will actually help to keep them on the right side of the law, rather than simply those who charge the lowest fees. The benefit of the changes will be even greater as local government takes on the enforcement role, and this is where the implementation of the Bill will be so important. I hope that the role will be largely exercised by second-tier councils, which will be able to use their knowledge of tenants, housing markets and environmental health complaints to retain the capacity to enforce legislation effectively, self-funded through a system of appropriate fines.

The Bill should therefore create a virtuous circle, higher standards, more trust, better redress, lower costs and, ultimately, better homes for vulnerable tenants, with rogue landlords and agents gradually weeded out and the strong ones not just surviving, but thriving. Those are good aims, but they need good implementation and good review and scrutiny to deliver effectively for my constituents in Gloucester and elsewhere. However, that is the next stage. Today, it is good that Her Majesty's loyal Opposition are supporting the Bill, and I urge all Members to do likewise.

Matt Western (Warwick and Leamington) (Lab): I rise not only to endorse the changes made by the Government, but to support the amendments tabled by my hon. Friend the Member for Great Grimsby (Melanie Onn) and to welcome the Bill. The Housing, Communities and Local Government Committee heard wise evidence and counsel from various groups, including landlords' organisations and local authorities, and it is quite clear that there has been a bit of a wild west for many years in certain parts of country. I am proud to say that I have some excellent, responsible agents in my constituency, but there are the less scrupulous exceptions for whom greater regulation is really needed, so the Bill is timely. I have lived and rented in France, where it was evident just how much tighter and more balanced the legislation was.

To echo the point made by my hon. Friend the Member for Great Grimsby, this is really about rebalancing the relationship between landlord, agent and tenant to make it much more transparent and much fairer. For many years tenants have felt disempowered in that relationship, and over the past 20 years we have seen significant growth in the proportion of people renting privately. That proportion has doubled, and in some parts of the country, such as the north-east, it has increased by 200%. It is important that we get to grips with this, and the Bill moves us a long way in doing that.

In the past week I spoke to a student in my constituency who is facing tenant fees of £595 for one year. In some cases we are witnessing extortion, particularly in sectors with high churn, typically with one-year tenancies. We could have gone further, but I welcome the main part of the Bill.

As has been said in the Chamber, and also by organisations such as Shelter, Citizens Advice and Which?, the default fees could have been more clearly and more extensively defined. As the hon. Member for Harrow East (Bob Blackman) said, what is reasonable is open to interpretation. We have seen extreme cases involving

replacement key costs, for example. I support amendment 3, which was tabled by my hon. Friend the Member for Great Grimsby, in those circumstances.

The level of the deposit cap was widely raised with the Select Committee by landlords and others. I would have preferred a four-week maximum, but I understand how we got to where we are. Deposit caps are a particular issue for high-churn tenancies. The idea of passporting, as proposed by the Minister, is a welcome move.

Tim Farron (Westmorland and Lonsdale) (LD): The hon. Gentleman makes a good point. Does he agree with the observation, which has also been made by bodies such as Shelter, that an impact of high deposits is increased homelessness? Homelessness has tripled in my area of the south lakes in the past year, despite our building more council houses. A six-week limit would mean an average deposit of £1,100, which would make a rental property unaffordable for many people.

Matt Western: The hon. Gentleman makes a valid and pertinent point. High deposits are very much part of the cause of homelessness in many areas, because people feel financially and socially excluded from the private rented sector. As I alluded to at the beginning of my speech, high deposits have made renting privately much more difficult. In the same period we have seen a 20% reduction in social rented properties, which are critical.

I will move on because of time. On the issue of compliance, the Select Committee heard how few authorities, whether it be because of less appetite or because they just do not have the enforcement officers, follow through on enforcement. As we have heard, 93% of authorities have not taken enforcement action against rogue landlords. Of course the shining exception is Newham, which, as the Select Committee heard, accounts for half those enforcement cases.

I urge the Minister to reconsider Labour amendments 1 and 2. If £30,000 is seen as too high a maximum, there should be flexibility for authorities to introduce a more appropriate figure, as my hon. Friend the Member for Great Grimsby said—the hon. Member for Harrow East mentioned that £5,000 is a cost of doing business. That is how this was all done in the past, and we have to break that for the future because of the growth and importance of the private rental sector.

I support and welcome the Bill, but I would just ask for tighter regulation of default fees.

Daniel Kawczynski: In the few minutes available to me, I wish to raise a few issues on behalf of my constituents who are involved in this sector, particularly those working for letting agencies. I thank the Minister for seeing me in the Department yesterday, along with the Secretary of State; he has been unfailingly courteous and very well informed. I thank him for listening to me, as he has to others, about some of the concerns I have shared with him on behalf of my constituents.

I had wanted to propose an amendment to cap the fees that letting agents could charge to £300 rather than abolishing these fees entirely, because this proposal directly contradicts the Conservative party's long-held ethos of being a pro-business, pro-free market party. If these are the measures we are supporting, are we truly a pro-business party? Mr Paul Wallace-Tarry from Belvoir, a letting agents in Shrewsbury, certainly believes we are letting him down by implementing the Bill.

As someone who has rented a property in London for the past 13 years, I am acutely aware of the job that estate agents and letting agents perform. They carry out things ranging from the right-to-rent checks to negotiating contract changes, and from safety checks to organising the tenant move-in. Many times as a tenant I have called upon the agent for help. I believe it is very important to keep the equilibrium correct between the tenant, the landlord and the letting agent, and this Bill may be slightly tipping the balance in favour of the tenant, rather than the landlord.

The Government's own findings revealed that the mean fee paid by tenants upon moving into their accommodation was £223. However, a ban on tenant fees will lead to rents increasing by around £103 per annum, so industry experts say. For a three-year lease, the tenant would therefore end up paying £309 in total, which is £86 more than the tenant fee. It has also been found that rents could increase by around £82.9 million as a result of the Bill. Clearly the services that the letting agents put in place are being implemented by professionals, and they have to be paid for in some way. The fear is that this will just go on to rents, which are less transparent and accountable than a clear, specific fee.

ARLA PropertyMark has found that 90% of letting agents believe that a ban will lead to a rise in rents. Some 60% think that it will lead to lower property quality, and 40% think it will lead to a fall in employment in the medium to long term. If estate agents have to choose between their working relationships with tenants or with landlords, they will side with the landlords, given that there is no financial responsibility or duty of care between them and the tenant. This is what I want to see protected; I want that relationship to be very evenly matched.

I end by simply saying that if the Conservative party understands anything, it is the need to support small business. I feel passionately about the role that small businesses play in our constituencies. I never had the courage to set up my own business. I always worked for large-scale, multinational corporations, knowing that my mortgage would be paid at the end of the month and not having the responsibility of employing people. Many of the people we are talking about today did have the courage to set up their own business. They are entrepreneurs and they are employing professional people, and this is very important. I hope that the Minister will acknowledge the extraordinary amount of care and professionalism that many of these letting agencies in Shrewsbury implement on behalf of their constituents. The Conservative party must understand the need to support small business, with less regulation, less red tape and less taxation in order to empower entrepreneurship and empower people to create the wealth we need to fund our public services. This ban is in direct opposition to that.

As I have said already to the shadow Minister, when ARLA PropertyMark conducted a survey of all Members of Parliament, a newly elected Labour Member—I would get into a lot of trouble if I named him—told ARLA that he was not interested because he wanted the whole private sector banned, leaving only owner occupiers or social housing. That is the sort of prejudice that we have to deal with, and it is important that the private sector is respected and supported.

4.15 pm

Anneliese Dodds (Oxford East) (Lab/Co-op): I am pleased that the Government have finally accepted the need to ban tenant fees, for which my party has called for for no fewer than five years—I have personally campaigned for the ban for four years. I support the Labour Front-Bench amendments, because the Bill does not go far enough. We need further specification of the fee regime to make it more user-friendly, and we need to increase penalties for those landlords and letting agencies that flout the new legislation.

Few places in the country are in more need of this legislation than Oxford. Only 39% of people in the city own their own home or have shared ownership—that is well below the national average. Nearly half—49%—rent privately, and that figure has risen by more than a fifth since 2001. Private renting is not just a stopgap in the city; it is the only option for huge numbers of people.

The cost of setting up and maintaining a tenancy in the private rented sector is a huge problem in the city. The sharpest end of that is seen with the exponential growth in rough sleeping in Oxford. On some nights in the 2000s, nobody would be recorded as sleeping on the street, but nowadays having 60 people rough sleeping is the new normal. That is relevant to this debate because the core reason why people in Oxford become homeless has changed. It used to be relationship or family breakdown, but that is no longer the case. The key reason for homelessness now is landlords ceasing tenancies, often because of non-payment of fees.

There are many excellent landlords and letting agents in Oxford, and I find some of the mischaracterisations of the Opposition's approach in this area bizarre. We all know excellent landlords and letting agents in our constituencies, but a small number bring the rest of the sector down and pollute its reputation, because they do not act in a responsible manner. A significant proportion of my postbag is taken up with tenants who have been asked for unreasonable fees, as well as people who are simply unable even to rent. In fact, I have a meeting in a couple of days with someone who is trying to move into Oxford but cannot afford the different costs associated with getting into a tenancy, and that is even with the private rented sector deposit guarantee scheme operated by the local authority. People are not able to move into Oxford's private rented sector anymore.

Labour's amendments would ensure that the new regime that the Bill will rightly introduce would be sufficiently watertight. I welcome some of the changes that the Minister specified, but we need the fee regime to be upfront in the manner specified by my hon. Friend the Member for Great Grimsby. We need a user-friendly regime that tenants can easily understand, and that is not presently the case under the Bill.

We also need to make sure that the fees are sufficient. Oxford has one of the strictest regulatory regimes for landlords, operated by the local authority. Many landlords support it because they see that it squeezes out the rogue operators, and that it has removed many of the most unsafe and unhealthy properties from the housing market in Oxford. The regime pays for itself, and it is important that the regime under the Bill pays for itself, too. That means that those fees have to be sufficient. We have already had a lot of discussion about the cuts that have been made to trading standards, but it might also

be helpful to look at how those fees—the Minister asserted that they would be sufficiently deterrent—compare with some of the profits obtained by landlords in areas such as my own.

The average property rent in Oxford is currently £1,919 per calendar month, so £5,000 is very obviously less than three months' rent—we can all do the maths. Now, I appreciate that not all that rent will be profit, because of course there are associated costs. However, estate agents encouraging people to come into the buy-to-let market in my city inform those people that they will have an average annual return on their investment of 18%. When we talk about whether a fee is deterrent and whether a £5,000 fine is sufficient, we should reflect on that figure.

Comments have been made about the role of central Government and local authorities. Yes, it is absolutely right, as the hon. Member for Christchurch (Sir Christopher Chope) said, that there are local authorities that do not fulfil their responsibilities. There are others that want to go further but have been able to do so only at the behest of central Government. Please can we get to a situation in which local authorities that want to have more stringent regimes do not have to wait to get the okay from central Government? We need more local control.

Bob Blackman: It is a pleasure to follow the hon. Member for Oxford East (Anneliese Dodds) and the passionate view of her constituents. May I draw the attention of the House to my entry in the Register of Members' Financial Interests?

In the absence of the Chair of the Housing, Communities and Local Government Committee, I had the honour of chairing the Select Committee pre-inquiry into this legislation. We looked at a lot of the evidence that is now coming forward. I am delighted that the Minister has seen fit to make some changes during the passage of the Bill and to accept many of the Select Committee's recommendations.

The hon. Member for Great Grimsby (Melanie Onn) raised the matter of how many weeks' rent a deposit should be. It is a shame that she has not tabled an amendment to that issue on Report, because I think several Conservative Members would feel very sympathetic towards restoring what the Select Committee recommended, which was a compromise. There was an argument for four weeks and an argument for six weeks, and we took the view that five weeks was the appropriate compromise for two reasons. First, if the limit is four weeks' rent, there is a risk that the tenant will just refuse to pay the last month's rent at the end of a tenancy. Secondly, a deposit of six weeks' rent would almost certainly become the norm for most landlords, and would therefore be inflationary on the amount of deposit that would be charged.

I gently remind the Minister that in the last Budget the Chancellor allocated some £20 million towards a national rental deposit scheme, following representations from me and several other colleagues to set one up. The Department has not yet set up that scheme, but by saying that the limit will now be six weeks, instead of four or five, the Minister is going to reduce straightaway the number of families that can be assisted under the national rental deposit scheme when the Department finally does bring it forward. I ask him to look at this figure again, because it will limit the number of people who could be assisted through this programme.

On the issue of enforcement, I welcome the changes proposed by the Minister. Many of the changes, which are very clear, go above and beyond those proposed by the Opposition. Having looked at the evidence in relation to this legislation, many of us will share concerns about the difference between what I would classify as true costs, and charges. In answer to my hon. Friend the Member for Shrewsbury and Atcham (Daniel Kawczynski), the key question is, who does the letting agent work for? The letting agent works for the landlord, not the tenant. It is the responsibility of the letting agent to acquire tenants on behalf of their employer—namely, the landlord—and therefore there should not be two charges incurred. The letting agent should charge the landlord for their fees, not charge the tenant for acquiring.

However, there are costs associated with acquiring a tenant—for example, when there is a requirement for a credit check. If a prospective tenant were to fail that test, there is a cost that someone has to collect. If an applicant makes a request through a letting agent and a credit check is then undertaken that is failed by the prospective tenant, it is reasonable that the cost should be passed on to that individual, particularly if they were going to knowingly fail the credit check in the first place. That is an example of a true cost as opposed to a fee charge. My hon. Friend has set out a set of areas and then a limit on the charges that a letting agent may charge a tenant. I trust that he will not press his amendment to a vote, because that goes completely against the spirit of this Bill and what we are proposing.

Kevin Hollinrake: My hon. Friend is making an important point on referencing. Does he agree that it might be beneficial if the Bill were clarified so that everybody was clear about circumstances in which some of the holding deposit might be retained by the landlord or the agent in the case of somebody failing a reference check? If that were not the case, people on low incomes, for example, could be discriminated against when they apply to rent a property.

Bob Blackman: I thank my hon. Friend for that intervention. We clearly need to be more specific. I accept the principle set out by my hon. Friend the Minister that we should not put this in the Bill, but it should be put in regulations, because we can change regulations rather more easily and add things to them at an appropriate time without having to go through primary legislation once again. This is a question of detail that I ask my hon. Friend the Minister to look at again.

The other issue is charges for, for example, lost keys, cleaning or damage that may be done to a property. Those are reasonable costs that a tenant should incur. If that has to be set out in the tenancy agreement, it must be made crystal clear in what we lay out in regulations and guidance to landlords what is allowed and what is not allowed. In particular, things that are not allowed must be specified as being completely outwith the potential of the Bill, as opposed to being in the Bill.

I thank the Minister and his team for looking at and reflecting many of the recommendations that the Select Committee made on the draft Bill. With a few more tweaks, this can be an excellent Bill that we can all be very proud of.

Bim Afolami (Hitchin and Harpenden) (Con): I rise in support of this Bill and my hon. Friend the Minister. During the Bill's passage, he has conducted himself, as I

think everybody in all parts of this House has already recognised, with the utmost sincerity and courtesy to all parties, both inside and outside the House.

I served on the Bill Committee—entirely voluntarily, of course, Madam Deputy Speaker. Having listened to the exchanges in Committee and today, it strikes me that there are a couple of points where there is complete agreement in all parts of the House. There is agreement that the average letting agent fees have gone up by 60% over the past six or seven years, and that there is a growing problem of tenants feeling that they are less empowered in relation to their tenancies and letting in the private sector market.

4.30 pm

Contrary to what my hon. Friend the Member for Shrewsbury and Atcham (Daniel Kawczynski) said about a comment made by an Opposition Member, there is general agreement that the private sector has a key role to play in this area. I do not think any Member would countenance that not being the case. I know that my hon. Friend the Minister truly believes in business. He is a pro-business Conservative, as am I, and I know that he would not countenance anything that he felt would limit the market for the private sector.

I would like to take on a couple of the points made by my hon. Friend the Member for Shrewsbury and Atcham, and I ask him to intervene if he thinks anything I say is unfair. He said that certain letting agents feel that there might be a rise in rents or a diminution in the quality or number of properties available for rent. I would argue that the whole point of a private market is that the market regulates those things, and I see nothing in the Bill that will undermine that market or fundamentally stop those things being regulated in a private sector manner. I would add that if any of the regulations alluded to by my hon. Friend the Member for Harrow East (Bob Blackman) could do so, I expect that he, the Minister and I and lots of Government Members would ensure that that was not the case. I do not believe that anything in the Bill will undermine the market in that regard.

I would like to make a broader point. In this House, we spend a lot of time talking about very grand, big things that make newspaper headlines, but a lot of what we do here—I look at the people in the Gallery and think of anybody watching this on television—is quite practical. It is day-to-day, and it affects real people doing real things and living real lives. This is an example of legislation that can really make a difference to individual tenants up and down this country. It will not make the front pages, but this sort of stuff shows this Government, this Minister and this Department delivering for what my right hon. Friend the Prime Minister calls the “just about managings”. We should not lose sight of the fact that people out there will be practically better off and will benefit as a result of this legislation. That is very important.

Lastly, I read somewhere—it was in a newspaper, so I am sure it is true—that by 2021, roughly 5 million households in this country, or 20% of the total number, will be privately renting. That is a significant number of the constituents who send us to this place. These concerns must be paramount in our minds. Bearing in mind the rise in fees over the last few years, we need, dare I say it, to ensure that the balance that my hon. Friend the

Member for Shrewsbury and Atcham talked about between landlord and tenant is tilted back a bit more in favour of the tenant in this particular regard. In addition to the many other measures the Government are taking, such as trying to encourage longer tenancies, that will empower our tenants and make them feel safer and more in control of their own lives and tenancies.

We need a system that we can trust. Landlords need a system that they can trust. Above all, tenants need a system that they can trust. This Bill will help the Government to achieve that, and I am happy to support it.

Maria Caulfield: I want to touch on two issues to do with fees and enforcement. I want to put on record my thanks to the Lewes citizens advice bureau, which did extensive research for my Adjournment debate in May 2016. While the explanatory notes to the Bill say that letting agents' fees are on average £200 to £300, in my constituency—probably because it is in the south-east—they are on average between £200 to £1,000. On top of a deposit of six weeks' rent in advance, that means someone can have to find £2,000 to £3,000 in advance.

This legislation will make a huge difference to tenants in my constituency of Lewes. However, I have some concerns about default fees, which I raised on Second Reading and in Committee. I am pleased to see Government amendments 5 and 6, which tighten these provisions. As stated in my entry in the Register of Members' Financial Interests, I am a patron of the charity Homelink, which provides more than £100,000 of support to tenants looking for deposits in the Lewes district. The charity is still slightly concerned about default payments, but amendments 5 and 6 are really welcome because they tighten the provisions and state that default payments have to be listed in advance in any tenancy agreement and that there has to be evidence that those fees exist.

Dr Rosena Allin-Khan (Tooting) (Lab): Will the hon. Lady give way?

Maria Caulfield: I will not give way, simply because of the time constraints on us.

If tenants are found to be in breach of those requirements, they will be liable to penalties and to prosecution, so I am more reassured than I was at the start of the debate. I welcome the fact that the Minister has listening ears, because he has really tried to listen to all Members on this matter.

On the enforcement issue, I am still concerned—not because of this legislation, but because of the failure to enforce the existing legislation requiring letting agents to publish their fees. I welcome the fact that, under clause 7, district councils will be able to keep the penalties charged, and I very much welcome the Minister's announcement today that there will be £500,000 of up-front loading for councils to enable them to invest in staff and to start taking on enforcement. I want to pursue this, however, by asking what will happen if that still does not result in enforcement, because we will be no further forward with this brilliant legislation if enforcement does not happen. I also put on the record my interest as a vice-president of the Local Government Association, which asked for the up-front loading.

If we are giving councils the money in advance and they are able to keep the penalties, they really must step up to the mark and enforce the legislation. It will make

such a difference to tenants' lives if they know in advance what fees they will have to pay and that those fees are evidence-based, and if they know that if those fees are abused, there will be prosecutions and severe penalties. I cannot support the Opposition's amendment 3, simply because schedule 1 sets out which fees will or will not be payable, while the Opposition have only given some examples of such fees. That is not really strong enough, and the amendment would severely weaken the legislation.

I congratulate the Minister, who has done a fantastic job in listening to everyone. I still have some slight concerns about enforcement and the default payments, but I am very happy to support the Bill.

Sir Christopher Chope: It is a pleasure to be able to speak in this debate. I am neither a landlord nor a tenant, but I am the chair of the all-party group on the private rented sector, and that sector is under substantial pressure on issues relating to regulation and interference by the Government.

The Residential Landlords Association has estimated that, in the past nine months alone, there have been over 25 consultations across Whitehall proposing changes that will have an impact on the private sector. More than 140 Acts of Parliament and more than 400 regulations affect landlords in the private sector already. That is why many of those landlords choose to get help from letting agents, and this Bill is a direct attack on the profession of letting agents. As my hon. Friend the Member for Shrewsbury and Atcham (Daniel Kawczynski) has said, this is not a Conservative measure at all, and I despair at the fact that so many people seem to want to support this exercise in socialism and control.

Why should a Conservative Government be engaged in preventing professionals from charging a fee for services rendered? Doctors in my constituency charge those aspiring to become social tenants £15 a time to get a medical certificate in support of a social housing transfer. That—in response to my hon. Friend the Member for Harrow East (Bob Blackman)—is not a cost, but a charge. It is a charge, and it is an arbitrary charge: it is imposed, but payable. As I understand it, the Government are not proposing to abolish the right of doctors to charge for writing letters, so why are we proposing to prevent letting agents from charging for the services that they provide?

Dr Allin-Khan: Will the hon. Gentleman give way?

Bob Blackman: Will my hon. Friend give way?

Sir Christopher Chope: No, I will not give way, because I want to allow hon. Members who have not yet spoken to get in.

Why are we preventing letting agents from charging for credit reference searches, identity and passport checks, and all the rest? When one looks at the evidence in support of the Bill, it is quite clear that if the existing laws were properly enforced, the need for the Bill would not have arisen. I am extremely sceptical about the Government's assertion that enforcement will be a lot more effective. If they really believe that, why do they not place a duty on local authorities to enforce the legislation, rather than leaving it as a mere power?

The legislation will have a lot of unintended consequences. It is already difficult enough for tenants to obtain rented accommodation if they have pets. It is very difficult for tenants on housing benefit to obtain accommodation. It is very difficult for tenants who do not have clear British citizenship to get rented accommodation. All those things will become a lot more difficult as a result of this additional burden on the private rented sector.

Some 30 years ago, I was a junior Housing Minister. I was much associated with deregulating the sector—introducing shortholds, getting rid of controlled tenancies and enabling the growth that has taken place in the private rented sector. I am disappointed to see my Government working in the opposite direction. I signed amendment 4, which was tabled by my hon. Friend the Member for Shrewsbury and Atcham. I understand that he has been bought off by the Government, so I will not press the matter to a vote. However, I think that there is too much crowd-pleasing on the part of the Government and not enough sensible regulation and recognition of the important work done by those in the private rented sector.

Kevin Hollinrake: This is the perfect opportunity for me to speak. I draw the House's attention to my entry in the Register of Members' Financial Interests, as a result of which I recused myself from the Select Committee's pre-legislative scrutiny of the Bill. On the face of it, the Bill will cost my business more money than I wish to think about, and it is certainly keeping my finance director awake at night; we are talking about significant sums. Nevertheless, I disagree with my hon. Friend the Member for Christchurch (Sir Christopher Chope), because we do not have a free market here. I think that it is an entirely Conservative policy to make sure that we have free enterprise and a free market.

Tenants choose properties; they do not choose letting agents. Landlords choose letting agents. Despite the cost, we should be standing up for the values of free enterprise. The business I have mentioned, which I am still involved with today, could not have been built without the opportunities provided by free enterprise, so there is no way that I could not support the Bill. I appreciate the amendment tabled by my hon. Friend the Member for Shrewsbury and Atcham (Daniel Kawczynski), but I think that even a cap is the wrong approach. We need to abolish these fees completely, as I have consistently argued to the industry.

I want to make a couple of points about free enterprise and the private rented sector. The shadow Minister, the hon. Member for Great Grimsby (Melanie Onn), said that the private rented sector had increased exponentially over the past few years. When I started 30 years ago in this business, I operated in York, where the lack of supply meant that anyone who wanted to rent a home would probably get a shabby, damp, dark terraced house. It is because of private sector investment that we now have such tremendous supply in this marketplace, generally at fair rents.

I am not sure where the hon. Member for Oxford East (Anneliese Dodds)—she is not in her place—got the figure of an 18% yield from, but that seems incredible. On that basis, there is probably a march of investors heading down the road to Oxford East to buy property. Generally, yields in the sector are very tight—about 4%, not 18%—because of the competitive nature of the market.

I support the Government amendments to ensure that any charges are clearly defined in a tenancy agreement.

Dr Allin-Khan: Will the hon. Gentleman give way?

Kevin Hollinrake: I am sorry; I cannot, because of the time. Many people have been here for the whole debate and want to speak.

I cannot support amendment 3, because it is restricted to two elements: a lost key, or a late rent payment. Tenants create many other costs for landlords and agents, and it is only fair that landlords and agents should be reimbursed. As an example, one tenant recently rang one of our offices late at night on the out-of-hours phone number and said that they had forgotten where they lived and asked whether we could go and pick them up and take them back home, because they had had a little bit too much to drink. That is not a typical scenario, but there are lots of different situations in which landlords and agents may incur costs. I am thinking particularly about the chasing of rent and a change of sharer, which represent significant costs to landlords. I would support a limited and fair list—and most agents will be fair.

4.45 pm

Finally, on the retention of holding deposits, I urge the Minister to clarify the situation whereby a landlord or an agent can retain a holding deposit if someone fails a reference. That is a cost to a landlord or an agent, and without the ability to retain a holding deposit, that landlord or agent may well discriminate against somebody who is likely to fail the reference. That would be a counterproductive outcome. In the main, though, I am fully supportive of the Bill and will certainly support it in the Lobby shortly.

Mr Clive Betts (Sheffield South East) (Lab): I apologise for not being present at the beginning of the debate; I had a meeting on the private rented sector, believe it or not.

I wish to say briefly that there is agreement in principle across the House on this Bill. It was improved by the consideration of the Housing, Communities and Local Government Committee, and I thank the hon. Member for Harrow East (Bob Blackman) for chairing the meetings in which the Committee looked at the draft Bill. I agree with him strongly that this is an issue of a contract between the landlord and the letting agent. That is the principle and that is why tenants should not be charged the fees. I see that one Government amendment clearly spells out that if a tenant goes to a letting agent and says, "Please find me a property," that contract would be between the tenant and the letting agent and therefore a different arrangement.

I welcome the amendment that means that an enforcement authority will be able to help a tenant who wants to recover a charge awarded to them by the first-tier tribunal. That is a good amendment and I welcome the Government's tabling it, but it surely shows the need to move to a housing court system, which the Government have promised.

Rishi Sunak: May I briefly thank all Members from all parties for their contributions today, in Committee and in the Select Committee hearings? All those contributions have helped to get the legislation into the

[Rishi Sunak]

fine shape that we find it in today. I appreciate all the insights from everyone. I welcome the broad support for the Bill. If Government or Opposition Members still want to engage on the details, I am very open to having those conversations.

Let me briefly answer the specific questions asked by the hon. Member for Great Grimsby (Melanie Onn). On timing, I am obviously not in control of the parliamentary timetable, but there will be a short period of time after Royal Assent—perhaps we should call it an implementation period rather than a transition period—after which the Act will come into force. Within 12 months of that point, any existing and legacy contracts will be subject to the Act's provisions.

On the hon. Lady's question about right-to-rent checks and incorrect Home Office information, I can confirm that under clause 8(5) the landlord would not be held liable.

Let me try one last time to persuade the hon. Lady not to press to a vote amendment 1, on fines. Perhaps she is not aware that the maximum fine is £1,000 under similar legislation in Scotland and that the maximum fine is just £500 in Wales. The Bill contains an initial fine of £5,000; the hon. Lady's proposed maximum fine of £30,000 would be 60 times that of her party's Government in Wales. I am sure she would agree that that sounds slightly disproportionate and that it gives her something to digest.

Finally, I thank my hon. Friend the Member for Shrewsbury and Atcham (Daniel Kawczynski) for his passionate defence of the free market economy in free enterprise and competition, with which I wholeheartedly agree and to which I wholeheartedly subscribe. It has been a pleasure to engage with him on the details of the Bill, and I assure him that as a fellow champion of small business, I continue to ensure that nothing we do will jeopardise the health of that free enterprise economy. I appreciate his advocacy on behalf of small business and look forward to future conversations with him.

Question put and agreed to.

Government amendment 5 agreed to.

4.49 pm

More than two hours having elapsed since the commencement of proceedings on consideration, the proceedings were interrupted (Programme Order, this day).

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

Clause 2

PROHIBITIONS APPLYING TO LETTING AGENTS

Amendments made: 6, page 3, line 6, after “tenancy,” insert—

- “(aa) requires the person to do any of those things pursuant to a provision of an agreement with the person relating to such a tenancy which requires or purports to require the person to do any of those things in the event of an act or default of the person,
- (ab) requires the person to do any of those things pursuant to a provision of an agreement with the person relating to such a tenancy which requires or purports to require the person to do any of those things if the tenancy is varied, assigned, novated or terminated,

- (ac) requires the person to do any of those things—
 - (i) as a result of an act or default of the person relating to such a tenancy or housing let under it, and
 - (ii) otherwise than pursuant to, or for the breach of, an agreement entered into before the person's act or default,”

This amendment brings Clause 2 largely into line with Clause 1 so that the prohibitions that apply to letting agents under the Bill are similar to those that apply to landlords.

Amendment 7, page 3, line 19, at end insert—

“() This section does not apply to a requirement imposed by a letting agent on a relevant person if—

- (a) the requirement is imposed by the letting agent in consideration of providing a service to a tenant,
- (b) as part of that service the agent finds housing for the tenant to rent and the tenant rents that housing, and
- (c) the agent does not act on behalf of the landlord of that housing, whether in relation to that housing or any other housing.”—(Rishi Sunak.)

This amendment removes a service provided by a letting agent to a tenant from the prohibitions in Clause 2 where the agent finds housing for the tenant to rent and does not also act for the landlord of that housing.

Clause 8

FINANCIAL PENALTIES

Amendment proposed: 1, page 5, line 13, leave out “£5,000” and insert “£30,000”.—(Melanie Onn.)

The House divided: Ayes 240, Noes 299.

Division No. 233]

[4.49 pm

AYES

Abbott, rh Ms Diane	Coaker, Vernon
Abrahams, Debbie	Cooper, Julie
Ali, Rushanara	Cooper, Rosie
Allin-Khan, Dr Rosena	Cooper, rh Yvette
Amesbury, Mike	Corbyn, rh Jeremy
Antoniazzi, Tonia	Crausby, Sir David
Austin, Ian	Creagh, Mary
Bailey, Mr Adrian	Creasy, Stella
Barron, rh Sir Kevin	Cruddas, Jon
Beckett, rh Margaret	Cryer, John
Benn, rh Hilary	Cummins, Judith
Berger, Luciana	Cunningham, Alex
Betts, Mr Clive	Cunningham, Mr Jim
Blackman-Woods, Dr Roberta	Daby, Janet
Blomfield, Paul	Dakin, Nic
Brabin, Tracy	Davey, rh Sir Edward
Bradshaw, rh Mr Ben	David, Wayne
Brake, rh Tom	Davies, Geraint
Brennan, Kevin	De Cordova, Marsha
Brown, Lyn	De Piero, Gloria
Brown, rh Mr Nicholas	Dent Coad, Emma
Bryant, Chris	Dhesi, Mr Tanmanjeet Singh
Buck, Ms Karen	Dodds, Anneliese
Burden, Richard	Doughty, Stephen
Burgon, Richard	Dowd, Peter
Butler, Dawn	Drew, Dr David
Byrne, rh Liam	Dromey, Jack
Cable, rh Sir Vince	Duffield, Rosie
Cadbury, Ruth	Eagle, Ms Angela
Campbell, rh Mr Alan	Eagle, Maria
Carden, Dan	Efford, Clive
Carmichael, rh Mr Alistair	Elliott, Julie
Champion, Sarah	Ellman, Dame Louise
Chapman, Jenny	Elmore, Chris
Charalambous, Bambos	Esterson, Bill

Evans, Chris
Farrelly, Paul
Farron, Tim
Field, rh Frank
Fitzpatrick, Jim
Flint, rh Caroline
Fovargue, Yvonne
Foxcroft, Vicky
Frith, James
Furniss, Gill
Gaffney, Hugh
Gapes, Mike
Gardiner, Barry
George, Ruth
Gill, Preet Kaur
Glindon, Mary
Godsiff, Mr Roger
Goodman, Helen
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hardy, Emma
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendrick, Sir Mark
Hepburn, Mr Stephen
Hermon, Lady
Hill, Mike
Hillier, Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Hoey, Kate
Hollern, Kate
Hopkins, Kelvin
Howarth, rh Mr George
Huq, Dr Rupa
Jardine, Christine
Jarvis, Dan
Johnson, Diana
Jones, Darren
Jones, Gerald
Jones, Graham P.
Jones, Helen
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Killen, Ged
Kinnock, Stephen
Kyle, Peter
Laird, Lesley
Lamb, rh Norman
Lammy, rh Mr David
Lavery, Ian
Lee, Karen
Leslie, Mr Chris
Lewell-Buck, Mrs Emma
Lewis, Clive
Lloyd, Stephen
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline

Lucas, Ian C.
Madders, Justin
Malhotra, Seema
Mann, John
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Moon, Mrs Madeleine
Morden, Jessica
Morgan, Stephen
Morris, Grahame
Murray, Ian
Norris, Alex
O'Mara, Jared
Onasanya, Fiona
Onn, Melanie
Osamor, Kate
Owen, Albert
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Qureshi, Yasmin
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Ellie
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Rimmer, Ms Marie
Rodda, Matt
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Shah, Naz
Sheerman, Mr Barry
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip
Skinner, Mr Dennis
Slaughter, Andy
Smith, Angela
Smith, Eleanor
Smith, Laura
Smith, Nick
Smith, Owen
Smyth, Karin
Snell, Gareth
Sobel, Alex

Spellar, rh John
Stevens, Jo
Stone, Jamie
Stringer, Graham
Sweeney, Mr Paul
Swinson, Jo
Tami, Mark
Thomas, Gareth
Thomas-Symonds, Nick
Timms, rh Stephen
Turley, Anna
Turner, Karl
Twigg, Stephen
Umunna, Chuka
Vaz, Valerie

Walker, Thelma
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitfield, Martin
Williams, Dr Paul
Williamson, Chris
Wilson, Phil
Woodcock, John
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Thangam Debbonaire and
Jeff Smith

NOES

Adams, Nigel
Afolami, Bim
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Amess, Sir David
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Bebb, Guto
Bellingham, Sir Henry
Benyon, rh Richard
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Boles, Nick
Bottomley, Sir Peter
Bradley, Ben
Bradley, rh Karen
Brady, Sir Graham
Braverman, Suella
Brereton, Jack
Bridgen, Andrew
Brine, Steve
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Cartlidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Sir Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Sir Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Courts, Robert
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Mims
Davies, Philip
Davis, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Docherty, Leo
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Mr Nigel
Evennett, rh Sir David
Fabricant, Michael
Fallon, rh Sir Michael
Ford, Vicky
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fysh, Mr Marcus
Gale, Sir Roger
Garnier, Mark
Gauke, rh Mr David
Gibb, rh Nick
Gillan, rh Dame Cheryl
Glen, John
Goldsmith, Zac
Goodwill, rh Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris

Green, Chris
 Green, rh Damian
 Greening, rh Justine
 Grieve, rh Mr Dominic
 Gyimah, Mr Sam
 Hair, Kirstene
 Halfon, rh Robert
 Hall, Luke
 Hammond, rh Mr Philip
 Hammond, Stephen
 Hancock, rh Matt
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrington, Richard
 Harrison, Trudy
 Hart, Simon
 Heald, rh Sir Oliver
 Heapey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Herbert, rh Nick
 Hinds, rh Damian
 Hoare, Simon
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Adam
 Howell, John
 Huddleston, Nigel
 Hughes, Eddie
 Hunt, rh Mr Jeremy
 Hurd, rh Mr Nick
 Jack, Mr Alister
 James, Margot
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Sir Bernard
 Johnson, rh Boris
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Keegan, Gillian
 Kennedy, Seema
 Kerr, Stephen
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lamont, John
 Lancaster, rh Mark
 Latham, Mrs Pauline
 Leadsom, rh Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Letwin, rh Sir Oliver
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Little Pengelly, Emma
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Maclean, Rachel
 Main, Mrs Anne
 Mak, Alan
 Malthouse, Kit

Mann, Scott
 Masterton, Paul
 Maynard, Paul
 McLoughlin, rh Sir Patrick
 McPartland, Stephen
 McVey, rh Ms Esther
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Miller, rh Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Moore, Damien
 Mordaunt, rh Penny
 Morgan, rh Nicky
 Morris, Anne Marie
 Morris, David
 Morris, James
 Mundell, rh David
 Murray, Mrs Sheryl
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, rh Caroline
 Norman, Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 Perry, rh Claire
 Philp, Chris
 Pincher, Christopher
 Poulter, Dr Dan
 Pow, Rebecca
 Prentis, Victoria
 Prisk, Mr Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, rh Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rosindell, Andrew
 Ross, Douglas
 Rowley, Lee
 Rudd, rh Amber
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Seely, Mr Bob
 Selous, Andrew
 Shannon, Jim
 Shapps, rh Grant
 Sharma, Alok
 Shelbrooke, Alec
 Simpson, David
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, rh Julian

Smith, Royston
 Soames, rh Sir Nicholas
 Soubry, rh Anna
 Spelman, rh Dame Caroline
 Spencer, Mark
 Stephenson, Andrew
 Stevenson, John
 Stewart, Iain
 Stewart, Rory
 Streeter, Mr Gary
 Stride, rh Mel
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Sir Desmond
 Swire, rh Sir Hugo
 Syms, Sir Robert
 Thomas, Derek
 Thomson, Ross
 Throup, Maggie
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David

Trevelyan, Mrs Anne-Marie
 Truss, rh Elizabeth
 Tugendhat, Tom
 Vara, Mr Shailesh
 Vickers, Martin
 Villiers, rh Theresa
 Walker, Mr Charles
 Walker, Mr Robin
 Wallace, rh Mr Ben
 Warburton, David
 Warman, Matt
 Watling, Giles
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Wilson, rh Sammy
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:

**Wendy Morton and
 Rebecca Harris**

Question accordingly negated.

Clause 8

FINANCIAL PENALTIES

Amendment made: 8, page 5, line 38, leave out from “(6)” to “in” in line 39 and insert—

“Only one financial penalty under this section may be imposed”.
 —(*Rishi Sunak.*)

Clause 8(6) currently provides that an enforcement authority may not impose more than one penalty under the clause for the same breach. This amendment clarifies that, in addition, no more than one authority may impose a penalty for the same breach.

Clause 10

RECOVERY BY ENFORCEMENT AUTHORITY OF AMOUNT PAID

Amendments made: 9, page 6, line 27, after “that” insert—

“, with the consent of the relevant person”.

This amendment and Amendments 10, 12, 18, 19 and 43 have the effect that a prohibited payment or a holding deposit which must be repaid may only be applied to a payment of rent or the tenancy deposit if the relevant person consents.

*Amendment 10, page 7, line 17, after “that” insert—
 “, with the consent of the relevant person”—(*Rishi Sunak.*)*

See the explanatory statement for Amendment 9.

Clause 14

DUTY TO NOTIFY WHEN TAKING ENFORCEMENT ACTION

Amendment made: 11, page 9, line 22, at end insert—

“, or () the enforcement authority brings proceedings for an offence under section 12 and the defendant in the proceedings is convicted of the offence.”.—(*Rishi Sunak.*)

This amendment requires an enforcement authority to notify the lead enforcement authority if the enforcement authority brings proceedings for an offence under Clause 12 and the defendant in the proceedings is convicted.

Clause 15**RECOVERY BY RELEVANT PERSON OF AMOUNT PAID**

Amendments made: 12, page 10, line 36, after “that” insert—

“, with the consent of the relevant person”.

See the explanatory statement for Amendment 9.

Amendment 13, page 11, line 6, leave out from “period” to end of line 7 and insert “specified in the order”.

This amendment and Amendments 14 and 44 to 48 change the period for repayment of a prohibited payment from 28 days to a period of at least 7 days but not more than 14 days.

Amendment 14, page 11, line 7, at end insert—

“() A period specified under subsection (9) must be a period of at least 7 days but not more than 14 days beginning with the day after that on which the order is made.”—(*Rishi Sunak.*)

See the explanatory statement for Amendment 13.

Clause 16**ASSISTANCE TO RECOVER AMOUNT PAID**

Amendments made: 15, page 11, line 12, after “person” insert “—(a)”

This amendment and Amendments 16 and 17 enable an enforcement authority to assist a relevant person to recover an amount which the First-tier Tribunal orders to be paid to that person on an application under Clause 15.

Amendment 16, page 11, line 13, at end insert—

“, or (b) to recover all or part of an amount which the First-tier Tribunal orders to be paid to the relevant person under that section.”

See the explanatory statement for Amendment 15.

*Amendment 17, page 11, line 14, leave out “to apply”.—(*Rishi Sunak.*)*

See the explanatory statement for Amendment 15.

Clause 17**RESTRICTION ON TERMINATING TENANCY**

Amendments made: 18, page 11, line 31, after “if” insert—

“, with the consent of the relevant person”.

See the explanatory statement for Amendment 9.

Amendment 19, page 11, line 40, after “if” insert—

“, with the consent of the relevant person”.—(*Rishi Sunak.*)

See the explanatory statement for Amendment 9.

Clause 28**TRANSITIONAL PROVISION**

Amendments made: 20, page 19, line 39, after “landlord” insert “or a letting agent”.

This amendment and amendments 21 and 22 have the effect that, if a payment under a pre-commencement tenancy agreement is made to a letting agent after the end of a year from the commencement of Clause 1, it is a prohibited payment.

Amendment 21, page 19, line 41, after “(b)” insert—
“the landlord or letting agent”.

See the explanatory statement for Amendment 20.

Amendment 22, page 19, line 43, “landlord” insert
“or letting agent”.

See the explanatory statement for Amendment 20.

Amendment 23, page 20, line 18, after “(b)” insert
“the letting agent”.—(*Rishi Sunak.*)

This amendment ensures that the wording of paragraph (b) of subsection (10) of Clause 28 follows on from the opening words of that subsection.

Schedule 1**PERMITTED PAYMENTS**

Amendment proposed: 3, page 23, in line 30, leave out paragraph 4 and insert—

“Payment of Landlord or Agent expenses

4 (1) A payment that a tenant is required to make to cover a landlord’s or agent’s reasonable loss arising from a breach of a fair condition of the tenancy agreement by the tenant is a permitted payment.

(2) In this paragraph a “fair condition” is one that relates to—

- (a) the replacement cost of a lost key or security device, or
- (b) payment of the amount of late rent payments and interest relating to those payments arising under or in connection with the tenancy.

(3) Paragraph 4(2)(a) does not apply if the payment required—

- (a) pertains to rent that was paid within 14 days of the date due under the tenancy agreement, or
- (b) exceeds the interest at Bank of England base rate on the rent from the day the rent was due to the day it was paid.

(4) Paragraph 4(2)(b) does not apply if the condition in the tenancy agreement prescribes a fixed fee to be paid for each breach of this term.”

*This amendment would remove default fees as a permitted payment and permit the payment of landlord and agent expenses where there is a clear cost due to a tenant fault.—(*Melanie Onn.*)*

The House divided: Ayes 241, Noes 302.

Division No. 234]

[5.9 pm

AYES

Abbott, rh Ms Diane	Cooper, Julie
Abrahams, Debbie	Cooper, Rosie
Ali, Rushanara	Cooper, rh Yvette
Allin-Khan, Dr Rosa	Corbyn, rh Jeremy
Amesbury, Mike	Coyle, Neil
Antoniazzi, Tonia	Crausby, Sir David
Austin, Ian	Creagh, Mary
Bailey, Mr Adrian	Creasy, Stella
Barron, rh Sir Kevin	Cruddas, Jon
Beckett, rh Margaret	Cryer, John
Benn, rh Hilary	Cummins, Judith
Berger, Luciana	Cunningham, Alex
Betts, Mr Clive	Cunningham, Mr Jim
Blackman-Woods, Dr Roberta	Daby, Janet
Blomfield, Paul	Dakin, Nic
Brabin, Tracy	Davey, rh Sir Edward
Bradshaw, rh Mr Ben	David, Wayne
Brake, rh Tom	Davies, Geraint
Brennan, Kevin	De Cordova, Marsha
Brown, Lyn	De Piero, Gloria
Brown, rh Mr Nicholas	Dent Coad, Emma
Bryant, Chris	Dhesi, Mr Tanmanjeet Singh
Buck, Ms Karen	Dodds, Anneliese
Burden, Richard	Doughty, Stephen
Burgon, Richard	Dowd, Peter
Butler, Dawn	Drew, Dr David
Byrne, rh Liam	Dromey, Jack
Cable, rh Sir Vince	Duffield, Rosie
Cadbury, Ruth	Eagle, Ms Angela
Campbell, rh Mr Alan	Eagle, Maria
Campbell, Mr Ronnie	Efford, Clive
Carden, Dan	Elliott, Julie
Carmichael, rh Mr Alistair	Ellman, Dame Louise
Champion, Sarah	Elmore, Chris
Chapman, Jenny	Esterson, Bill
Charalambous, Bambos	Evans, Chris
Coaker, Vernon	Farrelly, Paul

Farron, Tim
 Field, rh Frank
 Fitzpatrick, Jim
 Flint, rh Caroline
 Fovargue, Yvonne
 Foxcroft, Vicky
 Frith, James
 Furniss, Gill
 Gaffney, Hugh
 Gapes, Mike
 Gardiner, Barry
 George, Ruth
 Gill, Preet Kaur
 Glindon, Mary
 Godsiff, Mr Roger
 Goodman, Helen
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hardy, Emma
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Hayman, Sue
 Healey, rh John
 Hendrick, Sir Mark
 Hepburn, Mr Stephen
 Hill, Mike
 Hillier, Meg
 Hobhouse, Wera
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon
 Hoey, Kate
 Hollern, Kate
 Hopkins, Kelvin
 Howarth, rh Mr George
 Huq, Dr Rupa
 Jardine, Christine
 Jarvis, Dan
 Johnson, Diana
 Jones, Darren
 Jones, Gerald
 Jones, Graham P.
 Jones, Helen
 Jones, Sarah
 Jones, Susan Elan
 Kane, Mike
 Keeley, Barbara
 Kendall, Liz
 Khan, Afzal
 Killen, Ged
 Kinnock, Stephen
 Kyle, Peter
 Laird, Lesley
 Lamb, rh Norman
 Lammy, rh Mr David
 Lavery, Ian
 Lee, Karen
 Leslie, Mr Chris
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 Lloyd, Stephen
 Lloyd, Tony
 Long Bailey, Rebecca
 Lucas, Caroline
 Lucas, Ian C.
 Madders, Justin
 Malhotra, Seema

Mann, John
 Marsden, Gordon
 Martin, Sandy
 Maskell, Rachael
 Matheson, Christian
 McCabe, Steve
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Andy
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McMahon, Jim
 McMorris, Anna
 Mearns, Ian
 Moon, Mrs Madeleine
 Morden, Jessica
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Norris, Alex
 O'Mara, Jared
 Onasanya, Fiona
 Onn, Melanie
 Osamor, Kate
 Owen, Albert
 Peacock, Stephanie
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Phillipson, Bridget
 Platt, Jo
 Pollard, Luke
 Pound, Stephen
 Powell, Lucy
 Qureshi, Yasmin
 Rashid, Faisal
 Rayner, Angela
 Reed, Mr Steve
 Rees, Christina
 Reeves, Ellie
 Reeves, Rachel
 Reynolds, Emma
 Reynolds, Jonathan
 Rimmer, Ms Marie
 Rodda, Matt
 Rowley, Danielle
 Ruane, Chris
 Russell-Moyle, Lloyd
 Ryan, rh Joan
 Shah, Naz
 Sheerman, Mr Barry
 Sherriff, Paula
 Shuker, Mr Gavin
 Siddiq, Tulip
 Skinner, Mr Dennis
 Slaughter, Andy
 Smith, Angela
 Smith, Eleanor
 Smith, Laura
 Smith, Nick
 Smith, Owen
 Smyth, Karin
 Snell, Gareth
 Sobel, Alex
 Spellar, rh John
 Stevens, Jo
 Stone, Jamie
 Streeting, Wes

Stringer, Graham
 Sweeney, Mr Paul
 Swinson, Jo
 Tami, Mark
 Thomas, Gareth
 Thomas-Symonds, Nick
 Timms, rh Stephen
 Turley, Anna
 Turner, Karl
 Twigg, Stephen
 Twist, Liz
 Umunna, Chuka
 Vaz, Valerie

Walker, Thelma
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitfield, Martin
 Williamson, Chris
 Wilson, Phil
 Woodcock, John
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:
Thangam Debbonaire and
Jeff Smith

NOES

Adams, Nigel
 Afolami, Bim
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Amess, Sir David
 Andrew, Stuart
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Badenoch, Mrs Kemi
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 Bebb, Guto
 Bellingham, Sir Henry
 Benyon, rh Richard
 Beresford, Sir Paul
 Berry, Jake
 Blackman, Bob
 Blunt, Crispin
 Boles, Nick
 Bottomley, Sir Peter
 Bradley, Ben
 Bradley, rh Karen
 Brady, Sir Graham
 Braverman, Suella
 Brereton, Jack
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burghart, Alex
 Burns, Conor
 Burt, rh Alistair
 Cairns, rh Alun
 Campbell, Mr Gregory
 Cartledge, James
 Cash, Sir William
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Sir Christopher
 Churchill, Jo
 Clark, Colin
 Clark, rh Greg
 Clarke, Mr Simon
 Cleverly, James
 Clifton-Brown, Sir Geoffrey
 Coffey, Dr Thérèse
 Collins, Damian
 Costa, Alberto
 Courts, Robert
 Cox, rh Mr Geoffrey
 Crabb, rh Stephen
 Crouch, Tracey
 Davies, Chris
 Davies, David T. C.
 Davies, Glyn
 Davies, Mims
 Davies, Philip
 Davis, rh Mr David
 Dinanage, Caroline
 Djanogly, Mr Jonathan
 Docherty, Leo
 Donaldson, rh Sir Jeffrey M.
 Donelan, Michelle
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Duddridge, James
 Duguid, David
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Ellis, Michael
 Ellwood, rh Mr Tobias
 Elphicke, Charlie
 Eustice, George
 Evans, Mr Nigel
 Evannett, rh Sir David
 Fabricant, Michael
 Fallon, rh Sir Michael
 Ford, Vicky
 Foster, Kevin
 Fox, rh Dr Liam
 Francois, rh Mr Mark
 Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fysh, Mr Marcus
 Gale, Sir Roger
 Garnier, Mark
 Gauke, rh Mr David
 Gibb, rh Nick
 Gillan, rh Dame Cheryl
 Girvan, Paul
 Glen, John
 Goldsmith, Zac
 Goodwill, rh Mr Robert
 Gove, rh Michael
 Graham, Luke
 Graham, Richard
 Grant, Bill
 Grant, Mrs Helen
 Gray, James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian

Greening, rh Justine
 Grieve, rh Mr Dominic
 Gyimah, Mr Sam
 Hair, Kirstene
 Halfon, rh Robert
 Hall, Luke
 Hammond, rh Mr Philip
 Hammond, Stephen
 Hancock, rh Matt
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrington, Richard
 Harrison, Trudy
 Hart, Simon
 Heald, rh Sir Oliver
 Heappey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Herbert, rh Nick
 Hinds, rh Damian
 Hoare, Simon
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Adam
 Howell, John
 Huddleston, Nigel
 Hughes, Eddie
 Hunt, rh Mr Jeremy
 Hurd, rh Mr Nick
 Jack, Mr Alister
 James, Margot
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Sir Bernard
 Jenrick, Robert
 Johnson, rh Boris
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Keegan, Gillian
 Kennedy, Seema
 Kerr, Stephen
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lamont, John
 Lancaster, rh Mark
 Latham, Mrs Pauline
 Leadsom, rh Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Letwin, rh Sir Oliver
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Little Pengelly, Emma
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Maclean, Rachel
 Main, Mrs Anne
 Mak, Alan
 Malthouse, Kit
 Mann, Scott

Masterton, Paul
 Maynard, Paul
 McLoughlin, rh Sir Patrick
 McPartland, Stephen
 McVey, rh Ms Esther
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Miller, rh Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Moore, Damien
 Mordaunt, rh Penny
 Morgan, rh Nicky
 Morris, Anne Marie
 Morris, David
 Morris, James
 Mundell, rh David
 Murray, Mrs Sheryll
 Neill, Robert
 Newton, Sarah
 Nokes, rh Caroline
 Norman, Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 Perry, rh Claire
 Philp, Chris
 Pincher, Christopher
 Poulter, Dr Dan
 Pow, Rebecca
 Prentis, Victoria
 Prisk, Mr Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, rh Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rosindell, Andrew
 Ross, Douglas
 Rowley, Lee
 Rudd, rh Amber
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Seely, Mr Bob
 Selous, Andrew
 Shannon, Jim
 Shapps, rh Grant
 Sharma, Alok
 Shelbrooke, Alec
 Simpson, David
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, rh Julian
 Smith, Royston
 Soames, rh Sir Nicholas

Soubry, rh Anna
 Spelman, rh Dame Caroline
 Spencer, Mark
 Stephenson, Andrew
 Stevenson, John
 Stewart, Iain
 Stewart, Rory
 Streeter, Mr Gary
 Stride, rh Mel
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Sir Desmond
 Swire, rh Sir Hugo
 Syms, Sir Robert
 Thomas, Derek
 Thomson, Ross
 Throup, Maggie
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David
 Trevelyan, Mrs Anne-Marie
 Truss, rh Elizabeth

Tugendhat, Tom
 Vara, Mr Shailesh
 Vickers, Martin
 Villiers, rh Theresa
 Walker, Mr Charles
 Walker, Mr Robin
 Wallace, rh Mr Ben
 Warburton, David
 Warman, Matt
 Watling, Giles
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williamson, rh Gavin
 Wilson, rh Sammy
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
Wendy Morton and
Rebecca Harris

Question accordingly negated.

Schedule 1

PERMITTED PAYMENTS

Amendments made: 24, page 23, line 31, leave out “that a tenant is required to make”.

This amendment and Amendments 25 and 29 to 42 clarify that a payment may be a permitted payment whether it is required to be made by the tenant or a person acting on behalf of, or who has guaranteed the payment of rent by, a tenant.

Amendment 25, page 23, line 32, leave out from first “the” to end of line 33 and insert

“tenancy agreement requires the payment to be made.”

See the explanatory statement for Amendment 24.

Amendment 26, page 23, line 38, leave out “loss suffered” and insert

“costs which—

() are reasonably incurred”.

This amendment and Amendment 28 means that, to be permitted payment, a default payment must be limited to the landlord’s or agent’s reasonable costs, which must also be evidenced in writing.

Amendment 27, page 23, line 38, at end insert “or letting agent”.

This amendment has the effect that a payment to a letting agent in the event of a default by the tenant may be a permitted payment where paragraph 4 of Schedule 1 applies.

Amendment 28, page 23, line 39, after “default,” insert “and

() are supported by evidence in writing which is provided to the person on whom the requirement to make the payment is imposed.”.

See the explanatory statement for Amendment 26.

Amendment 29, page 24, line 2, leave out

“that a tenant is required to make”.

See the explanatory statement for Amendment 24.

Amendment 30, page 24, line 15, leave out

“that a tenant is required to make”.

See the explanatory statement for Amendment 24.

Amendment 31, page 24, line 25, leave out “that a tenant is required to make”.

See the explanatory statement for Amendment 24.

Amendment 32, page 24, line 38, leave out “that a tenant is required to make”.

See the explanatory statement for Amendment 24.

Amendment 33, page 24, line 39, leave out from “payment” to end of line 41.

See the explanatory statement for Amendment 24.

Amendment 34, page 25, line 2, leave out “that a tenant is required to make”.

See the explanatory statement for Amendment 24.

Amendment 35, page 25, line 3, leave out from first “the” to end of line 4 and insert

“tenancy agreement requires the payment to be made.”

See the explanatory statement for Amendment 24.

Amendment 36, page 25, line 5, leave out “that a tenant is required to make”.

See the explanatory statement for Amendment 24.

Amendment 37, page 25, line 7, leave out from second “the” to end of line 8 and insert

“tenancy agreement requires the payment to be made.”

See the explanatory statement for Amendment 24.

Amendment 38, page 25, line 13, leave out “that a tenant is required to make”.

See the explanatory statement for Amendment 24.

Amendment 39, page 25, leave out line 15 and insert “tenancy agreement requires the payment to be made.”

See the explanatory statement for Amendment 24.

Amendment 40, page 25, line 19, leave out “that a tenant is required to make”.

See the explanatory statement for Amendment 24.

Amendment 41, page 25, line 20, leave out from “the” to end of line 21 and insert

“tenancy agreement requires the payment to be made.”

See the explanatory statement for Amendment 24.

Amendment 42, page 25, line 22, leave out “that a tenant is required to make”.—(*Rishi Sunak.*)

See the explanatory statement for Amendment 24.

Schedule 2

TREATMENT OF HOLDING DEPOSIT

Amendment made: 43, page 26, line 24, after “applied” insert

“, with the consent of the person by whom it was paid”.—(*Rishi Sunak.*)

See the explanatory statement for Amendment 9.

Schedule 3

FINANCIAL PENALTIES ETC

Amendments made: 44, page 27, line 33, after second “paragraph” insert “4(3A) (period for payment)”.

See the explanatory statement for Amendment 13.

Amendment 45, page 28, line 27, leave out from second “the” to end of line 28 and insert “relevant period.”

See the explanatory statement for Amendment 13.

Amendment 46, page 28, line 28, at end insert—

“(3A) In sub-paragraph (3) “the relevant period” means—

(a) in relation to a financial penalty under section 8, the period of 28 days beginning with the day after that on which the notice is served;

(b) in relation to an amount which is required to be paid under section 10(2), (5) or (8) or 11(1), the period specified in the notice.

(3B) A period specified as mentioned in sub-paragraph (3A)(b) must be a period of at least 7 days but not more than 14 days beginning with the day after that on which the notice is served.”

See the explanatory statement for Amendment 13.

Amendment 47, page 29, line 8, leave out from “period” to end of line 9 and insert

“that is the relevant period in relation to the penalty by virtue of paragraph 4(3A).”

See the explanatory statement for Amendment 13.

Amendment 48, page 29, line 10, after “suspended” insert

“so far as it relates to the penalty which is the subject of the appeal”.—(*Rishi Sunak.*)

See the explanatory statement for Amendment 13.

Madam Deputy Speaker (Dame Rosie Winterton): I will now suspend the House for no more than five minutes in order to make a decision about certification. The Division bells will be rung two minutes before the House resumes. Following my certification, the Government will table the appropriate consent motion, copies of which will be available shortly in the Vote Office and will be distributed by Doorkeepers.

5.24 pm

Sitting suspended.

5.30 pm

On resuming—

Madam Deputy Speaker (Dame Rosie Winterton): I can now inform the House that I have completed the certification of the Bill, as required by the Standing Order. I have confirmed the view expressed in the provisional certificate published with the selection list. Copies of the final certificate will be made available in the Vote Office and on the parliamentary website. Under Standing Order No. 83M a consent motion is therefore required for the Bill to proceed. Copies of the motion are available in the Vote Office and on the parliamentary website, and have been made available to Members in the Chamber. Does the Minister intend to move the consent motion?

Rishi Sunak indicated assent.

The House forthwith resolved itself into the Legislative Grand Committee (England) (Standing Order No. 83M(4)).

[DAME ROSIE WINTERTON *in the Chair*]

5.31 pm

David Linden (Glasgow East) (SNP): I beg to move, That the Committee do sit in private.

The Second Deputy Chairman of Ways and Means (Dame Rosie Winterton): I regret that I have to inform the hon. Gentleman that I cannot put his motion to the Committee. That is because he is not a member of the Legislative Grand Committee, because he does not represent a qualifying constituency—in this case, a constituency in England. Under Standing Order No. 83W,

a Member who is not a member of a Legislative Grand Committee may take part in its deliberations but may not vote, make any motion or move any amendment.

David Linden: Further to that point of order, Madam Deputy Speaker. Thank you for your ruling on that. Can you just clarify for me, as you have done, that because I am a Member from a Scottish constituency I am unable to take part in proceedings of this House, and indeed that that is contrary to what the people of Scotland were told in 2014, when they were told they were an equal part of the United Kingdom?

The Second Deputy Chairman: The hon. Gentleman may take in part in the deliberations but, as I have said, he may not vote, make any motion or move any amendment.

As the knife has fallen, there can be no debate. I call the Minister to move the consent motion.

Motion made, and Question put forthwith (Standing Order No. 83M(5)),

That the Committee consents to the Tenant Fees Bill.—(*Rishi Sunak*).

Question agreed to.

The occupant of the Chair left the Chair to report the decision of the Committee (Standing Order No. 83M(6)).

The Deputy Speaker resumed the Chair; decision reported.

Third Reading

Queen's consent signified.

5.33 pm

The Secretary of State for Housing, Communities and Local Government (James Brokenshire): I beg to move, That the Bill be now read the Third time.

I thank Members on both sides of the House for their passionate and constructive contributions to the Bill's passage through the House. We all agree that the Bill's aim of making renting fairer, more transparent and more affordable for tenants is important. As such, it is a key part of the Government's housing agenda. More people are renting, and they deserve help now, which is what the Bill is all about. We want to ensure that everyone, regardless of whether they own their home or rent, or whether they are in the social or private sector, has the security and dignity they need to build a better life.

The feedback and evidence we received recognised the challenges that tenants in the private sector face, especially regarding unfair fees and the need to rebalance the relationship between tenants, landlords and agents. Having listened, we introduced amendments on Report to ensure that the Bill better delivers on our commitment to create a system that works for everyone. I thank all those who have engaged with the process, from our initial consultation through to pre-legislative scrutiny and since the Bill's introduction to the House. That includes members of the Housing, Communities and Local Government Committee, with their invaluable pre-legislative scrutiny of the Bill; those who provided written and oral evidence to the Committee; and the organisations that have engaged so constructively with my officials in drafting guidance for the Bill.

Mr Betts: I thank the Secretary of State for his kind words about the Select Committee. Does he think that there is a wider lesson to be learned—that it would be helpful if the Government more generally provided draft legislation for Select Committees to consider, rather

than simply coming to the House with proposals that they have already determined without any consideration in Select Committee?

James Brokenshire: I recognise the important contribution that Select Committees, and Joint Committees of both Houses, make to pre-legislative scrutiny of draft Bills, and we can point to a number of examples. As I am sure the hon. Gentleman will appreciate, at other times the Government need to act quickly. The Bill has been a good example of the balance needed between ensuring consultation and engagement.

I also wish to pay special tribute to the Under-Secretary of State, my hon. Friend the Member for South Derbyshire (Mrs Wheeler), for all her efforts to develop the Bill and ensure its successful introduction. We all send her our heartfelt best wishes.

I also wish to thank the Under-Secretary of State, my hon. Friend the Member for Richmond (Yorks) (Rishi Sunak), who has been instrumental in leading the Bill through the Commons and has been careful and conscientious in listening to the views of Members on both sides of the House.

We can all agree that the Bill has benefited from everyone's input and, as a result, will be more effective in delivering on its promise to protect tenants from unfair charges. As we have heard, those charges can impose a significant burden on tenants, who often have little choice but to pay excessive and unjustified fees time and again for each property let or even just to renew an existing agreement. The Bill will put a stop to such unacceptable practices by banning unfair and hidden charges, making it easier for tenants to find a property at a price they are willing to pay and saving renters an estimated £240 million within the first year alone. The Bill will also help to introduce a level playing field for landlords and agents by protecting reputable players in the market from having their reputations tarnished by rogues.

I know that the changes have raised concerns in some parts of the letting market, but agents who offer good value and high quality services to landlords will continue to be in demand and play an important role in the sector. In addition, the Bill introduces a cap on tenancy deposits of six weeks' rent, and we are not stopping there. We want to ensure improvements to how deposits are protected in the interests of both tenants and landlords, to reduce up-front costs to tenants. That is why we recently established a working group to look at the merits of innovative approaches to tenancy deposits, such as deposit passporting.

I am confident that the measures in the Bill will help to deliver the fairer, clearer and more affordable private rented sector that we all want to see—for tenants, yes, but also for decent, professional landlords and agents who are providing a vital service. I am happy to commend the Bill to the House.

5.38 pm

Melanie Onn: I thank the Secretary of State for his words and my colleagues who have taken part in the debates and assisted in Committee. The conversations that we have had have been very helpful, and were certainly heard to some degree by the Minister, and I thank him for that. I am pleased that the Bill is leaving the House in a better state than when it was introduced, after pressure from Labour to improve specific elements

[Melanie Onn]

of it. But there is still more that the Bill needs to include to stop this being a missed opportunity for 4.7 million tenants in England. Those tenants often end up in the private rented sector not by choice but because of the lack of social housing, especially in high-demand areas.

The Government need to consider further the impact of their policy, which allows default fees to continue to be open to abuse. More than half of tenants do not see their tenancy agreement before putting money down for a tenancy. Much emphasis is still placed on the ability of a tenancy agreement to signify a mutually understood and fair relationship, but that is very often not the reality for tenants. The Bill continues to place reliance on guidance, so much so that the Chair of the Delegated Powers and Regulatory Reform Committee, Lord Blencathra, has said that, since the guidance will play such an important part in the functioning of this Bill, it should be subject to parliamentary scrutiny, but we are yet to see even a hint of a first draft. I hope that the Government reconsider the current provision regarding default fees and bring in regulations to tie down tenants' rights. If they remain steadfast against that idea, will they at least follow the advice of Lord Blencathra?

Members on both sides of the House have raised continuing issues regarding deposits and enforcement. However, Labour fundamentally supports the Bill because it will tackle many of the unfair fees that tenants face when they rent a property, and will help to build a more professional, transparent and fairer private rented sector across England. I am pleased that years of Labour pressure have finally twisted the Government's arm on this issue and brought forward a Bill that starts to do genuine good for tenants. But the battle to create a private rented sector that works for the 4.7 million renters in this country is far from complete.

The most recent English housing survey made for hard reading for many of England's private renters. The rental market is affecting more and more people from a wider variety of groups. The proportion of families in our rental market is going up, with 20% more families in the private rental sector since 2010. More and more children—not just young adults and students—are growing up in rental accommodation. Although the short-term nature of rental accommodation offers flexibility for some, it can have a devastating effect on others. Families in rental accommodation are nine times more likely to move than those who own a house, incurring repeated deposits and fees. Despite today's efforts, rental regulation in this country still leaves a lot to be desired, and tenants need far more long-term security when they rent a house.

We had hoped that this Bill would be broadened to make longer tenancies a reality, and to ensure that families do not face yearly moves and get hit with repeat fees and costs. However, despite the Prime Minister's protests at Prime Minister's questions today, there were reports last night that suggested that the Government are afraid to take that measure to further help millions of renters around the country.

As this Bill moves to the other place, there remain issues that could be explored further to improve rights and access to rights for renters, and to ensure that suitable deterrents and enforcement are in place to improve the private rental sector in the UK. I trust that genuine

issues raised by Members today will be given closer consideration to reflect the hopes of those in the private rented sector.

5.42 pm

Wera Hobhouse (Bath) (LD): May I first draw the attention of the House to my entry in the Register of Members' Financial Interests?

One of the many effects of the housing crisis is the sheer amount of people now forced into the private rented sector. It is for this reason that I am adamant that we must improve conditions for renters. The Liberal Democrats have fought long for renters' rights, so I welcome and support this Bill. It is vital that we in Westminster ensure that tenants' fees are abolished because of the transient nature of the private rented sector, particularly for young people. However, the housing crisis has also pushed many families into renting and, as we heard earlier, the leading cause of homelessness is the ending of a private rented sector tenancy.

While rental costs continue to spiral, people are becoming trapped. They cannot afford their rent, but nor can they afford to move because of the myriad administrative fees. We must ensure that the Bill fully ends the practice of tenants' fees. However, as the Bill is currently drafted, there are still loopholes around default fees. The Secretary of State's amendments go some way towards closing the gap, and ensuring that letting agents and landlords do not introduce new fees under a different name. However, the text of the Bill is still too ambiguous, leaving what constitutes a reasonable cost to the discretion of landlords or letting agents. We must also provide local authorities with appropriate funding to enforce the ban. If local authorities have no resources to enforce it, landlords and letting agents will just continue with this unreasonable practice.

I urge the Secretary of State to listen to the concerns raised today. Otherwise he will undermine legislation that could really make a difference to people's lives. There is little merit in introducing legislation with obvious loopholes that allow individuals to continue with a practice that we want to stop. There is also very little merit in introducing legislation that we cannot enforce due to the lack of resources.

We currently have about 5 million households in the private rented sector. Today we are beginning to tackle letting fees, but there must be more wholesale reform of the private rented sector. For example, my Liberal Democrat colleagues and I believe that there must be compulsory registration of landlords, that there must be public access to the Government's database of rogue landlords, and that those landlords should not be able to obtain a licence for houses in multiple occupation.

This Bill is, in good measure, the result of the hard work put in by my Liberal Democrat colleagues in the other place. I look forward to further improvements as the Bill progresses.

5.45 pm

Mr Betts: It is good to be here today supporting a Bill that has secured general agreement across the House and is a positive move to help tenants in particular circumstances. I hope that, as the Secretary of State said, the work of the Select Committee has assisted in that process. As I said, I think it would be better if more Bills went through such a process on a regular basis.

It is good that the Government have been listening to the Select Committee and have reflected that in their amendments.

However, the Bill raises a number of issues about the need for wider reform in the private rented sector. While we were pleased with the Government's response to this Bill, we are probably less pleased by their response to our report on the private rented sector in general, where we think they still have a way to go in delivering real change. We will be pushing them on that.

One of the issues across the sphere of issues in the private rented sector is housing courts. That issue applies to this Bill, as I said in the debate on the amendments. If we are properly to deal with the issue of enforcement and a place to go—not merely for tenants but for landlords—to sort out disputes in an easy way that all sides can afford, we need to reform the way in which that can be done through a new system of housing courts. The Select Committee is certainly going to press on that. I hope that the Government will be responsive. They have indicated their desire to do something in that regard, but we have not yet seen what they intend.

The Secretary of State rightly said that the Minister has been particularly assiduous in listening and responding to the Select Committee's concerns, but the Bill began under the remit of the Under-Secretary of State, the hon. Member for South Derbyshire (Mrs Wheeler). I would like to put it on record that Labour Members recognise that the hon. Lady has been through an incredibly difficult personal time in the past few months. We offer her our best wishes and sympathy and say how good it is to see her back in her place in this House today.

Question put and agreed to.

Bill accordingly read the Third time and passed.

VOYEURISM (OFFENCES) (NO. 2) BILL (BUSINESS OF THE HOUSE)

Ordered,

That, at this day's sitting, the following provisions shall apply to proceedings on the Voyeurism (Offences) (No. 2) Bill:

Timetable

(1) (a) Proceedings on Consideration and proceedings up to Third Reading shall (so far as not previously concluded) be brought to a conclusion two hours after commencement of proceedings on the Motion for this Order.

(b) 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.

Timing of proceedings and Questions to be put

(2) If, following proceedings on Consideration of the Bill, a Legislative Grand Committee withholds consent to the Bill or any Clause or Schedule of the Bill or any amendment made to the Bill, the House shall proceed to Reconsideration of the Bill without any Question being put.

(3) If, following Reconsideration of the Bill—

(a) a Legislative Grand Committee withholds consent to any Clause or Schedule of the Bill or any amendment made to the Bill (but does not withhold consent to the whole Bill),

(b) the Bill is amended to remove any provisions which are not agreed to by the House and the Legislative Grand Committee, and

(c) a Minister of the Crown indicates his or her intention to move a minor or technical amendment to the Bill as so amended, the House shall proceed to consequential Consideration of the Bill without any Question being put.

(4) For the purpose of bringing any proceedings to a conclusion in accordance with paragraph (1), the Speaker or Chairman shall forthwith put the following Questions (but no others) in the same order as they would fall to be put if this Order did not apply—

(a) any Question already proposed from the Chair;

(b) any Question necessary to bring to a decision a Question so proposed;

(c) any Question on any amendment, new Clause or new Schedule selected by the Speaker or Chairman for separate decision;

(d) the Question on any amendment moved or Motion made by a Minister of the Crown;

(e) any other Question necessary for the disposal of the business to be concluded.

(5) On a Motion so made for a new Clause or a new Schedule, the Speaker or Chairman shall put only the Question that the Clause or Schedule be added to the Bill.

(6) If two or more Questions would fall to be put under paragraph (4)(d) on successive amendments moved or Motions made by a Minister of the Crown, the Speaker or Chairman shall instead put a single Question in relation to those amendments or Motions.

(7) If two or more Questions would fall to be put under paragraph (4)(e) in relation to successive provisions of the Bill, the Speaker or Chairman shall instead put a single Question in relation to those provisions, except that the Question shall be put separately on any Clause of or Schedule to the Bill which a Minister of the Crown has signified an intention to leave out.

Miscellaneous

(8) Standing Order No. 15(1) (Exempted business) shall apply so far as necessary for the purposes of this Order.—
(*Lucy Frazer.*)

Voyeurism (Offences) (No. 2) Bill

Consideration of Bill, not amended in the Public Bill Committee

New Clause 1

REQUIREMENT TO AMEND GUIDANCE

“The Director of Public Prosecutions shall ensure, within six months of this Act coming into force, that any guidance issued under section 37A of the Police and Criminal Evidence Act 1984 is amended to ensure that such guidance specifies information to be provided to the Director of Public Prosecutions to assist with—

- (a) the prosecution of an offence under this Act, and
- (b) the identification of any aggravating factor to an offence under this Act.”—(*Stella Creasy.*)

This new clause requires the Director of Public Prosecutions to ensure that guidance provided to the police is amended to require the police to provide information to assist with the prosecution of the offences under this Bill or the identification of any aggravating factors.

Brought up, and read the First time.

5.48 pm

Stella Creasy (Walthamstow) (Lab/Co-op): I beg to move, That the clause be read a Second time.

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

Amendment 1, in clause 1, page 1, line 9, leave out “for a purpose mentioned in subsection (3))”.

Amendment 2, page 2, line 1, leave out paragraph (c).

Amendment 3, page 2, line 6, leave out subsection (3).

As drafted the Bill potentially does not outlaw “upskirting” in certain cases such as for purely financial motives; or where the motivation is “group bonding” where the identity of the victim is irrelevant. This amendment makes all “upskirting” an offence.

Amendment 5, page 2, line 8, at end insert—

“(3A) It is an offence for a person (A) to disclose an image of another person (B) recorded during the commission of an offence under subsection (2) if the disclosure is made without B’s consent.

(3B) It is a defence for a person (A) charged with an offence under subsection (3A) to prove—

- (a) that disclosure of the image was necessary for the purposes of preventing or detecting crime, or
- (b) that A did not disclose the image with the intent of disclosing an image of another person’s genitals, buttocks or underwear.”

As the Bill is currently drafted it would be an offence to take an upskirting picture but not necessarily an offence for it to be distributed (existing “intimate image” legislation does not outlaw the distribution in all cases). This amendment makes it an offence to distribute non-consensual “upskirting” images.

Amendment 7, page 2, line 13, at end insert—

“(4A) Where a court is considering for the purposes of sentencing the seriousness of an offence under this section, and either or both of the facts in subsection (4B) are true, the court—

- (a) must treat any fact mentioned in subsection (4B) as an aggravating factor (that is to say, a factor that increases the seriousness of an offence), and
- (b) must state in open court that the offence is so aggravated.

(4B) The facts referred to in subsection (4A) are that—

- (a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrated towards the victim of the offence hostility based on the victim having (or being presumed to have) a particular sex characteristic, or

- (b) the offence was motivated (wholly or partly) by hostility towards persons of who share a particular sex characteristic, based on them sharing that characteristic.

(4C) For the purposes of subsection (4B), “sex characteristic” means the protected characteristic of sex in section 11 of the Equality Act 2010.

(4D) The Secretary of State shall, within twelve months of Royal Assent being given to this Act, request that the Law Commission review the provisions of subsections (4A) to (4C).”

This amendment ensures that if the crime is motivated by misogyny then that will be considered by a court as an aggravating factor when considering the seriousness of the crime for the purposes of sentencing.

Amendment 4, page 2, line 27, leave out

“mentioned in section 67A(3)(a) (sexual gratification)” and insert “of obtaining sexual gratification”.

Amendment 6, page 2, line 29, leave out from “the” to end of line 40 and insert

“offender was aged 18 years or older at the time of the offence”.

This amendment makes the offence notifiable in all cases when the offence is committed by a person aged 18 or over and for sexual gratification.

Stella Creasy: I want to put on record my tremendous respect for the very hard work done by Gina Martin to get this legislation before Parliament and by the hon. Member for Bath (Wera Hobhouse). It is a testament to the power of a good argument whose time has come. All these women are right that we should not wait around for this legislation, but we should make sure that it works.

I also want to put on record my support for the work that the right hon. Member for Basingstoke (Mrs Miller) has done, and for her amendments and the case she is making. I will be voting for the Bill and supporting it wholeheartedly, but I will also be supporting all efforts to improve it, because I do not believe that those two things are incompatible. We should never let the perfect be the enemy of the good. We should recognise that legislation with holes in it will inevitably return to us. It is in that spirit that I have tabled my new clause and amendment, which are about the context in which this crime takes place, and I am proud to see the support for them from across the House.

Let me be very clear that treating misogyny as something we should tackle is not about flirting. It is not about banter. It is not about telling all men that they are rapists. It is not even about new crimes. We cannot apply a hate crime tariff to something that is not already a hate crime. It is about something that has become so widespread that we treat it as a fact of life—but only for 51% of our population.

Across the UK, a huge majority—85%—of young women and nearly half of all women report experiencing sexual harassment in public places. Only one in 10 of them have ever reported receiving help after such incidents. Without recognising the role of misogyny in the day-to-day experiences of women in our society, our legal and criminal justice system masks the true extent of the hostility that exists against gender. This is not about criminalising wolf-whistling or flirting. It is about recognising existing crimes that are motivated by hostility towards somebody because of their gender, as well as recognising what they are—hate crimes.

Although women have protection in their workplaces under equality legislation, as soon as they step out of the door on to our streets, they are not protected.

If somebody targets people on the basis of their faith or religion, they can receive a tougher sentence for their behaviour under the Criminal Justice Act 2003. Somebody who repeatedly targets women in the same way faces no such comparable sanction.

I hope that we all agree that our young women deserve better. It is particularly our young women who are reporting this as part and parcel of everyday life. One thousand women aged 14 to 21 were asked by Plan International about their experiences in public settings, whether on transport, walking on the street, just going to school or even going to work, with 66% saying they experienced unwanted sexual attention or sexual or physical contact in a public place. Some 40% said that they experienced verbal harassment and 15% said they had been touched, groped or grabbed at least once a month.

What does that mean in practice? It means the experiences of my own constituents, whom I asked about this issue. One woman was followed down the road by a man in a car demanding that she get in. She was then told that he was pranking her when she complained and called a racist for refusing to go with him. A mother wrote to me about her young daughter. Only last week, somebody had come up to her in a tube station, put his face right up in hers and shouted, “Sexy bitch,” very aggressively. She had been sitting on a bus as men played videos of men masturbating, showing the phones to her to make sure she had seen them. As the mother said:

“This is not about trying to chat someone up—it’s a power play, exerting control and making women feel frightened and unsafe in their own streets.”

Girls and women are nervous about retaliation and worried about what might happen if they fight back. Women say that it is not about whether they are attractive, because violence is never far behind if they reject these advances.

This is about what makes a hate crime. It is not pleasant and funny; it is a way of keeping women and girls feeling on edge all the time and unable to move freely in their own areas. As the mother said, her children walk around “heads down, headphones in”, tensely and purposely avoiding eye contact or hassle from men. That is harassment—it is legally harassment. The women have said no, yet these men still persist. All of us worry what a man who behaves like that might go on to do if his behaviour is not addressed.

It is really important for us to be very clear that we are not talking about all men. Most men in this country do not behave like that towards women, and would be horrified to see that kind of behaviour happening to their mothers, daughters, wives, sisters or friends. In proposing my amendments, I want to defend the reputation of the men of this country. This is not about their behaviour; it is about some men’s behaviour—enough men’s behaviour to make women’s lives difficult, and enough men’s behaviour to mean that women experience hatred.

Anna Soubry (Broxtowe) (Con): I am listening with great care, as ever, to the case that the hon. Lady is making, and I have some sympathy with it. My problem—will she help me with this?—is that I will be really troubled if we see all this offending as offences of hate against women, because much of it is genuinely in the category of sexual offending, which is often a deeper problem that must absolutely be stopped, prosecuted and so on, and sometimes it is harassment. I do not

support the hon. Lady’s amendments; I think that we need to know more about this. Although my own view is that this absolutely needs to go to the Law Commission, I do not care where it goes, but it needs proper and full exploration so that we get this right. I am sure that she is right that some of the behaviour is misogynistic, but not all of it is.

Stella Creasy: As ever, I agree with much of what the right hon. Lady says. I think we need to say that the bigger thing she is talking about is misogyny. There are men out there who are hostile towards women and act accordingly. As a result, 51% of our population experiences harassment and a particular type of crime. At the moment, we cannot name, recognise and differentiate it, and therefore say, as we do with racially or religiously targeted hatred, that there is a premium on it. That is what the amendments would achieve.

This is also about what drives police behaviour, because if something is a crime, the evidence about it of course needs to be gathered. I have to admit to my honest frustration, as the first female MP for Walthamstow, where a number of people have tried to report their experience. Let me give the Minister some examples of the things we are talking about—the responses the women I have mentioned got back when they reported these crimes. In particular, in response to the woman followed down the street by a man demanding that she get into his car and threatening her with his behaviour when she tried to say no, the police said that the

“behaviour is only threatening, abusive, or insulting if the person...intended it to be so, or if he was aware...that it was so. The comments about his believing it to be a prank and being blown out of proportion would make that difficult to achieve.”

Let us think about that for a moment: the experience of the victim of this behaviour—their fear, their terror—means nothing because the man just said, “I was kidding”. We would not allow that for any other form of crime, so why do we allow it when it comes to men who harass women?

Alex Chalk (Cheltenham) (Con) *rose*—

Stella Creasy: I will happily give way to my colleague from the Bill Committee.

Alex Chalk: As always, the hon. Lady makes a powerful point, but just because a defendant or suspect alleges that that was in their mind and therefore has a defence, it does not mean a tribunal of fact—magistrates or a jury—will believe it. Very often they say, “What a load of old nonsense. We’re going to convict you.” Does she agree?

Stella Creasy: I hesitate to say that the hon. Gentleman was not listening to what I said, but this was what the police said. Such a case will never get to a point at which a jury or somebody looks at the evidence base because we do not have a commitment to recording and recognising misogyny. Such a commitment would mean that the police would record and recognise it in the same way as racial or religious hatred. Before this case got to the test that the hon. Gentleman is setting, the police said that they would not investigate it further. The challenge facing women across this country is that we do not take this seriously: 66% of women have changed their behaviour to try to avoid street harassment as the police are not taking it seriously.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): I am sure that the hon. Lady shares my concern that many crimes with a gendered aspect have rates of reporting and of final prosecution that are so low. We need to look at all the reasons for that.

Stella Creasy: I completely agree. This is the point about changing the mindset. Let me reassure the hon. Member for Cheltenham (Alex Chalk) that where police forces, particularly in Nottingham, have started to record misogyny as a hate crime—this is not a new idea—it is transforming the experience of women not just when it comes to street harassment, but when it comes to violence against women in total.

Anna Soubry: Will the hon. Lady give way?

Sir Mike Penning (Hemel Hempstead) (Con): Will the hon. Lady give way?

Stella Creasy: I will happily give way to a Nottingham MP and then to the right hon. Gentleman, but then I really must make some progress, because I am conscious that other Members want to speak.

Anna Soubry: I rise purely to put on record that that has been done by Nottinghamshire police. I think it is the first force to do so, and we believe that the evidence is showing that it is having exactly the right effect on the police, in that they are taking this seriously and seeing it as an offence.

Stella Creasy: I desperately apologise to the people of Nottinghamshire for forgetting the “Shire”—I am not a fan of “The Lord of the Rings”. I hope the right hon. Lady will forgive me.

Sir Mike Penning: As a former Minister for Policing and Criminal Justice, I stress that just because the police were not willing to take the matter forward does not mean that an offence has not taken place. This will be driven forward by guidance to the police, particularly from the College of Policing, and by the evidence about what is happening in Nottinghamshire. The offence is there, whether or not we change the wording of the Bill today. Trying to force someone into a car is an offence, and the police should take it seriously.

6 pm

Stella Creasy: I understand the point that my colleague is making, but women in this country have suffered from this chicken-and-egg syndrome for too long. The idea is that because the offence exists, somehow it will be taken seriously, but the bitter reality of women’s experience shows that that is not the case. New clause 1 is designed to amend the guidance that is given to the police in recognition of that fact. The existence of specific offences has driven change, as amendment 7 is designed to do. I do not disagree with my colleague, but unless we get the proposed measure in the legislation, the way in which the police deal with the problem will not change quickly enough to give the women of today the freedom to walk on the streets, as he does, without being frightened.

Sarah Champion (Rotherham) (Lab): My hon. Friend will know that one reason why hate crime legislation is so powerful is that the emphasis is on the victim and how they perceive the crime. If misogyny was a hate crime,

the police response to the examples that my hon. Friend has given would automatically not be permissible. Power is shifted to the victim.

Stella Creasy: As ever, my hon. Friend is on the money about the importance of a victim-centred approach. We know from Nottingham—[*Interruption.*] I do apologise; I meant Nottinghamshire—sorry, Frodo. We know from those examples that recognition of the multiple kinds of intersectional hostility that women may face has been a powerfully positive experience, particularly for women from black and ethnic minority backgrounds.

Internationally, this is not a new idea. Spain, Croatia, Sweden, Estonia, Italy, Belgium and France all recognise gender and misogyny as a basis for hate crime. We are talking about replicating our current model for racial and religious hatred, and saying that we should be able to recognise similar hostility in the sentencing of particular crimes. We should be able to recognise the hate as it is.

There is already a framework that Ministers can use. The Crown Prosecution Service and the police already define cases involving hostility as

“any...offence that is perceived by the victim or any other person to be motivated by hostility or prejudice.”

The CPS does not have a legal definition of hostility; it uses the everyday understanding of the word. We all understand and recognise misogyny when we talk about ill will, spite, contempt, prejudice, unfriendliness, antagonism, resentment and dislike. We seek to echo existing protections and to put the protections that we offer someone for their religious or ethnic background in a position of parity with those that we offer them for their sex background.

I accept that amendment 7 is not a perfect amendment because it covers only upskirting, but upskirting is a classic example of an offence that happens within the context of misogyny. It is motivated by misogyny.

Alex Chalk *rose*—

Stella Creasy: I will happily give way to the hon. Gentleman because I know he feels very strongly about this.

Alex Chalk: The hon. Lady is making a powerful point, but she has identified something that she is right to concede is a weakness. It would be very odd, would it not, if misogyny could be applied to the offence of upskirting but not to rape, sexual assault or revenge porn. Does she therefore agree that a solution might be to get the Law Commission to look at the matter in a more holistic way?

Stella Creasy: It is almost as though the hon. Gentleman read my mind—he is right. The data shows us that 15% of young girls say that they are being groped, and there might be somebody behind that and we want to record where it is happening. Clearly, this is not just about how people use mobile phones in the modern world. It is about the hatred towards women that exists among a small group of men in our society, and the damage that that is doing to our society as a whole.

I have said clearly that we would not press the amendments if we could have a meaningful and properly funded Law Commission review into all hate crime, including misogyny, looking at both existing and new legislation. I do not think that that is a lot to ask.

I know that the Law Commission is open to looking at the matter and that it recognises the importance of new legislation. We required new legislation to extend such protections to disability and transgender identity.

Victoria Prentis (Banbury) (Con): In the interim, while we wait for a wider review of the law on hate crime generally, would it be helpful for police guidance to reflect the points that the hon. Lady is quite rightly raising, in the way that it does on sexting, for example?

Stella Creasy: Absolutely. I would love it if all police forces, including the Metropolitan police—I know that the Mayor of London is looking into this issue—could learn from Nottinghamshire police and the other four forces that are acting, but I also recognise that the police are asking Parliament to offer guidance on these issues, and that is what we can do today. If we change the law and offer women new protections from hatred, we will send a clear message to women that they can report these crimes, and a clear message to the police that they should not only record them, but do something about them.

I am pleased that the Law Commission is open to reviewing this issue, and I am pleased to hear from those who work with people who deal with hate crime on a daily basis. The proposal in the new clause has the support of Refuge; the Southall Black Sisters; Stonewall; Citizens UK, which has been doing fantastic work campaigning on this issue in Nottinghamshire; the Fawcett Society; Tell MAMA; Dimensions, which works with people with disabilities; Solace Women's Aid; and Respond, which works with children and adults with learning disabilities. There is a whole panoply of people who recognise that hate is holding our society back and that it is right that we make sure that that does not happen.

Right now, we say that if a woman is targeted in her workplace, we know who is wrong, but as soon as she steps outside, we do not know what happens. New clause 1 is about that gap in our legislation.

I know that some people—not just on Twitter—are going to ask about men. The “What about the men?”—the misandry point. The Law Commission review could look into all that, but let us be clear that it is not men who are trying to report this crime on a regular basis. It is not men who are experiencing this regularly. It is not men who are being targeted in this way. It is not men who we say are worthy of protection at work, but not if they dare to go out at night. Let us engage in all the whataboutery that we want to, but do not tell me that women's experiences do not matter. When people argue against these proposals, they are saying that, on that basis, the existing protected characteristics are not that important—that there is a limit to how far they want equality to go.

I have had that in some of the comments I have received about this issue. A gentleman wrote to me today to say:

“Obviously this is a law to prevent perverts' fantasies. Yet as a society why is it we have allowed women and even our daughters and granddaughters to dress even more suggestively than was the case generations ago that must be giving rise to fantasies...out there?”

Under your eye, Sir, if you have been watching. May you be blessed.

Another man wrote to me to say that I am abusing my position

“to push for Misandry to be juxtaposed with her Misogyny.”

and to

“target the bloke-hating females of the species”

because I am a

“a nasty feminist ‘I’m Offended’ snowflake whinger hell bent on emasculating male society.”

The vast majority of men in this Chamber and in our society do not want to be associated with that bile, but they do want to make sure that people are safe, and that is what this is really all about. It is not about flirting or banter. I have yet to meet a couple who have said that they met because he followed her down the street demanding that she get in the car with him. It is about how we make this a country where everybody is free.

I am really done with all the whataboutery and all the opposition to this. It is not really a lot to ask for, is it? We would like to be able to walk around this country free from fear. We would like those who target women in a hostile way to be held to account. We would like the harassment to stop.

I am fed up with being told that there have been private briefings saying that somehow this issue is too controversial—too difficult—and that we are going to delay legislation. This is 2018. This is not Gilead. It is not about all men, but it is about some men. There is only one person who can stop this legislation, and that is the gentleman sitting opposite—the Secretary of State—but I know that he does not want to do that. I know that he can hear a reasonable request to review all hate crime, and to look at new and existing legislation to get it right for the 21st century so that we can protect everyone from being targeted just for being who they are. I will tell him, though, that we will not keep waiting. We will not keep being frightened. We will not keep being hassled for going about our daily lives. Please, do not tell women to put up with this because you find it difficult. Let us get on and make 21st century laws to stop it.

Mrs Maria Miller (Basingstoke) (Con): My hon. Friend the Member for Christchurch (Sir Christopher Chope) was right. In objecting, he has given Parliament the proper opportunity to scrutinise the Bill. If he had not objected, the Bill would have gone through on the nod and the amendments we are debating today would not have been possible. The failings of the private Members' Bill procedures are not for discussion on Report. No one, least of all me, is denying the need to address swiftly the wrongdoing of upskirting, but that should not be at the expense of proper scrutiny. We have to wake up to the need to jettison antiquated, opaque procedures in this place, procedures that in this instance I believe have left a respected and longstanding hon. Member, my friend and fellow Wessex Member of Parliament, open to hostile attack for acting to ensure that this new law is subject to appropriate levels of scrutiny.

As we have just heard from the hon. Member for Walthamstow (Stella Creasy), the issues we are discussing today on upskirting are a part of far broader issues to do with image-based abuse and sexual harassment in public places. It is right that we address upskirting,

[Mrs Maria Miller]

but it is also right that we reject the piecemeal approach for dealing with these issues. The Women and Equalities Committee is looking at the issue of sexual harassment in public places. The hon. Member for Rotherham (Sarah Champion) is in her place. We have taken copious amounts of evidence on this issue and we will be issuing a report in autumn dealing with many of the issues that the hon. Member for Walthamstow has raised today. The Government need a cohesive strategy in this area. I believe this piecemeal approach is not the right way forward. Indeed, if we had a cohesive strategy, we would not need this Bill.

In wanting to move so swiftly to change the law, the Government are right to use the existing Scottish legislation as its base. However, the Scottish Act was passed eight years ago, and in that time the Scottish Government have themselves recognised significant shortcomings in their own law and made changes, changes that are not reflected in the Bill before us today. The amendments tabled in my name and in the names of right hon. and hon. Members from across the Conservative party, the Liberal party, Plaid Cymru, the Scottish National party and Labour seek to rectify those shortcomings and tackle the emerging problems that we are seeing with the Scottish legislation: very, very low levels of prosecutions and convictions, with legislation that has now been in place for eight years.

Amendment 3 makes all upskirting a crime. At the moment, the Bill is very narrowly defined. There should never be an instance when it is acceptable to take a photo up anyone's skirt without their consent. The issue should be the lack of consent, not the motivation of the perpetrator. The perpetrator's intentions can be difficult for the police to prove. Is it to humiliate? Is it to alarm? Is it to distress the victim? They may never know or care who the victim is. The picture may be shared for a laugh, or taken and sold and then sold on again. How do the police track the buyers and sellers of these photographs? The Bill explicitly does not outlaw upskirting per se; it outlaws it in certain circumstances.

Sir Mike Penning: I completely agree with my right hon. Friend's vitally important amendments. Looking at the evidence of what happened in Scotland, we see that the very low number of prosecutions—as low as three, I think—was partly because the intent of the upskirting could not be proved. Instead of the offence just being, “This is wrong, let's prosecute”, the intent had to be proven. That was the problem with the Scottish legislation and why the number of prosecutions was so low. My right hon. Friend's amendments will address that issue. If they are not accepted today, I hope this issue can be addressed in the other place once the Select Committee's report comes out.

Mrs Miller: We have to make the law work in practice, as well as on paper. Like my right hon. Friend, I believe that because these things have been made so complex, the police are finding them difficult to implement. I am not sure that we have an investigation into that. The Minister may want to talk to us further about what she has found out from her Scottish colleagues, because I think they are looking at it in a lot of detail.

6.15 pm

Sir Christopher Chope (Christchurch) (Con): I am most grateful to my right hon. Friend, particularly for the generous comments with which she began her remarks.

As a consequence of this being a Government Bill rather than a private Member's Bill, my right hon. Friend will have seen its financial implications. The financial implications set out in the explanatory notes are on the basis that there will be 29 prosecutions a year—that is all. Is she surprised at all the hoo-hah about this, and that the Government are expecting only 29 prosecutions a year?

Mrs Miller: My hon. Friend will hear my thoughts on that in a few moments when I talk about my experience of estimates of the levels of revenge pornography, which were equally low. In practice, there has been much more of it. I therefore wonder how accurate the projections are.

My concern is that drawing the Bill in this way will artificially depress the number of people who come forward. The courts might think that Parliament, in its specific omission of certain groups of people who perpetrate this crime—we know they are doing it already—is artificially narrowing the number of convictions that are brought forward. I do not think that is how Parliament wants the Bill to work. Amendment 3 would make sure that it worked far more broadly and called to account all the people who are committing this crime, not just a very small section of them.

The Minister was at pains in Committee to underline that the two purposes are based “word for word”, as she said, on the Scottish Act. As we have heard, only a handful of cases have been brought under that legislation—just three a year over the past eight years. That is an extraordinarily low level in the context of the statistics that the hon. Member for Walthamstow went through. Research tells us that about one in 10 young people in this country experiences upskirting. That would mean a far higher rate than just three in Scotland or just under 30 in the UK. We need to hear from the Minister what information she has received from Scotland on why there is such a low level of conviction, and what will be done to change that.

I was interested to read the evidence of Alison Saunders of the Crown Prosecution Service. While it said that the motivations in the Bill covered the overwhelming majority of cases, it admitted that:

“It is not inconceivable that suspects will advance the defence that...they had another purpose, such as ‘high jinks’.”

That is a direct quote from her. How confident is the Minister that the CPS has a true grasp of the nature of this offence, given the data we have that implies that there are far more than just a handful of cases every year? As I said, I recall being told that there were just a handful of cases of revenge pornography—fewer than 10 every year—by the same Crown Prosecution Service. With the right legislation, which was put in place by the coalition Government, we now see more than 500 convictions a year for revenge pornography.

Adopting the Scottish model might artificially limit the number of cases that are brought forward. What will the Government do to address that? Will the Minister undertake to have a review of the way the law is working in practice, so that we are not simply having a nice

debate today that has very little impact on the lived reality of people who experience this appalling invasion of their privacy and this virtual sexual assault?

Rather than requiring the police to tease out the motivation of an offender and to prove that a victim was humiliated, alarmed or distressed, amendment 3 would make upskirting of any kind a crime. It would have absolutely no impact on the ability of a court to identify the most dangerous offenders and place them on the sex offenders register. Nor would it increase the number of people who are drawn into that.

Amendment 5 directly tackles the other shortcoming in the Scottish Act by making it an offence to distribute upskirting images. Given the Government's stated objective of copying the Scottish Act word for word, it is unclear why they have chosen to omit the pivotal amendment made to the Scottish Act in 2016 outlawing the distribution, particularly online, of upskirting images. Our existing laws on this issue are patchy at best. I am aware of the Law Commission's long overdue inquiry into laws in the online world, but to present the Bill with an essential element missing appears to me to be at best an oversight. Will the Minister explain why she felt she should omit this element of the Bill, when it was deemed an essential change required in Scotland?

We need a broader review of the law on image distribution—I have felt that strongly since I was first approached by a constituent about revenge pornography—and I am delighted that the Law Commission is now doing work in that area, but it will take a number of years to complete. In the meantime, outlawing distribution in this Bill specifically would be a stopgap solution, with the Scottish experience as a clear legal rationale. Will the Minister speak to her Scottish counterpart to understand why the amendment was made in Scotland and perhaps even revisit this in the Lords? I am sure their lordships will also be keen to take an interest in this aspect of the Bill.

There was much talk in Committee about not wanting to unintentionally criminalise people, particularly young people, and that is absolutely right—there can be few people who see that as helpful—but rather than dwelling on the perpetrators, we also need to think about the victims and the huge damage being done, particularly to young women, who are on the receiving end of this type of sexualised assault. What message is Parliament sending to young men who are taking pictures up the skirts of their school mates for a laugh if this place excludes that from the law? What are we saying to those young women about the value we put on their right to be protected in law if we see this sort of non-consensual virtual sexual assault as a price worth paying?

I commend the hon. Member for Walthamstow for raising the issue of misogynistic hate crime. It is under active consideration by the Women and Equalities Select Committee in its current inquiry, and I would not want to prejudge that inquiry, but I will say that the scale of sex-based and gender-based crime needs to be recorded, recognised and acted upon, and it needs to be tackled much more broadly, not just in terms of upskirting. I also fully endorse her sentiments about the Law Commission, although it could be said that including that element in the Bill could be problematic in other discussions.

The hon. Member for Bath (Wera Hobhouse) is a tenacious campaigner, and it is to her credit that we are here today discussing the Bill, which deserves the full

support of the House. As today's debate proves, swift change does not have to come at the expense of proper scrutiny.

Sarah Champion (Rotherham) (Lab): I want briefly to share my experiences last week in Korea, in Seoul, where upskirting has not been addressed either by society or by the law. The situation there for women and girls is truly horrific. Girls are scared to go into any sort of public toilet, whether in their school or a shopping mall, and women, when they go into public toilets, take a device with them and scan the toilet to see whether they are going to be violated in this way. I do not want us to go down that route. I want us to look at what is motivating society. Why do men seem to feel entitled literally to expose women in this way, sharing the images and seeing them as objects they can control and do whatever they want with?

We have spoken a little bit about the potential of there being only a low number of prosecutions for this crime. I see that as a good thing. What making this illegal would do is send out the clearest message to people that this is a crime and an offence and that they will have action taken against them if they carry it out.

I am incredibly pleased that relationship education is now coming into primary school for all children. A key component of that is explaining to children what is and is not acceptable and that these gender assumptions are put upon them from the very youngest age and that it is their right to challenge them and to have society challenge them on their behalf, so that they can live a full life, making the choices that they believe in and that they are able to make.

I want to reflect briefly on our society and on how we have come to this point now where we have femicide—two murders a week of women—where violence against women is commonplace and where we have this complete objectification of women without any recourse. I go right back to the very beginning when little girls are effectively told what their expectations can and should be. They are given dolls and tea sets. They are told to be complicit and they are told to be quiet. Boys are told that they will be great crusaders. They have guns and they can become world leaders. We encourage children's expectations at the age of two or three. That then becomes amplified through social media and, specifically, through online porn.

Porn is overwhelmingly made by men for men and overwhelmingly sees the woman as an object that a man can use and abuse however they choose with no repercussion. Until we get the relationship education that shows children that this is a fantasy—in many cases, a perverse fantasy—that is what children will believe that they have to be subjected to. I am talking about boys and girls. When Members go into secondary schools, I am sure that they have young boys and girls coming up to them and asking them, “Do I have to have anal sex? Do I have to strangle my girlfriend when I have sex? Do I have to have sex with other people there?” They are genuinely anxious about this, and we are letting our children down. This legislation on upskirting is about saying, “No, this is unacceptable. It is unacceptable for you to perpetrate and it is unacceptable for it to happen to you.” It sends out a really clear message. I am incredibly grateful that the Government have introduced this Bill.

[Sarah Champion]

I also wish to focus on the amendments that include the distribution and the profiting from upskirting. Much of this is being done for money. In Korea, that is what is happening. People are humiliating women not just for their personal gratification, but to make money, so it would be a grave omission if that were not included.

I turn now to the substantive point that I have been trying to make: this crime is a symptom of the misogyny that we are experiencing in this country and that we are seeing escalating in this country, and it needs to be tackled in this country. I urge the Minister to carry out the review that has been proposed by my hon. Friend the Member for “Walthamshire”—[Laughter]—and to incorporate the amendments in the Bill.

Sir Christopher Chope: May I say how much I welcome this debate? I am grateful to the Government for taking forward this measure as a Government Bill rather than relying on the private Members’ procedure. I am also very grateful to my right hon. Friend the Member for Basingstoke (Mrs Miller), the Chair of the Women and Equalities Committee, for her generous comments about the importance of being able properly to scrutinise in a sober fashion the very serious issues that are contained in this Bill and indeed the wider debate, which has been developed by the hon. Member for Walthamstow (Stella Creasy). In answer to her point on that, I say bring on the Law Commission. As a member of the Home Affairs Committee, I think that it is very important that we should try to keep abreast of new developments. Hate crime is one of those vile activities that we need to legislate against, but we need to do it in a really good way. The best way to do that is, as she suggests, by getting the Law Commission on board because it has the expertise to help us in this House.

6.30 pm

The original Bill was brought forward and the rest is history in a sense. I shouted “Object” on 15 June, and the following weekend was completely wrecked for my wife and me because of what was, I think, a largely deliberate misunderstanding of my motives. I know Gina Martin did not misunderstand, because I spoke to her immediately after the debate on Friday 15 June.

What happened was that on that day in the newspapers there was a report quoting the Under-Secretary of State for Justice, my hon. and learned Friend the Member for South East Cambridgeshire (Lucy Frazer), currently sitting on the Front Bench, saying she had announced:

“By making ‘upskirting’ a specific offence, we are sending a clear message that this behaviour will not be tolerated”.

I thought that was an expression of intention by the Government that they would bring forward their own law, but then I was surprised to find that that was not their original intention and I wrote a letter to *The Times*, which was published on the following Monday, and said:

“To ensure the fastest, fairest and surest passage to the statute book for a bill to outlaw “upskirting”, the Government should introduce its own without delay. I shall then give it my wholehearted support.”

I am glad the Government did do just that, and I put on record my appreciation.

As a result of the publicity generated around this issue even Lord Pannick felt obliged to use his weekly column on the law in *The Times* to write an article on 5 July headed, “The upskirting Bill must be scrutinised properly to make it effective.” My right hon. Friend the Member for Basingstoke has referred to that article on other occasions, and in it Lord Pannick made clear the inadequacy of some of the existing law and what he saw as the inadequacy of the proposals in the original Bill, which, indeed, are also contained in this Bill. It seems to me, following what he is saying, that there is an enormous amount to be said for the relevant amendment tabled by my right hon. Friend, which I have signed and reflects an amendment I tabled originally but was never debated because I was not allowed to be a member of the Second Reading Committee.

Isabel Hardman has recently written a book about the need for Members of Parliament to concentrate on their key role of scrutinising, rather than doing other things, and if we are to scrutinise these Bills, we need to get down to looking at the detail, which is what my right hon. Friend has done. It is a pity that, because she expressed to the Government Whips some differences with the Government on the content of the Bill—which obviously I had done, too—despite her position as the Chairman of the Women and Equalities Committee, she was immediately deemed not qualified to serve on the Second Reading Committee. The Selection Committee had obviously decided that there were better stooges around than my right hon. Friend, or me for that matter. If we are to make the system of scrutiny work, we must free up the selection system under the Selection Committee. I note that there is a motion on the Order Paper for later today, and perhaps the Government’s mind might be concentrated a bit if there were an objection to it.

Stella Creasy: I feel the need to stand up for the members of the Committee, having been a member of it myself, and to reflect that the discussions we had in Committee about treating misogyny as a hate crime did not receive Front-Bench support. That made me, as a Back-Bench Member scrutinising the Bill, reflect on what more could be done to win that argument. It is not always a good thing to be told no.

Sir Christopher Chope: I have nothing but praise for the hon. Lady. Fortunately, the Opposition Whips, who are represented on the Selection Committee, obviously did not think it was necessary to allow the Bill to proceed without any amendment. It is worth putting on record that, during that Committee debate, the official Opposition spokesman said:

“The Opposition support the Bill completely, and will not propose any amendments.”—[Official Report, Second Reading Committee, 2 July 2018; c. 17.]

At that stage, the Opposition were blindly supporting the Bill, rather than being prepared to examine exactly how it might be improved.

Mrs Miller: My hon. Friend has referred to the procedures, processes and membership of Committees. I should like to remind him that the Second Reading of this Bill was done in Committee, and I had to fight slightly to be a member of that Committee. Does he agree that using these kinds of techniques has not really

speeded up the delivery of the Bill up to this point and that it has created an opaqueness about the methodology that Parliament uses?

Sir Christopher Chope: It has certainly done the latter. It is quite a long time since a Second Reading Committee was set up to consider a piece of legislation, but in terms of making faster progress, there is no doubt that we are much further on than we would have been if this had remained a private Member's Bill. Some of the other Bills that had already had their Second Reading have yet to come out of Committee and reach their Report stage. So those are some of the advantages of having a Government Bill. Another advantage is that when the Bill goes into Committee, the Committee has the opportunity to take evidence. My right hon. Friend gave potent evidence to the Committee, as did other witnesses. That would not have been possible if the Bill had stayed a private Member's Bill.

Wera Hobhouse (Bath) (LD): Can the hon. Gentleman perhaps confirm that he said "Object" on 15 June in order to speed up the process of the Bill?

Sir Christopher Chope: My purpose in saying "Object" was that I wanted the Bill to be scrutinised, and full marks to the Government—I do not always give them full marks—for recognising that this was a Bill that could be properly scrutinised only if it became a Government Bill. So did I achieve my objective? Yes, I did. I am pleased that the Government have done this. I am sure that the hon. Lady, having seen the strength of some of the amendments and new clauses, will reflect on the fact that if the Bill had been left as a private Member's Bill for her to steer through, she would have been under pressure from the Government throughout. They would have told her not to accept any amendments, and that if she did, the Government would prevent the Bill from making progress. The Bill would have been vulnerable as a private Member's Bill—that is particularly true when a Bill reaches the other place.

Mr Speaker, I know that I am going to be told that I am straying from the amendments that I am seeking to address, and I apologise if I am doing that. I am hoping to establish support for amendment 1, tabled by my right hon. Friend the Member for Basingstoke, to ensure that the Bill delivers what it says on the tin. The Minister said that she was going to outlaw upskirting, and judging by the correspondence that I have had, most people assumed that that was what was going to be delivered. But then when one looks at the detail of the Bill's financial implications, one works out that the Government are banking on it costing only £230,000 a year to prosecute all these offences. When one divides that by £8,000, which is the cost of each case, one comes up with a figure of 29 prosecutions a year. If the hon. Member for Bath (Wera Hobhouse) had gone out into the street in her constituency and said, "I'm bringing forward this really important piece of legislation that will result in 29 prosecutions a year," I am unsure whether people would have thought that it was as significant as it was being portrayed.

Sarah Champion: Does the hon. Gentleman accept that we are trying to prevent the crime from being carried out by making it clear in this Bill that upskirting is a crime? It should therefore be seen as a good thing if the Bill brings down the number of cases of upskirting.

Sir Christopher Chope: I agree with the potential deterrent role that legislation can have, but I would use a different analogy. There is a general law against driving without due care and attention, but due to the incidence of and public concern about people driving while using mobile phones, which was and is, strictly speaking, an offence under the law against driving without due care and attention, Parliament decided to introduce a specific offence, effectively replacing the previous one. The hon. Lady will know that, sadly, that specific offence has not actually had the deterrent effect for which many people had hoped, and that large numbers of people are still offending.

Taking that analogy and looking at the specific offence contained within the Bill, amendments to which we are seeking to discuss, if the general common law under which a lot of upskirting activity is prosecuted at the moment is replaced with a specific statutory law, prosecutions will come under the specific law, rather than under the general common law, which, as Lord Pannick has said, is vague and ambiguous in many respects. If the consequence of the Bill is that all offences of upskirting are then brought within its ambit and prosecuted on that basis, that will be great and I am all in favour of it.

However, if we are going to do that, we should not constrain those offences by saying that they can be proved only if a motive is also proved. As my right hon. Friend the Member for Basingstoke asked, why is not the mere fact that somebody takes a photograph without the consent of the "victim" an offence in itself? Why do we have to limit the offence in the way that this Bill does?

Mr Speaker: Order. I have been listening patiently and most attentively to the hon. Gentleman, who has offered the House a procedural disquisition and some remarks that touch on what might be called the theology of the Bill, which is of considerable interest to the House. He also animadverted to a number of the Bill's explanatory notes, but if he felt able to proceed fairly promptly to the amendments, which relate specifically to guidance, purposes, aggravating factors, and notification under the Sexual Offences Act 2003, he would be beautifully in order.

Sir Christopher Chope: I am most grateful to you, as ever, Mr Speaker, for your guidance on such matters. Turning specifically to my right hon. Friend's amendment 1, it would remove from the Bill any requirement to prove a motive. It seems to me that the activity itself should be criminal and should not need to have a motive ascribed to it. As soon as a motive has to be established, it makes it much more difficult for the prosecuting authorities. It makes it so easy for members of Her Majesty's constabulary to say, "Well, there was no motive." Why do we need a motive in respect of an offence that outrages public decency? No one has written to me saying that they think upskirting is a reasonable activity in which to participate. I very much hope the Government will accept amendment 1, tabled by my right hon. Friend.

6.45 pm

Being conscious, as always, of time, I will now address my amendment 6, which would change the notification rules under clause 1(4). This provision was not in the original private Member's Bill, but the Government rightly say that if a person is guilty of upskirting for the purpose of sexual gratification, in certain circumstances

they should be put on the sex offenders register. Why should not everyone who has committed an act of voyeurism for the specific purpose of sexual gratification be put on the sex offenders register? Why should putting an offender on the sex offenders register be conditional on whether they have been sentenced to a term of imprisonment, been detained in a hospital or been made the subject of a community sentence, or whether the victim is under 18? Surely, if we want to toughen up the law and, to follow the point made by the hon. Member for Walthamstow, try to deter such activity, why do we not ensure that all cases of upskirting for sexual gratification result in being put on the sex offenders register?

My amendment also says that there should be an exemption for offenders aged under 18. I discussed that with my hon. and learned Friend the Minister, and she said she is not quite sure about allowing any exceptions. If we are talking about 29 prosecutions a year, we are hardly talking about very many people going on the sex offenders register. It would be easier to say that people aged over 18 will go on the sex offenders register.

There could be implications for young people if they find themselves on the sex offenders register in circumstances where they are full of remorse. I remember when, some time ago, I was a practising member of the Bar and a candidate came forward for pupillage. When asked whether he had done anything in the past of which he might be ashamed, he admitted to the offence of mooning while he was at Cambridge University. Some of us in the chambers were quite understanding, but the head of chambers took the view that anybody who had behaved in such an outrageous manner was unfit to be a member of those chambers. I cite that as an example of the unforeseen implications for people who find themselves on the sex offenders register.

If a person over the age of 18 commits upskirting for sexual gratification, why are we faffing about and saying that they may or may not have to go on the sex offenders register? Why do we not put those people on the sex offenders register?

Victoria Prentis: Whether or not these offenders should be on the sex offenders register is a difficult issue, because many of these offences will be committed by under-18s on under-18s; they will receive short sentences, but they will be committing offences on other children. Does my hon. Friend agree that it is right that we have this discussion now? Does he also agree that the police guidance on sexting may be very useful in working out a way forward on this difficult and sensitive matter?

Sir Christopher Chope: I absolutely agree with my hon. Friend that it is very important that we should have this discussion, as this issue is complicated, and I agree with her suggestion. That is another argument in favour of having a proper, sober debate on this issue, without getting too much emotional involvement in it.

Finally, if the Government are reluctant to accept the amendments put forward today and reluctant to extend the scope of the Bill so that it embraces more than 29 potential prosecutions every year, I hope that when the Bill reaches the other place their lordships will look at this legislation and say, "We want to make sure it actually delivers what it says it is going to deliver." It certainly does not do that at the moment, and it will not unless it is amended. One final consequence of this

being a Government Bill is that when it goes to their lordships' place nobody will be deterred from tabling amendments on the basis that if they do so, there will not be time to consider those amendments in private Members' Bill time in the House of Commons and therefore the Bill will be killed. That argument will not run in the House of Lords in relation to a Government Bill, which this is. That is another reason why it is a very good idea that it is a Government Bill. I am very enthusiastic about amendment 1, tabled by my right hon. Friend the Member for Basingstoke, and obviously equally enthusiastic about my own.

Wera Hobhouse: It is a pleasure of sorts to follow the hon. Member for Christchurch (Sir Christopher Chope). We have disagreed on things, but I am pleased to say that I agree with him that we want to make this Bill as good as possible and, in particular, to ensure that it acts as a good deterrent so that people do not consider this vile practice.

I am immensely grateful that the Government have taken the upskirting Bill through the House so quickly. Everyone involved can be very proud of what has been achieved so far. This Bill is testament to how we can all work together constructively. We all agree that upskirting is a vile practice and has to become a specific sexual offence. We all agree that either to gain sexual gratification from upskirting or to take an image for the purposes of distress, humiliation or alarm should not be tolerated and should now be prosecuted in law. We also agree, by and large, that the worst offenders should go on the sex offenders register.

This Bill is aimed at stopping a vile offence by either deterring upskirting in the first place or through the successful prosecution of offenders. We want to ensure that everybody is protected from this crime. We are not debating those common principles today; we are debating how to bring about effective prosecutions and not allow anyone to slip through the net. The wide-ranging discussion on this Bill over the summer has led me to put my name to amendments that explore how we make this upskirting Bill as watertight and effective as possible. I believe that we can strengthen it in two ways.

First, the Bill, as drafted, makes upskirting a sexual offence only if it is done for sexual gratification or if photos are taken to humiliate, distress or alarm the victim. That means that those taking upskirting images for other purposes, for example financial gain, non-sexual enjoyment or "having a bit of a laugh", would not be committing an offence. However, I believe that whether an offence has taken place should be determined by whether the victim has consented and whether the images were taken intentionally. The harm caused to the victim is substantial, regardless of the motivation of the perpetrator. Upskirting should be an offence regardless of the motive.

Secondly, the Bill would make the taking of the image an offence, but not necessarily the distribution of the image. Amendment 5 would make it an offence to distribute an upskirting image without consent, to which two defences would be available—to prevent or detect crime, or that the person distributing the image did not know that it was an upskirting image.

The large increase in sexually offensive images online is a real problem. Only on Monday, the Home Secretary made a speech talking about his shock at the sexual

exploitation of children online, and the responsibility of online platforms. I understand that the Government intend to conduct a wide-ranging review of this problem, but it will probably be years before we can successfully tackle the issue in law. I therefore see no harm in trying to prevent the distributing of upskirting images now, even if other legislation lags behind.

I want the Bill to stop the vile practice of upskirting. It should be a successful tool for prosecution, but it should also act as a deterrent—zero tolerance, no loopholes. Since I got involved in the upskirting campaign, I have understood how distressing upskirting is to victims. I want to make sure that anybody even considering taking an upskirting image should think twice. I would also like the Bill to have a wider purpose—to inform the wider discussion around consent, online distribution of sexual images, and outdated attitudes, especially towards women. We have heard about that subject today, and I very much welcome the contribution by the hon. Member for Walthamstow (Stella Creasy). The Bill marks an important stepping stone, and I am grateful for the largely consensual debate on how we can stop upskirting for good.

Sir Mike Penning: It is a privilege to follow the hon. Member for Bath (Wera Hobhouse) and I congratulate her on the tireless work she has done. I also congratulate Gina Martin, who is a brilliant campaigner: I wish she was with me campaigning on issues in my constituency.

I was not here on the Friday when the private Member's Bill was objected to, but I was conscious of it when the hon. Member for Walthamstow (Stella Creasy) said that not all noes are bad. There was a no, and it means that we are here today. The Bill before us is not perfect, and I shall say more about that, but the reason the Bill has been expedited and we have the amendments is because of what happened then. While my hon. Friend the Member for Christchurch (Sir Christopher Chope) was vilified and attacked in some parts of the press, I think that in his heart of hearts what he wanted—he has objected to many Bills over the years—is scrutiny and for the Government to come forward with their arguments for and against, rather than being squeezed by the technical procedures of Friday sittings.

As a former Minister, I know that the Minister will be under pressure not to accept amendments. I have sat on the Treasury Bench on many occasions and read the notes and briefings. I often got in trouble because I would say, "No, common sense needs to prevail here, because some of these amendments are right." In my opinion, some of the amendments to the Bill are right, and if Ministers do not accept them—or give a very good explanation of how they will address the points made—the House should divide on them. The country is looking to us to give a lead on this important legislation.

One reason we do not have very many prosecutions for the offences that already cover upskirting—the hon. Member for Walthamstow mentioned some of them in her contribution—is that the police and the CPS do not have the confidence that that is what this place intended. I know that because I was a Justice Minister with responsibility for policing and victims, and I have had that put to me. The judges in the appeal courts say all the time, "What is the intent? If Parliament had intended that, it would have put it on the face of the Bill." There are things missing from the face of the Bill that I will now address.

I agree with the hon. Member for Walthamstow that new clause 1, to which she is the main signatory, further expands the provision, but the Law Commission is where this needs to be done. I hope that, when the Minister stands up, common sense will prevail, that we do not need to divide and that the Law Commission can look at the wider aspect of this hate crime, which is what this is.

7 pm

As the father of two gorgeous young ladies, who have grown up into wonderful women, I would be distraught if anybody attempted to take photographs under their skirts. I know what they would feel. I know what my wife would feel if it happened to her or to the children. To me, it is a complete no-brainer that this House has had to catch up—very slowly—with technology and mobile phones. The peeping Tom who was around in the old days is now on the end of a mobile phone on the tube, at work or in the lift. That is what they are: peeping Toms. This voyeurism is an offence, so I do not understand why all upskirting is not an offence on the face of this Bill. It is not possible to accidentally upskirt a lady, as was mentioned earlier. How on earth can someone accidentally take such a photo? Does anyone in this House know how that could possibly happen? Again, it is a no-brainer. The whole act of upskirting should be an offence.

I also cannot understand why the Bill does not include the offence of distribution for cash. Distributing such images to other people is abhorrent and horrible. Why is that not an offence on the face of the Bill? To address amendment 6, why are people convicted of these offences in a court in this country not put on the sex offenders register? I accept some of the points made by my hon. Friend the Member for Christchurch (Sir Christopher Chope) regarding young people. It is really for the courts to decide what happens if the perpetrator is under 18. But if someone is over 18 and has been convicted of this abhorrent, horrible offence that they cannot do by accident—they either do it for money or for their own sexual gratification—they should be on the sex offenders register in order to protect the people whom we were sent here to protect.

The Government have done the right thing by coming forward and expediting the Bill to this position, but it would be a crying shame if we missed the opportunity to send out a message that this House and this Government understand how abhorrent this offence is—if people do it, they will be convicted in a court; if they are found guilty, they should go on the sex offenders register. There can be no argument that the person did it by mistake, that it was just a joke or anything like that. It is not a joke to the lady that it has happened to—my daughter, my wife, my constituent.

We should accept the amendments. I think that we can probably agree regarding new clause 1, if the Law Commission and the Government can commit to a review. As a former Justice Minister, I am slightly apprehensive because lots of things get referred and never come back; the long grass in the Justice Department is very deep at times. But I think we can take the Minister at her word, if she agrees to the Law Commission review.

I would really like the Minister to accept the amendments as they are, as they will not cost the Government huge amounts of money. By the Government's own estimates,

a tiny number of people will be prosecuted. I think that those estimates are wrong and that there will be lots more prosecutions if the police and the Crown Prosecution Service have the guidance from this House to protect our constituents and our families.

Liz Saville Roberts: It is an honour to follow the right hon. Member for Hemel Hempstead (Sir Mike Penning) and his excellent speech, which summarised much of what I intend to say now; I hope he will forgive me.

I would also like to refer to new clause 1 and the need for a review by the Law Commission. With hate crime, we need to look at the rates of reports as compared with the rates of successful prosecutions. If those are low or if something appears difficult to explain, there should then be a consideration of why they are low. I suspect that in many cases we will find that we are trying to use common law or pieces of statute that are now dated and just not clear. Under the weight of criminal activity, it is sometimes very challenging for the police to know how they are going to deal with the matter if there is not a clear route ahead.

I want to speak in support of the amendments tabled in the name of the right hon. Member for Basingstoke (Mrs Miller). Amendment 3, along with amendments 1 and 2, make all upskirting an offence regardless of the motivation of the perpetrator. As I said, the legal clarity necessary to prosecute upskirting becomes blurred when the focus is directed towards establishing an answer to the question of why someone has taken an intimate photo of someone else without that person's consent. Taking a private, intimate photo of someone else without their consent should always be illegal. The legislation as it currently stands ignores victims and their experiences and places its focus solely on the intentions of the perpetrators. It thus fails to capture all instances of upskirting, fails adequately to protect the victim, and fails to make all perpetrators liable for prosecution.

These amendments rightly take the issue of consent as the primary concern, although it is evident that the motivation of the perpetrator should not be completely disregarded; rather, it should be treated proportionately, as we do in other crimes. Serious sexual offenders, such as those who commit upskirting for the purpose of sexual gratification—rather than, say, for financial gain—should still be subject to notification requirements, and the amendment does not stop that from happening. The prosecution of an act of upskirting can examine whether consent was gained when the image was taken, and look at why the image was taken, in order to ensure that offenders are treated appropriately on conviction, with some being placed on the sex offenders registers as necessary, according to their motivation. The amendment does not seek to make all perpetrators of upskirting offences subject to notification requirements, but seeks to ensure that all perpetrators of upskirting offences are able to be prosecuted, regardless of the reasons behind their actions.

The Minister has justified the current drafting of this legislation on the grounds of existing legislation in Scotland, which it mirrors. It is entirely right that we legislate to ensure that upskirting is illegal, but simply copying the legislation as it stands in Scotland, which has recently been revealed to be in need of review, will

not result in an effective or long-term solution. The CPS stated to us in Committee that, if the Scottish legislation were to be replicated in England and Wales, it would

“anticipate that most offending will fall comfortably within these categories”,

but the evidence from Scotland now shows that this is unlikely. Recent figures show that, in the first six years of the law being in operation in Scotland, just 21 prosecutions have taken place out of a total of 142 charges reported—only 15%. That is a clear example of the type of gendered legislation that is not resulting in effective prosecutions. It would be irresponsible for us as legislators to press ahead with this legislation when we have clear proof that many of the reports due to be brought to the police in its name would be unlikely to lead to successful prosecution.

Alex Chalk: The hon. Lady is making a powerful speech. I want to explore one thing, if I may. She is saying, I think, that someone should be guilty of an offence whatever the motivation. If a court were to find that the offence were committed for the purposes of obtaining sexual gratification, then the defendant should be put on to the register, but how, if clause 3 is deleted, will a court be able to establish what the motivation was? Is there not a danger that a jury would not be deciding it but instead a judge? Is there not some logic to ensuring that it will be the jury who will determine this matter, which has important consequences for the penalty that follows?

Liz Saville Roberts: I am grateful to the hon. Gentleman for his intervention. We need to have this debate in relation to these crimes. None the less, if we find ourselves in a situation where the motivation is the sole means by which we decide to move ahead or not, then we are providing a bolthole that will give people a defence. I hope that the Department will be discussing further with its counterparts in the Scottish Government exactly why the prosecution rates are so low there. If there are concerns that we are giving a line of defence on the grounds of motivation, we must be very careful. Are we prioritising the right issue, or is it, as I was trying to explain, rather a matter of proportionality when it comes to sentencing and knowing what the motivation is?

I will now speak in support of amendment 5, which seeks to close the biggest loophole in this legislation—namely, that it would be an offence to take an upskirting picture but not necessarily an offence to distribute it. When the amendment was introduced in Committee, the Minister explained that there were already statutes that might capture the distribution of such photos, such as section 127(1) of the Communications Act 2003 and section 1 of the Malicious Communications Act 1988. Just as the motivation clause of this legislation means that not all upskirting would be outlawed, nor does the present legislation outlaw distribution in all cases.

We should not be passing legislation that only works to a certain extent. I appreciate that the Department for Digital, Culture, Media and Sport and the Law Commission are working together to look into the onward sharing of images as part of their review in relation to online abuse, but failing to include anything in this legislation about distribution risks creating a giant loophole that would facilitate the further distress of victims. It is an entirely predictable outcome that we can see from where we stand.

We have the opportunity to address this issue now, and we should seize it, instead of holding back. When the original upskirting legislation was passed in Scotland, it had to be followed up with additional legislation to cover the distribution of these images. The UK Government unfortunately appear blithely to be following the process of the original legislation in Scotland. I propose that we take the opportunity to learn from the pitfalls experienced there, rather than run headlong into the same complexities. I urge the Minister to commit to work with Scottish legislators to strengthen the Bill.

I encourage the UK Government to join colleagues across the House, who have made some excellent speeches this evening, in supporting the amendments. Otherwise, they risk waving through legislation whose excessive complexity and obvious loopholes will hobble it from day one.

Ross Thomson (Aberdeen South) (Con): I will keep my remarks very short, Mr Speaker.

I want to begin by acknowledging why we are here discussing this very important issue: the incredible work of Gina Martin and her lawyer, my fellow Aberdonian Ryan Whelan. They have worked so hard to campaign on this issue, raise awareness of it and take it forward. I remember meeting Ryan in my constituency office and talking about Gina's experiences as a victim of upskirting, and I just could not believe that this was happening across England and Wales. It felt wrong that it was happening, and that certainly motivated me to get involved in the campaign to give justice to women and victims, and to ensure protection for all young women.

I thank all Members of the House because the Bill has had genuine cross-party support from the Labour party, Plaid Cymru, the Liberal Democrats and the Scottish National party. Their real support for the Bill has helped it to progress so swiftly through the House. It is at moments like this that Parliament shows itself at its best, with cross-party co-operation to put something on the statute book that will do good for our constituents.

We all came into Parliament to make a difference. We want to be able to serve our constituents, to change the law, to right wrongs and to protect some of the most vulnerable. Together, we are doing that. So often people see on television the spats that we have—there will be many more—and the rowdy Prime Minister's questions, but often moments like this, which I genuinely think are when our Parliament is at its best, do not get coverage.

The practice of upskirting—taking a photograph up a person's skirt or clothes without their consent—is truly horrific, and those who have been the victims of such a crime have been clear about how it has personally affected them. Some have described their experiences of upskirting as “scarring”, “a real invasion”, “embarrassing” and “humiliating”. When the Minister talked to the Committee, she referenced the fact that one victim described the invasion of upskirting as making her want to “peel off her skin” and scrub herself clean.

There is a real gap in the law that needs to be filled, and we can do that. This is the moment to do it because upskirting is a terrible and horrific crime. It is a horrendous invasion of privacy, and it is right that offenders will be appropriately punished following the creation of a specific upskirting offence. The whole House will be able to send a clear message to potential perpetrators that this behaviour will not be tolerated.

7.15 pm

To address the amendments in the name of the hon. Member for Walthamstow (Stella Creasy)—this has been mentioned by other Members, including my hon. Friend the Member for Cheltenham (Alex Chalk)—I simply note that they are not about whether misogyny should be a hate crime, but, on their own terms, only about whether misogyny should be introduced as an aggravating factor in respect of this one offence. I believe that to be inappropriate. It would be better for the Bill to be passed and for the Law Commission to look at the merits of making misogyny a hate crime, and I hope that there is consensus on that in the House.

Lastly, because I do not want to take up too much more time, I think that the House is showing itself at its best. As new technology continues to adapt, so should the law. It is right that the Bill has come through Parliament so quickly and that we will get it on to the statute book as soon as possible. Today's debate, and in fact the whole debate on this issue, has been thoroughly thought-provoking, and it is right that we have given the Bill due scrutiny. I thank all Members who have participated, including the hon. Member for Bath (Wera Hobhouse) who, by introducing her private Member's Bill, really helped to take forward this issue. It is right that we are taking this action and doing so quickly, and I look forward to hearing the Minister's speech.

Yasmin Qureshi (Bolton South East) (Lab): I thank all the members of the Public Bill Committee, from both sides of the House, for their work and active participation. May I say that none of them were stooges? They all actively participated in Committee.

I want to congratulate the campaigner Gina Martin, who highlighted this very important issue and the lacuna in the law. I also acknowledge the work of the hon. Member for Bath (Wera Hobhouse), who introduced this measure as a private Member's Bill. Mr Speaker, you could say that this is one of the lessons of the law of unintended consequences. When the hon. Member for Christchurch (Sir Christopher Chope) objected to giving that private Member's Bill a Second Reading, that resulted in an outcry and criticism from every quarter, but it is fair to say that were it not for that, this Bill would not have seen the light of day.

In 2017, the shadow Justice Secretary, my hon. Friend the Member for Leeds East (Richard Burgon), wrote to the Lord Chancellor to ask the Government to enact such legislation in Government time, but they refused to do so. However, we are pleased that they have now been catapulted into bringing forward this Bill. We have supported the Bill at all stages and supported the Government because we recognise the urgency of a situation that needs to be addressed. The Bill was drafted by Ms Martin's lawyers and we did not want in any way to cause difficulties or a delay in proceedings.

Let us be clear: upskirting is a depraved violation of privacy. It is shocking that in England and Wales at the moment there is no specific criminal offence to cover this, and that it is instead being prosecuted under more general offences such as outraging public decency, although we know it can be difficult to satisfy many of the requirements of such offences. The law as it stands means that the focus of the offence is often on protecting the public from potential exposure to lewd, obscene or disgusting acts, rather than on protecting the individual

[Yasmin Qureshi]

victim. Some people have been prosecuted for upskirting on the basis of outraging public decency, but that is not really what that specific provision in law was designed for.

The law should focus on individual victims and the crimes committed against them. A number of cases have highlighted the failings of the current law, and I start with the case in 2007 of Simon Hamilton, a barrister, who was convicted after secretly filming up the skirts of women in supermarkets. He was able to appeal on the basis that because none of the victims had been aware of the filming and no one had seen the film, public decency had not been outraged. Then there was the case of Guy Knight, a former chartered accountant, who took photographs up women's skirts on trains over a period of five months while commuting to work. He was caught after suspicious passengers reported him to the police. More than 200 illicit images were found on his phone and laptop, and 10 of the women in the pictures were traced by the police. None of them was aware that they had been photographed.

This campaign came about because of Ms Gina Martin. About a year ago, she was at a festival in London with her sister when she noticed that the man behind her had taken photos up her skirt. Shocked and distressed, she sought help from the police, but the law was not sufficient to ensure that they could help her. That is why a change in the law is required, and it is why we have supported the Government throughout proceedings on this Bill.

We must remember that many women right across the UK are being affected. This can happen to any woman on public transport, in a park, at a concert, or even just on a walk along a busy street without the victim even realising that the photographs have been taken. It is impossible to judge how many women have been victims of upskirting, although a quick internet search will bring up hundreds of sites and thousands of images. On phones and laptops there may be millions more pictures that were taken on the streets, on escalators, in shopping centres, in supermarkets, in nightclubs and in other places. I think the hon. Member for Christchurch may be wrong to say that the Bill will cover only 29 cases per year.

There are endless web forums where amateur upskirters can exchange tips on how to get the best picture. One was posted by a man who had made a "cam-bag"—a holdall that had a specially made pocket with a hole for a digital video camera lens. The post says:

"Never forget to shoot their faces before or after to know which girls the ass belongs to...After the first...asses, they look very similar and you lose most of the fun. After upskirting them, either step back and wait for them to turn or step by them and shoot directly sidewise."

Another poster on the forum said that he operates

"mostly at theme parks and tourist hotspots, or really anywhere that draws a large crowd of spectators and cameras".

He finds

"an attractive young lady, preferably a teen for my tastes, and then I evaluate the situation."

Mrs Miller: The hon. Lady mentioned that my hon. Friend the Member for Christchurch (Sir Christopher Chope) referred to 29 cases. It was the Government, not my hon. Friend, who said that there would be 29 cases

a year. Does she not share the concern that that is a very small number, given the prevalence of the problem and the evidence that she is presenting about the number of websites on which this issue is so blatant?

Yasmin Qureshi: I thank the right hon. Lady for that intervention, and I stand corrected. The hon. Gentleman referred several times to the figure of 29 cases, and I sensed that he was trying to say that the estimate that 29 people a year would be affected made the Bill not very important. By referencing, as the right hon. Lady said, what is happening online, I was trying to emphasise that the Bill will potentially cover many, many more people.

Sir Christopher Chope: If the hon. Lady needs a reference for the figure—I am surprised if she does—it is contained in the explanatory notes. Paragraphs 29 to 31, which concern the financial implications of the Bill, make it clear that the cost per prosecution is £8,000, and that the total cost to the Exchequer of the legislation will be £230,000 a year. If we divide one into the other, we get the figure of 29.

Yasmin Qureshi: I thank the hon. Gentleman for that helpful lesson in arithmetic. I can do that arithmetic, but the point I was trying to make was that he kept repeating that figure, so it seemed to me that he was trying to suggest that the Bill might not cover as many people as it purported to do.

Another man posted:

"I've been upskirting chicks, mostly at clubs, for almost two years. The club I go to is a great spot, real crowded, strobe lights going, loud music, so no one notices me sitting near the edge of the dance floor and if a woman in a skirt ends up by me I stick the cam under and snap."

Legislation is needed to deal with those types of cases.

Several Back Benchers tabled amendments. My hon. Friend the Member for Walthamstow (Stella Creasy) spoke with great passion about her new clause and street harassment, and we support her on that. The Government must urgently look into bringing forward a comprehensive Bill to deal with many issues, including anonymity for victims of revenge porn; the cross-examination of victims of abuse by defendants, as occurs in civil courts; and the distribution and sharing of images. We need a fundamental review of all hate crime and sexual legislation to ensure that victims are protected and have access to justice, so it would be very welcome if the Law Commission or another body could look into this issue, with its recommendations implemented in law as soon as possible.

I commend the right hon. Member for Basingstoke (Mrs Miller) for her tremendous work as the Chair of the Women and Equalities Committee, which itself does tremendous work. I hope that the Government will address the points in her cogent and pertinent amendments and take on board the matters that she raised and the issues of concern. Hopefully, as the Bill progresses through both Houses, the Government will consider those amendments.

Lastly, on the amendment tabled by the hon. Member for Christchurch, I believe that in all cases judges should have discretion in deciding who should be put on a sexual register and when. That should not be a blanket proposal; it should be left to the individual judge in an

individual case to decide whether somebody should be put on a sexual register, because being on the sexual offenders register has clear implications and repercussions for people.

The Parliamentary Under-Secretary of State for Justice (Lucy Frazer): Upskirting can be humiliating and degrading, and it is appropriate that that is recognised by the criminal law. As the hon. Member for Bolton South East (Yasmin Qureshi) rightly mentioned, although there is not currently a specific offence on our statute books, fortunately the law does already provide some protection. Prosecutions can be and have been brought under the common law offence of outraging public decency and the offence of voyeurism.

There is a gap in the law that needs to be filled, and it relates to where the offence takes place. Currently, if the offence takes place in a public place, such as a street, a person can be caught under the outraging public decency legislation, and if the offence takes place in a private place, they can be caught under the Sexual Offences Act 2003. However, there is a gap if the offence takes place somewhere that is neither public nor private. Worryingly, such places could include a school or a workplace. The Government have therefore introduced this Bill to seek to address this issue. As my hon. Friend the Member for Aberdeen South (Ross Thomson) said, it follows Gina Martin's effective campaign.

Members have tabled a number of amendments that seek to expand the Bill's scope. I shall address each in turn—and I assure my right hon. Friend the Member for Hemel Hempstead (Sir Mike Penning) that I will take the approach that he took when he was a Minister and consider each one in turn on its own merits, as a matter of policy and of principle.

First, I will deal with new clause 1 and amendment 7, tabled by the hon. Member for Walthamstow (Stella Creasy). They seek to ensure that when offenders of the crime of upskirting are motivated by misogyny or misandry this should be considered by the court as an aggravating factor when considering the seriousness of an upskirting offence for the purpose of sentencing. She also seeks to amend guidance to highlight this issue. As my hon. Friend the Member for Aberdeen South mentioned, it is very important to point out that the hon. Member's amendments do not propose that misogyny becomes a hate crime, but is simply raised in the context of the upskirting offence. If the perpetrator of the offence was motivated by hostility against women, that should be taken into account on sentencing.

7.30 pm

I am very grateful to the hon. Member for Walthamstow for providing a further opportunity to discuss these important issues. While the offence is not specific to women, it is likely that women will most often be the victims. The hon. Member is very right to highlight that this is something we in Parliament should be thinking about very carefully. I recognise her motivation, but I do not think it would be right to pass her amendments. This is because statutory aggravating factors do not usually apply to one or two offences, as would be the effect of her amendment. It would make the new offences inconsistent with all other sexual offences, and there is no rationale for the proposed amendment to apply simply to these offences.

In relation to guidance, I can confirm that work is already under way to develop and update guidance on upskirting without the need for any legislative obligation to do so. I recognise the intent behind the amendments, but this narrow Bill is not the place to debate misogyny becoming a hate crime. However, we as a Government are concerned to ensure that our hate crime legislation is up to date and consistent. I am pleased to announce today that I will be asking the Law Commission to undertake a review of the coverage and approach of hate crime legislation, following its earlier recommendation to do so. This will include how protective characteristics, including sex and gender characteristics, should be considered by new or existing hate crime law. As my right hon. Friend the Member for Broxtowe (Anna Soubry), my hon. Friend the Member for Christchurch (Sir Christopher Chope), my right hon. Friend the Member for Hemel Hempstead and my hon. Friend the Member for Aberdeen South mentioned, this is the right way forward. I will confirm that the Ministry of Justice will make available the necessary funds for the review and I will write to the Law Commission this week outlining our intention. On that basis, I ask the hon. Member for Walthamstow to withdraw her amendments.

Liz Saville Roberts: I am grateful to the Minister for announcing a review by the Law Commission. Will she commit to considering in the review a wider range of protective characteristics that are recognised by some police forces, in particular my own in north Wales, which considers English and Welsh language as hate crime protected characteristics? Will she consider those in the review as well?

Lucy Frazer: I am happy to take that away and consider it. It is appropriate that when we look at protected characteristics we do not look exclusively at sex and gender characteristics, which as I said will be included. I am very happy to consider the point the hon. Lady makes and I will get back to her on that.

Secondly, I would like to deal with amendments 1 to 4, tabled by my right hon. Friend the Member for Basingstoke (Mrs Miller), in relation to purposes. Before turning to the substance of her amendments, I would like to pay credit to her for all her work in this area. For many years, as Chair of the Women and Equalities Committee and individually as a Member of Parliament, she has continually stood up for the rights of women. I am very grateful to her for highlighting important points to me on the Bill in Committee and more informally. The Department has considered very carefully the issues she raises and reflected on them. I will set out in due course how we propose to deal with the points she has very carefully and helpfully raised for consideration, but first I will deal with the substance of the Bill as drafted.

In the Bill as drafted, upskirting is criminalised if the perpetrator takes an image with the purpose of either sexual gratification or causing humiliation, distress or alarm to their victim. The reason those motivations are identified in the Bill is that they are used in other current legislation. Amendments 1 to 4 would remove those defined purposes, effectively taking away any mens rea to the offence and therefore criminalising the taking of all upskirting photographs whatever the circumstances. As I understand it from the explanatory statement and

[Lucy Frazer]

the speeches today, the intention behind amendment 3 is to ensure that those undertaking this sort of inappropriate behaviour for group bonding or financial gain are caught.

Mrs Miller: My hon. and learned Friend is making very clear when it is not acceptable to take an upskirting photograph. When is it acceptable to take an upskirting photograph, because by definition there must be some instances when she thinks it is acceptable?

Lucy Frazer: My right hon. Friend makes an important point. It is never acceptable to take a photograph up someone's skirt without their consent, but we as legislators have a very important duty when we pass laws, particularly criminal laws. Criminal laws set out a criminal liability and give people a criminal record, which has significant consequences for their lives. We need to take that duty and that obligation extremely seriously, so not every act that is inappropriate becomes criminal.

Mrs Miller: I am speaking to a QC, so I am treading very carefully here. We have an obligation as Parliament to be crystal clear to the judiciary, as my right hon. Friend the Member for Hemel Hempstead (Sir Mike Penning) said eloquently in his speech. What the Minister just said is entirely confusing to me and possibly to the judiciary. If she is saying that there are examples where upskirting is allowable, she should be clearer. She cannot have her cake and eat it, if I may be so bold, and say that there are such instances, but there aren't really.

Lucy Frazer: I am very grateful for what my right hon. Friend says. I have the highest regard for the work she has done and for the importance she places on this subject. When judges look at what people should and should not be criminally responsible for as a matter of law, they will look at the legislation we have passed. It is important that that is set out in the legislation and that the legislation is clear.

I will identify three reasons why accepting the amendments proposed by my right hon. Friend would make the law less clear, less certain and less advantageous. First, we believe it is likely that those who engage in upskirting for the purposes set out in the explanatory statement on amendment 3, which she outlined, will be caught in any event by the Bill as drafted. The hon. Member for Rotherham (Sarah Champion) said that we should think about a situation where someone takes an upskirting image to upload it to a website for financial advantage, and possibly catch it in the Bill. We think that it will be caught by the Bill as drafted, because in uploading the photograph to a website where people will pay for it, the person intends others to look at it to obtain sexual gratification. Equally, if someone took an upskirting image primarily for a laugh, they would likely be captured on the basis that the amusement was caused by the humiliation, alarm or distress that they intended the victim to feel.

Alex Chalk: Will my hon. and learned Friend give way?

Lucy Frazer: I will continue for the moment. If I have time, I will happily take further interventions.

The reason the Government do not favour widening the scope of the purposes is that a blanket liability risks criminalising those whom we do not want to criminalise.

The amendments could bring in serious unintended consequences and risk bringing too many people within the scope of criminal law. As my right hon. Friend the Member for Basingstoke recognised, the amendments risk criminalising young children who are over the age of liability, which is 10, but who do not realise the impact of their actions and mean no harm when they carry out the act.

There is one further critical issue, which my hon. Friend the Member for Cheltenham (Alex Chalk) mentioned. If all the purposes were removed by amendments 1 to 4, there would be no need for the prosecution to bring forward evidence of the perpetrator's motivation of sexual gratification. That could mean that those who posed a threat to the public were not put on the sexual offenders register, because the issue had not been determined in court.

My hon. Friend the Member for Christchurch and my right hon. Friend the Member for Basingstoke highlighted the small number of prosecutions that have been brought, and highlighted the fact that we anticipate only a few more in the impact assessment. The reason for that, as paragraph 29 of the explanatory memorandum makes clear, is that there are already laws that catch this activity. What the impact assessment identifies are the new offences that we think will be caught by filling this narrow gap.

The hon. Member for Rotherham rightly stated that we need to change the culture, not lock up more offenders, and education is an important part of that. We recognise, however, the value of the points that my right hon. Friend the Member for Basingstoke and others made, and therefore I am happy to confirm that the Government will review the operation of these offences after two years of their coming into force. This will include working with the police and the CPS and reviewing cases so far brought.

I will briefly deal with sharing. Amendment 5 would create a further offence of disclosing and sharing an upskirt image. We in the Department share the intention and desire to ensure that the sharing of images is robustly dealt with. The best way to do that, however, is not by way of an amendment to the Bill. Legislating in one area alone is not the right way forward. The Government are already looking at this wider issue. The Department for Digital, Culture, Media and Sport has already asked the Law Commission to look into online abuse.

The first stage of that review, which is an analysis of the existing law, will be completed in October, and I am pleased to confirm that following the completion of this first phase, the Ministry of Justice, working with DCMS, will ask the Law Commission to take forward a more detailed review of the law around the taking and sharing of non-consensual intimate images. This will build on the Law Commission's review of online abuse and allow the Government to consider how to address this issue more widely, rather than just for upskirting images. As my right hon. Friend the Member for Basingstoke said, it is not appropriate to legislate in a piecemeal way.

My right hon. Friend also mentioned the Scottish changes in 2016. My understanding of them is that they were not specific to upskirting but created a separate offence in relation to the distribution of intimate images in the Abusive Behaviour and Sexual Harm (Scotland) Act 2016. This is the broader approach that we in government want to continue.

In his amendments, my hon. Friend the Member for Christchurch suggests that offenders under the age of 18 not be put on the sex offenders register at all. We are concerned that there will be offenders under the age of 18 who need to be on the register, and only if we put them on the register will we protect victims who need protection now and in the future. He also suggests that we need to toughen up and put everyone on it who is over 18. That will diminish the effect of the register and not allow police resources to be concentrated. For those reasons, and in the light of the fact that we are offering a review of legislation after two years and a review of offences more widely, I hope that hon. Members will not press their amendments.

Stella Creasy: I thank the Minister for listening. For the first time, we are now saying as a country that misogyny is not a part of life or something that should be tolerated but something we are going to tackle. Her commitment to the Law Commission review of all forms of hate crime, including misogyny, and the need for new and existing resources to fund it, is really welcome and a positive reflection of what this place can achieve. We have just sent a message to every young woman in this country that we are on their side. On that basis, I am very happy to withdraw the amendment. I look forward to working with the Minister and the Law Commission review in taking this forward.

Clause, by leave, withdrawn.

Mr Deputy Speaker (Sir Lindsay Hoyle): I remind the House that before Second Reading, as required by the Standing Order, the entire Bill was certified as relating exclusively to England and Wales and within legislative competence. The Bill has not been amended since then. Copies of the certificate are available in the Vote Office and on the parliamentary website.

Under Standing Order No. 83M, a consent motion is required for the Bill to proceed. Copies of the motion are now available. Does the Minister intend to move the consent motion?

Lucy Frazer indicated assent.

The House forthwith resolved itself into the Legislative Grand Committee (England and Wales) (Standing Order No. 83M).

[SIR LINDSAY HOYLE *in the Chair*]

7.44 pm

The Chairman of Ways and Means (Sir Lindsay Hoyle): I remind hon. Members that if there is a Division, only Members representing constituencies in England and Wales may vote.

Resolved,

That the Committee consents to the Voyeurism (Offences) No. 2 Bill.—(*Lucy Frazer*).

The occupant of the Chair left the Chair to report the decision of the Committee (Standing Order No. 83M(6)).

The Deputy Speaker resumed the Chair; decision reported.

Third Reading

7.44 pm

Lucy Frazer: I beg to move, That the Bill be now read a Third time.

I am very pleased to have this opportunity to speak. I cut short some of my comments on Report to ensure that I covered all the points. I would like to mention something that I did not say when I addressed the amendments tabled by my hon. Friend the Member for Christchurch (Sir Christopher Chope). It was suggested at one stage that he had opposed the legislation that will criminalise upskirting. I know that he never opposed it as a matter of substance, but objected to it as a matter of procedure, as we have heard today. Like other Members, he has made it clear that he supports criminalising this inappropriate behaviour. I spoke to him about his amendments, and I am very pleased to be able to address them at this stage.

I wish to highlight the fact that this is a simple but important piece of legislation with a very clear purpose—to fill a gap in the law in the prosecution of those who upskirt. I am grateful to Members across the House who have engaged with this Bill as it has progressed, and I hope that that spirit will continue in the other place. We can all be rightly proud of this Bill, and I would like to take this opportunity to thank everybody who has contributed to it.

There has been much discussion about the sharing of upskirting images. This is an important issue and one that we need to tackle as a Government. However, the Bill is narrow, and is not the right place to solve the many issues that have been raised. We will work with the Law Commission to look at legislation in relation to the sharing of intimate images.

We have welcomed the opportunity to debate the purposes of the Bill and whether it will capture all those who commit this offence. The Bill should catch those who should be criminalised and ensure that the reach of the criminal law does not extend to where it should not extend to. The post-legislative review in two years' time will help ensure that the offences that the Bill will introduce are as effective and as comprehensive as intended. I am grateful to the House for its support.

I want to touch on the notification requirements, which are an important aspect of the Bill. It is not an issue that we take lightly, which is why we have committed to place those who commit this offence for reasons of sexual gratification on the sex offenders' register, subject to certain thresholds to ensure proportionality, focusing resource on those who pose a significant risk to the community. I am confident that the Bill strikes the right balance in this regard.

We have had an interesting debate on hate crime. Although these are important issues, this Bill focuses on a narrow issue and it is not the right place to bring forward small, narrow legislation. However, hate crime is an area that the Government intend to look at closely, and we will be asking the Law Commission to conduct a review of hate crime.

Let me conclude by thanking once again and paying tribute to the hon. Member for Bath (Wera Hobhouse) for introducing the Bill and Gina Martin who first raised awareness of this important issue. I also wish to mention the important work of my right hon. Friend the Member for Basingstoke (Mrs Miller) both in her work as Chair of the Women and Equalities Committee and more broadly to ensure that the important issues in this Bill have been debated in this House. It is also important to recognise the contribution of my hon. Friend the Member for Christchurch who put forward

[Lucy Frazer]

ideas in relation to the sex offenders' register. I am grateful to the hon. Member for Bolton South East (Yasmin Qureshi) and the Opposition for their support in getting this important Bill through the House so quickly.

Helen Whately (Faversham and Mid Kent) (Con): I agree with my hon. and learned Friend about the good work done by campaigners in this area. I want to make one specific point: so often women and girls have been told that it is their fault if they are harassed, because it is their fault for choosing to wear a short skirt, for example. Does she agree that the Bill puts into law the important point that the person at fault is not the woman or girl who chooses to wear the short skirt, but the person who chooses to harass them and makes the poor choice to take a photo up their skirt?

Lucy Frazer: That is a very important point, and such legislation sends a message about how people should act in relation to women.

I was mentioning those who have played a significant part in this Bill's progress. My hon. Friend served on the Committee, and I also thank the other members of the Committee; we had an interesting debate on the provisions before the recess.

I thank, too, the other parties' spokespeople on justice: the hon. and learned Member for Edinburgh South West (Joanna Cherry), and the hon. Members for Belfast South (Emma Little Pengelly) and for Dwyfor Meirionnydd (Liz Saville Roberts). I worked closely with them as this Bill went through the House. I also extend my thanks to our hard-working Bill team, our private offices, our parliamentary private secretaries and the Whips, who can get overlooked at times. I also thank the Clerks and the other parliamentary staff for their sterling work and support on this issue.

It has been an honour to take the Bill from Second Reading through to today, particularly given the strong support from all parties across the House. I wish the Bill a safe and speedy passage through its remaining stages.

7.51 pm

Yasmin Qureshi: I, too, want to place on record my thanks and appreciation to all Members who served on the Bill Committee. They were genuinely and passionately involved; it was not one of those cases where the Whips had forced them on to the Committee; Members were engaging in the debate and on this legislation. It is a small piece of legislation, but it is also important and does need to get on to the statute book as soon as possible. I am heartened to hear the news that the Minister was able to give that the Law Commission will be looking at this whole area of the law and at the recommendations. I hope that will be done as soon as possible and that we can implement its recommendations as soon as possible, too.

I also thank the House authorities, the Clerks and the Public Bill Office for all their work in putting the amendments together and their other tremendous work. I thank, too, my colleagues for being here today; a number of them do not need to be present, but they are still here because they are interested in this Bill.

Like the Minister, this is the first Bill I have taken from the beginning to the end in this House, and I, too, wish it a speedy journey and hope it will be on the statute book soon. It addresses a particularly vile and disgusting practice that needs to be brought to an end.

7.52 pm

Mrs Miller: "Courage calls to courage everywhere": that is what we have been saying so much this year, and I welcome the courage of Gina Martin to take action, of the hon. Member for Bath (Wera Hobhouse) for following it through, of my hon. Friend the Member for Christchurch (Sir Christopher Chope) for saying no and of the Minister for listening, and I welcome her clear undertakings today. I was reflecting that when I joined this place some years ago now in 2005, I do not think we would have passed a Bill like this. I think Parliament now has the courage to deal with these sorts of issues as well.

I welcome my hon. and learned Friend the Minister's undertaking to have a Law Commission review of hate crime. That is an enormous step forward, and she is to be applauded for making sure that happens, as well as for making sure that we have a review of this legislation after two years and that we have a long overdue Law Commission review of non-consensual intimate images, which would make the need for this sort of piecemeal legislation redundant.

This Bill is the start of a process of creating a more coherent strategy for tackling non-consensual abusive images and, potentially, misogynistic crimes that create such a negative and demeaning environment for women and girls in this country. I wish the Bill well in its passage to the other place, and I hope that their lordships will take a further look at the issues that we have debated here today, to ensure that all victims have recourse to justice and that the Scottish experience in relation to outlawing distribution in the context of upskirting is adequately dealt with in the short term as well. I am sure that their lordships will look in great detail at the discussions that we have had today before the Bill reaches the Floor of their House.

7.55 pm

Wera Hobhouse: From the very beginning of its journey, the upskirting Bill has been the result of brave individuals—particularly women—speaking out. They chose to speak out about a vile crime that was going not only unpunished but largely unnoticed. They courageously spoke out about their experiences, to try to draw attention to the gap in the law. The Bill is the result of their hard work, and each and every individual who helped this campaign to materialise into the legislation before us should feel proud.

It was back in February that I drafted the Bill, in time for International Women's Day. As a female Member of Parliament, I felt bound to try to honour the day with a real change that would improve the lives of women across the country. It shocked me that upskirting was not already a specific crime. There was a victim from near my constituency of Bath who was just 10 years old, and it was clearer than ever that something had to be done. I spoke to victims and campaigners, notably Gina Martin, and together with her lawyer, Ryan Whelan, we put together a Bill that would ensure that taking a photo up someone's skirt without their consent would become a specific sexual offence.

I am incredibly grateful for the work of my colleagues across the House. In particular, I would like to thank the Minister for Women, the Under-Secretary of State for the Home Department, the hon. Member for Louth and Horncastle (Victoria Atkins), as well as the Under-Secretary of State for Justice, the hon. and learned Member for South East Cambridgeshire (Lucy Frazer) and the Prime Minister herself, all of whom have been supportive throughout the Bill's passage, from agreeing to back my original Bill to tabling another version when mine was blocked in June. Equally, I am grateful to the many Members who have supported and worked on the Bill, particularly the right hon. Member for Basingstoke (Mrs Miller) and the hon. Member for Walthamstow (Stella Creasy). To have the Bill supported by five parties and the Government—as well as my own colleagues, of course—demonstrates not only how important this issue is but what can be achieved when we work together.

There are many unnamed and unsung heroes in this place. By this I mean our staff who support us, and I want to put on record my particular thanks to my parliamentary assistant, Jess Clayton. Without her passion, her enthusiasm, her thoroughness—at one point, she knew a lot more about upskirting than I did—and her help and support, we would not be here today. So I thank Jess Clayton, my parliamentary assistant. Primarily, though, the Bill is a credit to all those who are seen as everyday ordinary women who have achieved something extraordinary. By campaigning, by pressuring those in power and by protesting—with pants!—when the campaign faced adversity, they have ensured that upskirting will become what it deserves to be: a specific sexual offence.

7.58 pm

Sir Mike Penning: It is an honour to speak in this Third Reading debate. I pay tribute to the new Secretary of State for Justice—my neighbour and my roommate for many years—who has been involved in this issue for many weeks. I also pay tribute to the Under-Secretary of State for Justice, my hon. and learned Friend the Member for South East Cambridgeshire (Lucy Frazer). We normally get a fair bit of notice when a Bill comes forward, and we argue our points in the pre-legislative scrutiny Committee. Instead of that, this has been a fast one. It is a real privilege to have taken part in this debate as a man, a father and husband, and to try to understand and get the public to understand what has been going on out there with this voyeurism and upskirting. I pay tribute to the Secretary of State and to the Minister and her colleagues for listening to the House, because the House is supposed to replicate what is going on out there in the country.

I am sure that the hon. Member for Walthamstow (Stella Creasy) is absolutely thrilled about the review of the general legal area. It will be a real move forward. The amendments were tabled in good faith. I am not legally trained—even though I was a Justice Minister—and I am still confused about when upskirting would be legitimate. I do not understand that, but perhaps their lordships will understand it better than I do.

At the end of the day, however, this Bill started as a private Member's Bill that would have really struggled, no matter who was backing it. It would not have received the amendments or the debates, and we certainly would not have a Law Commission review. All that would never have happened without the time here this evening to debate the legislation and take it through.

Everybody has quite rightly paid tribute to individuals—those who have tabled amendments, served on Committees and so on—but we should be paying tribute to this House, because without the various roles in this pluralistic House the democratic process would not happen. It does not happen every day, and it is rare that we are in complete agreement. I agree with the Opposition spokeswoman on many things, but it is good that she is as happy as we are for this legislation to go to the other House. It is not yet finished and there will be quite rightly be a lot of scrutiny in the other House, which is there to scrutinise and improve, not to block, and I hope that the Bill receives Royal Assent soon. We can look at the reviews that come forward, and everyone is certainly looking forward to the Law Commission review. This is a good day for democracy and a good day for this House.

8.1 pm

Sir Christopher Chope: I say “Hear, hear” to what my right hon. Friend has just said. This is a good day for democracy. I pay tribute to the Minister for the understanding that she has demonstrated throughout the course of this debate and for her kind personal remarks about my motivation, which has been so misunderstood—deliberately by some and in ignorance by others.

Owing to the shortage of time on Report, the Minister was unable to take my intervention when she was responding to my amendment 6. However, I know that on Third Reading we discuss the content of the Bill, rather than rejected amendments, so I want to look at the part of the Bill that my amendment was intended to address.

My hon. and learned Friend slightly misrepresented what I was proposing, because, far from wanting to weaken the Bill, I was suggesting that, as presently drafted, clause 1(4) will not ensure that sufficient numbers of people who are guilty of voyeurism with the motivation of sexual gratification actually reach the sex offenders register. The Bill is currently drafted in such a way that someone can be guilty of voyeurism for the purposes of sexual gratification, but they will not go on the sex offenders register if they are under 18 unless they have been sentenced to a term of at least 12 months' imprisonment, which is extremely unlikely and *de minimis*.

The more important aspect is that the Bill as currently drafted means that someone will not go on the sex offenders register even if they have committed an offence of upskirting with the motivation of sexual gratification unless the victim was under 18 or the offender has been sentenced to a term of imprisonment or detained in a hospital or made the subject of a community sentence of at least 12 months. The offence of voyeurism with the intent of sexual gratification should be linked directly with the sex offenders register, and I do not understand why the Government have been unwilling to tighten that up in the way that some of us would have wished. I hope that that will be considered in the other place.

Like my right hon. Friend the Member for Basingstoke (Mrs Miller), I hope that the other place will also look carefully at the restrictions that are currently in proposed new section 67A(1)(b) of the Sexual Offences Act 2003, which is found in clause 1(2) and relates to the necessity of proving a purpose in order to establish guilt. My hon. and learned Friend the Minister talked about mens

[*Sir Christopher Chope*]

rea—I am not sure whether, in due course, we will get on to “*womens rea*”—and I would like her to explain how it is that, under the current common law offence of outraging public decency, for which she says this Bill is filling a geographical gap, there is no requirement for mens rea. That common law offence is on the statute book, so if there is no requirement for mens rea in relation to that offence, why are we saying that the geographical gap in the law can be filled only by legislation that includes a requirement of mens rea and a requirement to prove the motive of sexual gratification in particular, and other motives besides?

As my right hon. Friend the Member for Basingstoke asked, which instances of voyeurism that are currently subject to the common law, and that can be prosecuted under the common law offence, will not be covered by this Bill in the geographical location that is not covered by the offence of outraging public decency? It does not seem to me that my hon. and learned Friend the Minister has addressed that conundrum, and in the absence of its having been dealt with in this House, I hope it will be dealt with in the other place.

My hon. and learned Friend has offered a review of the legislation after two years, which is obviously better than nothing, but with the greatest of respect, the best thing for her and her Department to do is to review the Bill between now and when it is debated in the other place—that will hopefully be a lot sooner than two years—so that we can try to get some consistency. As a leading counsel, she will know that, where a statutory offence is introduced, it trumps a common law offence as a matter of principle. Surely the Government’s motivation is to simplify the law in this area and to ensure that all offences of upskirting are dealt with under the Bill,

rather than under the common law. It would help to spell that out, not least for the benefit of police officers and the prosecuting authorities.

If that is the intention—I drew an analogy earlier with the offence of using a mobile phone while driving compared with the offence of driving without due care and attention—there is a lot to be said for having the specific offence in the Bill cover all instances of upskirting. If and when the Minister addresses the issue, perhaps she will come up with an answer to the question asked by my right hon. Friend the Member for Basingstoke of what offences of upskirting she believes should not be subject to any criminal sanction. That is our challenge to my hon. and learned Friend the Minister.

In all the correspondence I have received, people feel that all upskirting offences should be subject to the criminal law and criminal sanctions, irrespective of motive. If there are to be offences that are not subject to criminal sanctions, we need to spell them out squarely and fairly, which has not been done so far.

I welcome the scrutiny the Bill has received so far, the way in which the Minister has accepted the spirit of new clause 1 and her willingness to look again at other issues, and I am happy to support Third Reading. But I hope that when, eventually, the Bill returns to this House, the Government will accept amendments made in the other place that make it even better.

Question put and agreed to.

Bill accordingly read the Third time and passed.

Business without Debate

SELECTION COMMITTEE

Ordered,

That Chris Heaton-Harris be discharged from the Selection Committee and Craig Whittaker be added. —(*Iain Stewart.*)

Nurse Training

Motion made, and Question proposed, That this House do now adjourn.—(Iain Stewart.)

8.10 pm

Richard Drax (South Dorset) (Con): It is a great privilege to be drawn for one of these end-of-day Adjournment debates, as they give Back Benchers such as me the opportunity to debate a subject dear to their heart. Tonight's topic is fairly dry, but it is very important. I hope the House and those watching will forgive me if I plough into a lot of detail, because the detail is important on this issue. I welcome the Minister, for whom I have a high regard, to his place. Another advantage of these debates is that the poor Minister has to sit there and listen to me, and there is nothing he can do—he cannot escape. So I hope my words will fall on receptive ears.

This debate follows a recent public meeting on Portland hospital in my constituency; the beds at the island's much-loved community hospital have been closed, but more on that shortly. We have heard it before, and it needs to be said again: we are facing a desperate shortage of nurses. Health Education England believes there are 36,000 nursing vacancies in England, whereas the Open University says it is 38,000 and the Royal College of Nursing gives a figure of 40,000. That last figure equates to an 11% vacancy rate, with learning disability and mental health nursing the most affected, followed by community nursing. These gaps may be filled by bank or agency staff on a temporary basis, but Health Education England estimates that 1% remain permanently unfilled. The knock-on effect places nurses under "relentless pressures", according to a report this January by the Select Committee on Health. It added that

"nurses felt their professional registrations were at risk because they were struggling to cope with demand."

Meanwhile, any increase in nurse numbers is swallowed up by the demand for more of them. For example, although the number of new nursing positions created between 2012 and 2015 rose by 8.1%, the number of those who actually joined the profession increased by only 3.2%. What is the consequence? Well, obviously, costs rise. Temporary nursing staff are expensive, with NHS trusts paying an average of 61% more for every extra hour they worked compared with that paid for a newly qualified, full-time, registered nurse. A Freedom of Information Act request by the Open University in January revealed that, if the hours worked by temporary staff were instead covered by regular nurses, the NHS could save as much as £560 million a year. The independent health think-tank, the King's Fund, revealed that on average NHS trusts were spending nearly 7% of their salary budgets on agency staff, with the figure rising to more than 25% in some cases. Dorset HealthCare, which covers my constituency, forecasts an overall spend of £4 million this year on agency staff alone. That is down from a staggering £12 million three years ago but still represents a significant share of the healthcare budget.

As I mentioned at the start, 18 beds were closed at Portland Community Hospital last month due to a lack of nursing staff.

Jim Shannon (Strangford) (DUP): I thank the hon. Gentleman for giving way: I sought his permission to intervene beforehand. He is outlining the shortage of nurses in his constituency, but there are nurse shortages

in many other parts of the United Kingdom, including in Northern Ireland, which has a shortfall of some 1,800 in nurse numbers. Does he agree that the training of nurses must be a priority for trusts and the Department of Health and Social Care? Part of the way to attract new nurses is to show how we value our current nurses through decent pay and working conditions. It is important to ensure that nurses are regarded highly for the work that they do—and paid accordingly.

Richard Drax: I do not disagree with anything that the hon. Gentleman has just said, and I will come on to his points a little later in my speech. Of course all nursing staff should be appreciated and paid properly. One of the issues, as I shall describe in a minute, is the work environment, which is one of the factors leading to fewer nurses—or insufficient numbers—entering the profession.

Before the intervention, I was talking about my community hospital in Portland, where almost half of all nursing positions were unfilled this summer. Agency staff, costing as much as £58 per hour—and £135 per hour on bank holidays—were still hard to find. The trust's chief executive, Ron Shields, for whom I have enormous respect, decided he could no longer safely keep the beds open. So, despite the understandable protestations from islanders who wish to keep their frail and elderly relatives close by, the beds were migrated to a hospital in Weymouth, where the nursing staff available can be consolidated. I suspect that that situation is not uncommon across the rest of the country.

The crux of the matter is the recruitment and retention of nurses. Recruitment depends mainly on training new nurses for the future. The numbers required are traditionally set by Health Education England, which then commissions the nursing places from further education and training establishments, including colleges, universities and the Open University. Standards are set and approved by the Nursing & Midwifery Council, ensuring uniformity across providers. Those establishments, in turn, invite applications, for registered nurses, nursing associates, nursing apprenticeships and Nurse First.

The first role requires a degree, the second a prior healthcare qualification, the third is a joint initiative between individual health trusts and further education establishments and the fourth is a new initiative for high-flying graduates and follows the lines of Teach First. The three-year degree option remains the main route into nursing. While many, including me, dispute the need for a degree, the Nursing & Midwifery Council says that that is to misunderstand modern nursing. Registered nurses are now an "officer class", according to Geraldine Walters, the NMC's director of educational standards, with much of the work for degree-level nursing now highly technical and demanding. In some cases, registered nurse prescribers replace doctors and indeed even run their own primary care clinics in London.

So far the nursing associates programme has been a success. In December 2017, 2,000 nursing associates were in training. This year, it is hoped that figure will be 5,000, rising to 7,500 in 2019. The Nursing & Midwifery Council is clear that more recruitment and widened access into nursing training are essential, as is the diversity of training provision. The Open University, for example, provides for those who, for a variety of reasons, would not gain access to the profession via the traditional, campus-based route.

[Richard Drax]

Since 2002, the Open University has offered a four-year registered nurse degree apprenticeship in addition to the straightforward apprenticeship. This is aimed specifically at existing healthcare support workers who welcome the chance to earn while they learn. So far, it has trained more than 1,000 applicants as registered nurses, with 940 more currently on the programme in England. One huge benefit to the scheme is that participating trusts seem better able to retain the nurses they have trained. Compare this with the 24% drop-out rate for student nurses on the degree course. As the NHS is the nation's biggest contributor to the 5% apprenticeship levy, it would be odd for it not to participate.

The loss of the bursary scheme has been keenly felt, with the Royal College of Nursing saying that it is a serious own goal. It was a support package including tuition fees, a non-means-tested maintenance grant, a means-tested bursary itself, and other elements designed to help students with placement, travel and childcare costs. It was overwhelmingly popular, attracting more applicants than there were places. It was replaced by the student loan scheme, requiring students to borrow money to pay for their training.

The problem is that nursing is a vocational training and does not cater for school leavers unsuited to the profession. Significantly, following the removal of the bursary, the number of applications for nursing through UCAS has fallen by a third since March 2016. Although the Department of Health and Social Care says that there are 52,000 nurses in training—more than ever before—the number of those accepted on to courses is still down by 9.3% in England. That threatens the pipeline of new nursing talent and, at the very least, should and could have been anticipated. Much-needed mature applicants, many with care experience, are also deterred by the burden of debt and loss of earnings, and Ms Walters told me that these are exactly the people the profession needs. Mature applicants also tend to choose careers in specialist areas worst hit by the staffing crisis, such as learning disability and mental health.

New figures from UCAS show that applications for nursing degrees and from mature students are down by 33% and 42% respectively since March 2016. As the latter group are the very people who would be grateful for any support given, and probably remain in the organisation until retirement, Mr Shields suggests that trusts should provide some form of financial support in the absence of bursaries. A recent survey by the Open University showed the effect of the loss of the bursary on recruitment. Only 30% of nurses asked said they would have been willing to self-fund or partially self-fund their initial nursing education. In addition, more than half of those surveyed believed that applications would continue to fall.

Attracting nurses back into the NHS after they have left is another crucial focus for recruitment. The return to practice campaign, run by the Nursing & Midwifery Council, which provides refresher training and a re-entry route back into the NHS, has already recruited almost 2,500 former nurses and is currently registering another 1,800. However, as the Health Committee report states, “too little attention has been given to retaining the existing nursing workforce, and more nurses are now leaving their professional register than are joining it.”

The Committee cites many causes, including workload pressures, an inability to meet patient expectations, concerns about providing adequate care, poor access to continuing professional development, poor organisational culture, pay restraint and budget cuts. The impact of Brexit was another reason, although—interestingly—briefings from the Library show that overall EU staff numbers in the NHS have, in fact, fractionally risen since the referendum, with numbers of EU nurses falling by just 0.3%.

Another issue is the current pensions arrangements. Senior and experienced staff who might want to work beyond 55 are leaving because their pensions reduce in value if they stay on. Mr Shields has recently lost two senior and valued members of his team, and believes the Government must look at this urgently.

A partial solution to increase nurse numbers is to recruit from abroad, including Commonwealth countries. However, this was, until recently, severely limited by immigration rules, which were wisely relaxed in June after an intervention by the Home Secretary.

In December 2017, Health Education England published its draft health and care workforce strategy for England to 2027. “Facing the Facts, Shaping the Future” anticipates a significant shortfall in nursing numbers due to an increase in the number of posts needed. The Health Committee has emphasised that future projections of demand for nurses should be based on demographics rather than on affordability alone. A final workforce strategy is expected from Health Education England at any minute. Perhaps the Minister can enlighten us, as it was expected, as I understand it, at the end of July.

Finally, I thank all those who work in our NHS for the wonderful job they do, not least the fantastic teams in South Dorset.

8.25 pm

The Minister for Health (Stephen Barclay): I pay tribute to my hon. Friend the Member for South Dorset (Richard Drax) for his assiduous campaigning on behalf of his constituents and for securing the debate. Its importance is reflected by the fact that my hon. and learned Friend the Solicitor General and the Under-Secretary of State for Wales, my hon. Friend the Member for Eastleigh (Mims Davies), were in the Chamber to listen to the points that my hon. Friend the Member for South Dorset raised.

My hon. Friend spoke passionately about the training of nurses in England and the pivotal role of training in ensuring that we have a workforce to deliver first-class services in the NHS. With a budget in which two thirds of our spend goes, quite rightly, on our workforce, the importance of that workforce is absolutely critical. Indeed, that was reflected by my right hon. Friend the Secretary of State when he set out his three key priorities for the NHS after taking over that post. He particularly emphasised the importance of the workforce within those priorities.

Nick Thomas-Symonds (Torfaen) (Lab): I apologise, Mr Deputy Speaker, for not being here at the start of the debate. A number of constituents who have contacted me are clearly concerned about the fact that the demand for nurses is not quite being matched by recruitment at the moment, particularly in the areas of learning disability and mental health. What specifically can the Government do, in addition to what they are doing, to really focus on those two specialist areas?

Stephen Barclay: The hon. Gentleman makes a valid point. I think that we all recognise that learning disability has traditionally been one of those areas in which it is harder to recruit, compared with, for example, midwifery, where the number of applicants to training places is a lot higher. I do recognise that there is an issue.

Let me give just one example of what we are doing. When we looked at the situation in postgraduate training, particularly for more mature applicants, one of the issues was the possible impact on the area of learning disability. That was why we put in place golden hellos, with a budget of up to £10 million, to provide an incentive for applicants taking the postgraduate route into nursing to go particularly into the areas of learning disability, mental health or district nursing. That is one of the measures that we put in place to address the hon. Gentleman's very valid point, but I am not suggesting that that alone fully deals with the issues that we need to look at, and we are paying very close attention to the situation.

I now turn to some of the specifics in the very well-put speech made by my hon. Friend the Member for South Dorset. He quite rightly highlighted the cost of agency staff within the NHS, suggesting that there could be more than half a billion pounds of savings if those staff were permanent. It is fair to say that the cost of agency staff is a key issue, and he was very fair in putting on record that Dorset HealthCare has reduced its agency staff spend over the past three years from £12 million to £4 million. That has not happened by accident. This is something that the Government have been prioritising nationally, and I pay tribute to the NHS Improvement's work in placing a cap on agency spend in 2015, which very much addresses his point. Indeed, we have seen agency costs come down nationally by £1.2 billion since 2015, which shows the progress made under this Government.

My hon. Friend also understandably put on record his concerns about local beds moving from Portland Community Hospital to Weymouth. He mentioned the chief executive, Ron Shields. As he will be aware, Ron Shields has pointed out that twice as many patients using those Portland Community Hospital beds come from Weymouth, 6 miles away in my hon. Friend's constituency, than from Portland. Clearly there is a benefit for patients if twice as many of those using the hospital are from Weymouth and the beds move to Weymouth. On average, four beds are taken by islanders, so it is a relatively small number, but I appreciate that it is an issue for those on the island.

However, there is a wider patient benefit, particularly for those from Weymouth. There is a benefit for all patients who move to Weymouth, because they can access a wider suite of services, including the services of a consultant with specialist expertise in elderly medicine, as part of a wider range of professional support. It is also important to emphasise to my hon. Friend's constituents that the site is not closing; services are being reconfigured to reflect changes in the way in which healthcare is delivered. Again, that is happening nationally. As patients present with more complex needs and multiple conditions, we need to look at how we address that and how we deliver care more in the community, which is what patients want and is better for them, as well as how we better embrace technology, which is a key priority of my right hon. Friend the Secretary of State.

Richard Drax: I am listening carefully to my hon. Friend's reply. He is absolutely right: Mr Shields instinctively would like to keep community hospitals. In rural parts of the country, and certainly in South Dorset, with an ever-increasing number of elderly people moving there, there is very much a feeling of, "Where are they all going to be?" Experience in the past has shown that the best place for an elderly person to recover is near their home in a cosy community hospital. The system works. As the beds go for the reasons I have explained—Mr Shields rightly had no choice but to do it, and it is true that the hospital will remain open—those fears will not just disappear overnight.

Stephen Barclay: My hon. Friend is right that being cared for close to home is in patients' interests. I would actually go a step further and say that most patients want to be cared for and supported at home, if possible, because they are more likely to be mobile and to get up to make a cup of tea in their familiar surroundings. If that is not possible, they want to be in a community setting, but in that community setting it is better that they have access to a wider suite of services, including a consultant specialist, so that we can avoid the 43% of patients on average who are currently being treated in probably the most expensive part of the NHS family, the acute setting, where they are, for example, at greater risk of infection, notwithstanding the fact that since 2010, under this Government, the rate of hospital infections has halved. Even so, there can be muscle deterioration, or what one clinician called "PJ paralysis". Staying in acute hospitals is often not in the best interests of an elderly patient, so treating them at home or in a community setting with the right support to reduce their length of stay is in their interests.

The crux of my hon. Friend's remarks was a challenge as to what the Government are doing to tackle the need to recruit more nurses as we face a growing demographic. I remind him, as he is well aware, that the Prime Minister has committed to more funding for the NHS—a £20 billion-a-year additional funding package. There is a commitment to staff in the NHS through "Agenda for Change", and the Government are introducing an increase in pay for nurses.

We are looking at additional pathways such as the nursing associate programme, which my hon. Friend referenced. There are 5,000 places this year and 7,500 next year. The programme enables people who perhaps thought they would not have the opportunity to be a nurse and were trapped in a particular role to have a ladder of opportunity and to move from roles such as healthcare assistant into that of nursing associate, with the option of then progressing into a nurse role.

We need to look at the nursing degree apprenticeship, and we are using the apprenticeship levy that the Government have introduced through the tireless work of the Minister for Apprenticeships and Skills. Again, that provides a great opportunity for people to progress within the NHS. We should also look at the measures the Prime Minister has taken on tier 2 visas—removing the cap—and recognise that attracting talent from overseas is an important part of addressing the concerns about recruitment raised by my hon. Friend.

We are looking at measures to give giving staff greater flexibility, such as through e-rostering, and using technology to provide greater certainty. There are also measures in

[Stephen Barclay]

relation to returning to work. Since 2014, 4,800 nurses have started on the return to practice programme to bring that talent back into the NHS. The Government are taking a whole suite of measures, because we recognise that there is a need for more nurses, exactly as my hon. Friend said.

Richard Drax: The Minister is being most kind and generous in giving way. Will the bursary return? I would have thought that the bursary was more likely to attract home-grown talent. I am not saying that nurses from abroad are a bad thing, because they are not—they all do a wonderful job—but we are always trying to train our own. If the Minister brought back the bursary, I would have thought that was more likely to attract people from this country.

Stephen Barclay: The problem with the bursary scheme was that it involved a cap on the number of places, so a massive number of people who wanted to be nurses were rejected and denied the life chance of being a nurse. The removal of the cap has allowed us to increase the number by 25%—an additional 5,000 places. That is 5,000 people who will have the opportunity to train as a nurse who did not have such an opportunity under the bursary scheme. It also means that while they are training as a nurse, they will have a higher maintenance grant through the Student Loans Company than they did previously under the bursary system. I appreciate the concerns raised about the bursary, but this Government are all for giving people the opportunity to progress, life chances and the opportunity to increase their skills. The removal of the bursary scheme has allowed us to offer more people the opportunity to become a nurse, rather than fewer, as was the case under the bursary.

I do not want to choke off the opportunity for someone who aspires to be a nurse, but we should recognise that people want to progress at different stages

of their lives. That is why the right option for some is to be a nursing associate. Some people may want to stay as a nursing associate, some may want to progress to being a nurse, and some may want to do a nursing degree apprenticeship. It is important that we offer the flexibility that people increasingly want in society so that they can pursue their careers at different rates and at different times.

The Government have taken a whole range of measures. I mentioned the “Agenda for Change” pay award, under which the pay of a healthcare assistant will go up by 26%, or nearly £4,000, over the next three years. A nurse with between three and four years’ experience will receive a 25% increase, which is more than £6,000 over three years, and a band 6 paramedic with between three and four years’ experience will have a £4,000 rise over three years. Again, as my hon. Friend mentioned, that recognises the hugely valuable contribution that staff make to the NHS.

I touched on the fact that we are looking at specific areas in which we recognise that there are issues and referred to the postgraduate golden hellos as a way of targeting recruitment. I have also said that we have lifted the cap on tier 2 visas. Under the existing arrangement, 40% of tier 2 visas were actually going to the NHS, but we have none the less lifted the cap.

I pay tribute to my hon. Friend’s campaigning on behalf of South Dorset. He is always assiduous in speaking to Ministers and raising concerns on his constituents’ behalf. We are repurposing services, but we are moving beds to where there will be better support, and these are some of the changes that will deliver an NHS fit for the future. I am happy to continue discussions with him so that we ensure the NHS continues to serve his constituents with first-class care.

Question put and agreed to.

8.39 pm

House adjourned.

Westminster Hall

Wednesday 5 September 2018

[SIR DAVID CRAUSBY *in the Chair*]

Care Homes: CCTV

9.30 am

Mr Dominic Grieve (Beaconsfield) (Con): I beg to move,

That this House has considered CCTV for communal areas of care homes.

It is a great pleasure to move this motion under your chairmanship, Sir David. I was pleased to be successful in the ballot, as the debate gives me an opportunity to raise with the House and the Minister my concerns about what more could be done to improve safety and security in our care homes. I hope it may also provide an opportunity to have in a more informal setting a sensible discussion about how we can take this forward.

There will be no Members of Parliament, I suspect, who do not have care homes for the elderly in their constituencies; in many cases, there will also be residential homes for vulnerable and disabled adults and children. The latest statistics available show that there are over 400,000 registered care home beds in the United Kingdom. With an ageing population, that number is growing, and those in care homes for the elderly are suffering from increasingly complex forms of physical and mental disability, particularly dementia. Some will exhibit challenging and distressing forms of behaviour. Looking after them properly is a demanding task—one that requires emotional skills that are not necessarily inherent in all of us. It is estimated that there will be 1 million people with dementia in the United Kingdom by 2021, unless medical science changes dramatically in its prevention or delay.

Care homes are not hospitals. The Minister and her Department will be aware that staffing in care homes ranges from highly medically qualified staff through to staff who are unqualified but have all the right life skills, and those who have little or no vocational interest in the work, which can involve long hours at relatively low pay. We should not be surprised, therefore, that the expansion in the number of care homes has been accompanied by a constant pattern of stories concerning instances of neglect and abuse. Such instances may represent a relatively small percentage of the overall population, but they are not insignificant. They also undermine public trust to an astonishing extent. One might argue that the public's perception is too negative, but it cannot be ignored. A 2016 poll of a public sample group showed that 52% believed that abuse of residents was a regular event in care homes.

Although that level of anxiety may be excessive, I do not think it is entirely unreasonable given the evidence from the Care Quality Commission, which reported in October 2017 that every day more than 100 vulnerable and elderly people suffered serious injuries in care homes, and that reports of serious injuries had risen 40% over five years. That may be because there is more reporting—one has to factor that in—but it is a statistic that I am sure the Minister and anybody who looks at the report

is concerned about. Serious injury notifications rose from 26,779 in 2012 to 38,676 in 2016. The CQC's chief inspector of adult care said:

"People living in care homes and their families want to be reassured that those in charge are doing everything they can to support their health and wellbeing, including making sure their services are as safe as possible."

In furtherance of that, the CQC requires notification of serious injuries, so that people may learn from and minimise the risk of such injuries and the quality of care can be constantly improved. In bad cases, it may also bring prosecutions, with the sanction of substantial fines if negligent actions are found to have occurred, and in some cases care homes have been closed down. The Minister and her Department need to ask themselves whether all that is sufficient to meet these problems.

I hope the Minister has seen the recent academic research conducted under the aegis of University College London's department of old age psychiatry, led by Claudia Cooper, which consisted of an extensive survey of 1,544 staff in 92 care homes. The report made quite troubling reading: while most staff reported positive care behaviours, some, under the cloak of anonymity, were perfectly prepared to report practices that were not. Over 50% reported carrying out or observing potentially abusive or neglectful behaviours at least sometimes in the previous three months that they had been working in a care home. Some abuse of residents was reported as happening sometimes in 91 out of the 92 care homes that took part in the survey. Neglect was the most frequently reported instance. Making a resident wait for care was reported in 26% of homes; avoiding a resident with challenging behaviours was reported in 25% of homes; giving a resident insufficient time for food was reported in 19% of homes, and taking insufficient care when moving a resident was reported in 11% of homes. Perhaps most worrying, physical and verbal abuse was reported in 54% of homes.

Unsurprisingly, there was a clear correlation between abusive and neglectful behaviour and homes with higher rates of staff turnover and poor morale. A long series of studies have shown that carer stress, likely to lead to neglect or abuse of residents, is associated with low job satisfaction, long hours, low pay, physical demands, staff shortages, and minimal education and training—that will not be a surprise to any of us. Interestingly, contrary to the hypothesis the research started with, numbers or ratios of staff to residents, the environmental quality of the home and the severity of the neuropsychiatric symptoms in residents were not associated with a higher incidence of abuse. A common picture emerges: the risks are the product of poor management, low levels of training and low levels of staff motivation.

That brings me to what more might be done about this and whether the use of CCTV in the common parts of care homes, both as a deterrent to abuse and an aid to improving care performance might prove to be valuable. I was first approached about this issue several years ago by my constituent, Ms Jayne Connery. Ms Connery's mother had been a resident as a dementia sufferer in a care home just outside my constituency—a care home that I know—where she suffered abuse through rough handling, which came to light only when a whistleblower among the staff informed Ms Connery of what had occurred. On being questioned by the police, the member of staff concerned stated that her behaviour was facilitated

[Mr Dominic Grieve]

by the absence of any realistic safety monitoring of staff behaviour. Subsequent inquiry, before Ms Connery moved her mother elsewhere, also suggested that the lack of proper systems at the home led to, for example, unauthorised strangers being invited into the home late at night by staff. When Ms Connery raised that concern with the management, she was told that there was no proof of that having happened.

As the abuse and the illicit visits by strangers to the home took place in communal areas, Ms Connery was persuaded of the desirability of making the monitoring of common parts of care homes obligatory. She was also influenced by the fact that many cases of abuse had been proved—there are stories in the newspapers several days a week—as a result of relatives setting up hidden cameras when they had strong suspicions that abuse was taking place, and then being able to find the evidence of what was going on, even though the management denied that anything untoward was occurring. That has since led Ms Connery to set up an organisation—Care Campaign for the Vulnerable—with a mission to promote and introduce CCTV in the common parts of care homes.

When Ms Connery first contacted me, I was impressed by her determination and motivation, but I have to admit—perhaps it was the lawyer in me—to not being certain that her proposal was necessarily the best way to tackle the problem. I had a lawyer's concern about the extent to which placing CCTV cameras in care homes might infringe privacy. Several rounds of correspondence between me and the Department and the Secretary of State followed, in which I gently pressed the Department to respond to the details of Ms Connery's campaign, but while I am not suggesting that there was a lack of interest, it is right to say that the Department's responses have been rather non-committal.

In July last year, the then Secretary of State, my right hon. Friend the Member for South West Surrey (Mr Hunt), wrote:

"I appreciate Ms Connery's concerns... We agree that poor care, abuse and neglect are completely unacceptable. Everyone should receive high quality care, delivered by well trained, properly managed and compassionate staff. We are committed to making this a reality.

The Department believes that the use of CCTV and other forms of covert surveillance should not be routine, but should be considered on a case by case basis. The Department does not object to the use of CCTV in individual care homes, or by the families of residents, provided it is done in consultation with and with the permission of those residents and their families."

Of course, I agree with that point. He continued:

"We want to make sure that people are held to account for the quality of care they provide, so we are introducing measures to ensure that company directors who consent or turn a blind eye to poor care will personally be liable for prosecution. In the future, they, and the provider organisations, could face unlimited fines if found guilty.

The Care Quality Commission is the independent regulator of all health and adult care providers in England. All providers of regulated activities, including the NHS and independent providers, must register with the CQC and meet a set of requirements governing the safety and quality of services. These requirements include areas such as cleanliness and infection control, the management of medicines, safety, the availability and suitability of equipment, respecting and involving service users and ensuring that there are sufficient numbers of suitably qualified skilled and experienced people employed by providers."

The rest of the letter dealt with trying to raise staffing standards through the introduction of the care certificate for employees in the sector.

No one reading that letter could have any reason to disagree with its sentiments—I certainly do not—but it seems to miss the point that Ms Connery had been pressing, that CCTV in common parts could be a useful tool to achieve several important ends. First, it offers reassurance to residents and their families that any incidents that take place in communal areas can be recorded, and that if something occurs in that setting it will be possible to ascertain the facts. It is worth bearing in mind that in the last five years, the CQC has been coping with more than 100,000 allegations of abuse or instances of negligence leading to safeguarding referrals, at a significant cost in terms of manpower. In many cases, the inevitable outcome is that the causes of an incident remain unresolved, which is as unsatisfactory for the provision of care as it may be wholly unfair to the staff involved. Someone caring for an elderly and vulnerable person, who may have brittle bones, for example, cannot completely remove the risk of accidents if they are also trying to involve that person more generally in the life of the home. As I sometimes point out to people, there may well from time to time be accidents that are nobody's fault, even if one wishes to try to learn from what happened.

Secondly, the presence of CCTV in common parts will act as a deterrent to people who might enter the care home for an unlawful and unauthorised purpose, which regrettably is not unknown. Some years ago in my constituency, I had an appalling case of a serious sexual assault on a disabled resident by a stranger who had gained access to a care home for the severely disabled as an apparent visitor. Nobody had challenged them.

Thirdly, the correct use of CCTV provides an opportunity for managers in care homes to keep problems under review and to help staff to learn from errors in delivering care that may have occurred in the course of their work. CCTV is sometimes seen as a spy, but that is not the intention here. The point is not just to catch people who may be doing something wrong, but to have systems in place that enable standards to be improved, which can facilitate the improvements that the CQC and the Secretary of State seek, as he set out in his letter.

Before being elected to the House, I was a lawyer practising mainly in the wide-ranging area of health and safety law. My experience was that people have to talk the talk and walk the walk, so I wanted examples, rather than just ideas, of the use of CCTV being beneficial and bringing about innovatory change. What swayed my opinion more than anything was the great deal of evidence that Ms Connery provided that responsible care homes are increasingly installing CCTV and are convinced of its usefulness. I have two examples that may be helpful.

Zest Care Homes, based at Yarm in Cleveland, is a long-established care home provider with several care homes. It was concerned that, despite best intentions and robust operational policies and auditing of services, it still had poor performance issues. It concluded that the principal problem was that, regardless of the training and induction of staff, there was a trend by staff to take shortcuts when carrying out their work and assisting residents. Accordingly, Zest Care Homes consulted all the relevant stakeholders and moved to an overt CCTV

consent-based system that, interestingly, covered not only communal areas but, by agreement, bedrooms as well. I should add that it met the European convention on human rights standards of proportionality on privacy. Footage was viewed by professionally trained monitors from a separate company, which had been set up for that purpose and acted independently of the parent company providing the care, and which had a requirement to produce monthly reports based on two hours of sampling per day. The footage was not continuous but could be triggered by certain events, such as people going in and out of a room, moving around, or delivering certain sorts of care.

After installation, Zest Care Homes stated:

"We have noted very material culture changes such as how staff now position themselves when talking to residents, the practise of using mobile phones when talking to residents, the presentation of food etc, to more major issues such as the delivery of personal care, management of incontinence and manual handling consistency. Very significant events such as resident on resident violence, staff attempting to sleep overnight at times, drug near misses as staff are distracted when administering medications, staff rudeness, family abuse of residents etc. All have been noted because of the CP system and addressed immediately without any delay.

One real positive is the reduction of unexplained injury events and a reduction in unexplained safeguarded referrals. The CP system has assisted with preventing accidents as focussed training followed monitor notification of repetitive poor or casual practices. Families are very positive about system use...It is our view that whilst the regulator (CQC) operates under a very robust framework and has a challenging inspection regime, its findings are nevertheless a 'snapshot' in time. We believe that daily monitoring is much more effective and focus on care practises and the actual delivery of care should have priority over the presentation of care documentation as to whether care quality at any site is of good enough standard.

Providers have an interest in knowing that information. CP acts as a critical friend...shortcomings are no longer 'perceived' as images either confirm issues indeed are present, or they are not."

Other reputable providers, such as the Priory Group, have adopted similar independent monitoring systems.

The second provider that I will use as an example is the Marbrook Centre in Cambridgeshire. It is slightly different, because it is a specialist provider of neurological care and rehabilitation. It stresses an awareness that CCTV can have drawbacks, as it can lead to staff watching screens rather than interacting with those for whom they care. Of course, if we go back to Zest for a moment, the whole point is that it is not the staff who are monitoring the screens; that is done somewhere else, so it is not such a distraction. However, the Marbrook Centre sees that drawback as wholly outweighed by the benefits that I have already cited. It says,

"the senior management team can access it randomly to watch snapshots of life at the home. This probably amounts to less than an hour of live footage a week being seen. As part of our audit and quality procedures we do randomly select perhaps three or four different shifts a month to look at retrospectively. We look at how our staff are interacting with residents and if staff at night are fully awake and attentive?...It is also used without hesitation when we have a suspected incident, accident or complaint which needs further investigation."

I hope these examples will help the Minister understand why I think CCTV should be promoted in care homes.

Beyond that, the question arises whether, at some point in the future, CCTV should be made compulsory in the common parts of homes to which residents have access. From a legal point of view, this raises no privacy

issues of any complexity, because many common parts of buildings have CCTV, including parts of the Houses of Parliament. As long as people are notified of the CCTV, there is not an issue, and it would provide a powerful tool for helping to prevent abuse and improve standards. It is clear that care homes with high standards are already adopting this form of technology widely.

I am aware that the Government will be concerned that any such change would impose a new cost burden on care homes, and I recognise that that is an important issue. As many of us know, care homes operate on very low profit margins, particularly in areas of high cost, and some are finding it increasingly difficult to provide the service—certainly at the rate that local authorities are able to pay, unless they can compensate for it by getting in privately paying and privately funded residents. I assure the Minister that I am mindful of the problems that she grapples with when she sits down at her desk in the morning. These are real issues that cannot be readily solved.

None the less, I believe that, in view of the likely cost of the technology and its widespread availability, providing an adequate lead-in time ought to enable the cost to be absorbed without a crisis. Even if the Government cannot move to that point, active encouragement and using Government systems to point out the widely evident benefits of using a CCTV system would be a powerful tool that would help the Government to improve good-quality care of the elderly and vulnerable, and ensure it is not inhibited by a failure to implement good practice. History shows that people may not be persuaded to move forward without being given a bit of a shove.

I am conscious that I have taken up the 25 minutes that I said I would speak for, Sir David, and I try to keep within my time limits, although I think I may be 11 seconds over. I look forward to hearing the Minister's response in due course, having heard from other hon. Members present, and I very much hope that she will be in a position to provide a positive message to those who are taking an active interest in this matter.

9.55 am

Emma Hardy (Kingston upon Hull West and Hessle) (Lab): I just want to add a few comments to the excellent speech given by the right hon. and learned Member for Beaconsfield (Mr Grieve) and to offer him my support. Similar to the story that he has just related, a constituent of mine, Tony Stowell, came to see me after having problems with his mother, who had fallen in a care home and broken her hip. Since then, he has been incredibly concerned.

We talk a lot about CCTV offering reassurance. At one point in my previous life, I worked in a children's nursery. One thing the nursery offered was CCTV cameras in all of the different areas. Anyone who has ever dropped a small child off at nursery or on the first day back at school knows that their child is in floods of tears when they are about to leave them. They go home feeling dreadful that they have abandoned their child and feeling that their child is going to cry all day, only to ring the school or the nursery and hear them say, "Oh, your child had a wonderful time. They stopped crying the minute you left." By offering CCTV, the nursery was able to say to parents, "Sit down and have a look at your child. The minute you walked out of the door, they

[Emma Hardy]

wiped their eyes and were off playing and having a great time.” It gave people peace of mind and reassurance, which is what is missing from care homes.

As the right hon. and learned Gentleman said, it is not that we think everybody in care homes is going to be abusing the elderly or treating them badly, but if a person has an elderly relative with dementia who cannot clearly communicate how they are feeling or what is happening to them, having that reassurance—being able to look at footage and think, “Actually, they are okay. They are not really unhappy”—offers that desperately needed peace of mind.

I have written to the Minister and would like clarification on the reply I received. It said:

“As the majority of care homes are in the independent sector, the Department of Health and Social Care does not have powers to enforce the installation of CCTV. This would require a change in the law, which falls within the remit of the Ministry of Justice.”

I am a bit confused as to where this issue lies: does it lie with both Departments or with one of them? Clarity on that would be helpful.

More than 20,000 care homes care for more than 300,000 people. Two thirds of the people in our care homes are in their 80s and only 1% of our care homes are rated outstanding. Surely Members of Parliament and the Government should do everything possible to raise standards. I believe that offering CCTV would not only help to raise standards in care homes but offer reassurance, and I look forward to the Minister’s reply.

9.58 am

Glyn Davies (Montgomeryshire) (Con): I apologise that I will not be able to stay for the winding-up speeches, much as I would like to. I will have to depend on tomorrow’s *Hansard* to read the Minister’s response, which I am very much looking forward to. I have another meeting that I simply cannot avoid.

In the past, I spent some time working with a care home in an advisory capacity, helping them to deliver the effective and safe service that we all want. I was particularly involved with the development of an advocacy service for residents of care homes, and also a lay visitor scheme, which is hugely important. We are all aiming for the same result, as is today’s debate. We all want compassionate and effective care in our residential care homes that develops confidence for the people in them as well as a safe environment.

I congratulate my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) not only on securing this debate but on his comprehensive speech. I unashamedly inform him that I shall take some of what he has said today and claim it as my own in future speeches. He put a very comprehensive case and I agree with all of it, so there is no point in my repeating any of it except to say how much I agree.

I have two issues in mind. One is CCTV in communal areas, for which the case is strong, particularly in terms of protection and the promotion of welfare for residents, and also for issues such as the identification of personal property, which is often helped by CCTV. It promotes a general air of confidence. However, everyone must sign up to it. That is key. Everybody operating under CCTV knows perfectly well that it is there, which in itself

develops a much higher standard and awareness of the way in which everyone should operate. There is a danger of a loss of trust if everybody is not aware. An absence of trust and a feeling that there is surveillance that people do not know about can cause great damage.

Cost is a concern. In my constituency of Montgomeryshire, there is huge pressure on residential care homes, although the adoption of the minimum wage has made a big difference. Quite a few care homes will not survive because, although the local authority pays a certain rate, access to private care is not how it would be in a more affluent part of the country, so there is a big dependence on local authority provision. However, the fees simply do not cover the cost. We must be aware of that so that we do not impose anything on care homes that reduces the number of care places available.

The issue of surveillance in private rooms is much more complex and controversial, but the reality is that it will happen more and more. There have been high-profile cases in which individual families have undertaken their own surveillance. I think that will increase because there have been high-profile incidents that highlighted poor care—others will undertake their own surveillance. The issue is how we manage it and the circumstances in which we consider it appropriate in private rooms. My instinct has always been that there should never be surveillance unless everybody within its view knows about it. That would lead to confidence and not cause damage.

Everybody wants safe and effective care in our care homes. I share the view of my right hon. and learned Friend the Member for Beaconsfield that introducing CCTV as a compulsory measure in all care homes at some stage would be a positive step in helping to achieve that.

10.4 am

Patricia Gibson (North Ayrshire and Arran) (SNP): I thank the right hon. and learned Member for Beaconsfield (Mr Grieve) for securing this debate and for the considered way in which he set out his powerful case. Increasingly in recent years allegations of abuse in care homes have been the subject of television documentaries and newspaper reports, as the right hon. and learned Gentleman pointed out. They have even given rise to parliamentary petitions.

We heard today the case for the installation of CCTV cameras in communal areas in care homes. It is easy to see how cameras could help to prevent the abuse of vulnerable and elderly people. We have certainly seen in the past how hidden surveillance has exposed disturbing and serious abuse of very vulnerable people, much of it long standing, such as in, to name one example, the Winterbourne View hospital, as the hon. Member for Montgomeryshire (Glyn Davies) pointed out. As the hon. Member for Kingston upon Hull West and Hessle (Emma Hardy) said, we do not want to let the shocking examples of poor care that have been publicised to allow us to forget that some care homes, perhaps the vast majority, provide excellent care to some of the most vulnerable members of our communities across the United Kingdom.

Some of the information set out for us today by the right hon. and learned Member for Beaconsfield is truly shocking, but we can all agree that there is a balance to be struck between protecting the vulnerable in care homes and protecting their privacy. There can be no doubt that CCTV can be helpful in some circumstances. The Mental Welfare Commission for Scotland stated:

"There are serious human rights considerations in relation to the use of hidden surveillance, but we do not argue that it should never happen."

The right hon. and learned Gentleman pointed out that if CCTV is to be introduced purely in communal areas, the arguments about invasion of privacy become less urgent. If those receiving care have the capacity to consent to being filmed, they must also have the right to refuse, as suggested by the hon. Member for Montgomeryshire. No one should be placed under surveillance without their agreement, but if there is concern that a vulnerable person is being mistreated or abused in some way, the local authority can consider other adult protection measures.

Regardless of how well intentioned, there can be no denying that the use of CCTV inevitably intrudes upon a person's privacy, even if it is restricted to communal areas. We also have to be mindful that care homes are people's homes, and people need to feel safe, secure and supported in their home.

As for the suggestion that CCTV cameras in communal areas should become the norm, which might well be the case, I cannot help feeling that it is a sad indictment of our society when, across the board, staff as well as residents are subjected to monitoring. Some might say that that would afford additional protection to staff as they go about their duties as well as to residents, but it would be sad if such monitoring were to become the norm, although I accept the argument from the hon. Member for Kingston upon Hull West and Hessle about reassuring relatives who are concerned about their elderly loved one.

The reason we are debating this subject is the alarming cases of abuse of vulnerable and elderly people that have been exposed through secret filming. We must take those examples extremely seriously, but it is important that we do not allow ourselves to believe that they provide a template for what happens everywhere and for how all staff behave. My mother-in-law, a former Glasgow City councillor, has dementia and is cared for in an excellent care home—Haylie House in Largs. Its first-class staff are cheerful and good-natured, and the care provided is second to none. When we put our vulnerable and elderly relatives into care homes, often with great reluctance, we need to be able to trust the staff. That is an essential part of the care process. We cannot allow the reports of abuse to allow us to forget the good work in the vast majority of our care homes.

It would be wise at this juncture to take cognisance of the view of Age UK that we must take care that CCTV might provide false assurances in addition to potentially compromising the privacy of residents in care homes. The chief executive of Age UK, Caroline Abrahams, has warned:

"With all the media stories about abuse and neglect in care homes it can be tempting to see installing security cameras as 'the answer', but Age UK very much doubts this is the case."

Mr Grieve: I entirely endorse that. CCTV cannot be a substitute for good quality care. The examples I gave showed that, in areas where there is an attempt at delivering really good quality care, CCTV has served to improve it, but clearly if a care home simply relied on CCTV as a failsafe, that might be even worse than the current position.

Patricia Gibson: I absolutely agree. I will move on to address the right hon. and learned Gentleman's point about high-quality care, but will first finish the point I was making.

Cameras offer some protection to vulnerable and elderly people in care homes—I do not think anyone would dispute that—but they cannot be everywhere on the premises, so their impact will necessarily be limited. It is important that relatives of elderly residents and those who work in care homes and seek to improve them do not see CCTV as promising more protection than it can deliver in reality.

It is important to remember that abuse and neglect can be subtle and disguised. Cameras might pick up such subtlety and studied disguise but they might not. To go back to the point I made earlier about trust between residents, staff and the families of residents, if care homes do not operate on trust they are truly lost. It is essential that care homes command the trust of residents and their families, whether or not cameras are in place.

The hon. Member for Kingston upon Hull West and Hessle talked about raising the standards in care homes. We can all agree on that and it is why we are here. Returning to the point that the right hon. and learned Member for Beaconsfield made, we all understand that care homes find it increasingly difficult to recruit and retain suitable staff. We need more effort and more support for care homes, because that is the most positive way forward.

The sad fact is that our elderly relatives are in care homes because they need good-quality and very patient support in their senior years, but too often those providing that support are underpaid and undervalued by wider society. Those who do the extremely challenging job of looking after our elderly relatives need more recognition for the demanding and challenging work they do. I am sure we all agree on that. The right hon. and learned Gentleman set out the challenges in staff morale, which demand our attention.

We agree that caring for people with dementia every single day can be extremely challenging, and those who do it well deserve to be applauded. CCTV may well have a place, but it is not and cannot be—I do not think anybody is suggesting it is—the answer to the important question of how we better support and care for our older people in their twilight years, with the best possible and most highly motivated support staff, who are suitably and appropriately valued by society. If we can achieve that, we will have done a huge amount to improve our care homes and the care experience of older people.

10.13 am

Julie Cooper (Burnley) (Lab): It is a pleasure to serve under your chairmanship, Sir David. I am grateful for the opportunity to respond to the debate, and to the right hon. and learned Member for Beaconsfield (Mr Grieve) for bringing this important subject before the House. I feel strongly about it, and I bring some personal experience over many years of sourcing care for grandparents and, most recently, for my own mother. I have seen examples of poor care in nursing homes and care homes, as well as examples of absolutely fantastic care in both. I pay tribute to the carers who have the skills, patience and dedication to do what must be one

[Julie Cooper]

of the most important jobs, and probably the least valued by our society. We all should take note of that and value such people.

It should be a priority for any civilised nation to promote and ensure the safety and wellbeing of its citizens, and the provision of high-quality care in a safe environment for elderly and vulnerable people should be a given, and something that we can take for granted. Elderly people are the group I have the most experience with in this area, but I expect that it is pertinent to people in other groups who find that they need to move into a care home.

When someone is no longer able to live independently in their own home it is a big deal—for the person themselves and for their close family. Admitting that they, or a family member, cannot cope independently, giving up their home and moving away from familiar surroundings can be extremely traumatic and quite frightening. Having made the decision, everyone involved needs to be reassured that the care home is a safe and genuinely caring facility, adequately staffed by well-qualified, well-supported and well-supervised carers and nurses.

Sadly, that is not always the case, and there are well-publicised examples of poor care, neglect and, in some instances, wilful abuse. It is a shocking state of affairs that is totally unacceptable. There is, rightly and properly, a lot of agreement in today's debate. We all agree that a single case of abuse or neglect is one too many, and I base all my comments on that point of view.

The combined findings of Care Quality Commission inspections and staff surveys seem to indicate that poor standards of care, delayed care and neglect are widespread, while instances of deliberate abuse are relatively rare. I have seen many cases of neglect and poor levels of care. I have not seen any outright, wilful abuse, but that is not to take away from the fact that it exists. The question for us today is whether the installation of CCTV in communal areas of care homes would eradicate such problems or lead to improvements. The right hon. and learned Member for Beaconsfield and other Members made a powerful case for the contribution that CCTV could make in some instances, but it is perhaps a bit of a search for a quick fix. This is a complex area with no quick fixes, and false reassurances, as has been mentioned, are a worry.

We are talking about introducing CCTV in communal areas, but the majority of care is delivered in private bedrooms, bathrooms and treatment rooms. Introducing overt surveillance into communal areas would only shift any poor practice to areas not covered by cameras. We therefore run the risk, as I said a moment ago, of providing false reassurances to family members.

More broadly, we all live in a world where CCTV is a part of everyday life. In every shop and on every high street, where we go and what we do is recorded—except, that is, in our homes. When we sit down in our lounge, family communal areas or dining room we have privacy. Is anyone suggesting that the routine recording of elderly residents while they sit in their lounge or eat in the dining room should be a requirement in every home in the land? Who among us would like to be filmed while we snooze in front of the TV or sit down to eat? If we are talking about the dignity of the residents in such homes, is that really what we want to see routinely?

Mr Grieve: I appreciate the hon. Lady's point. Equally, perhaps one has to bear in mind that if we move out of the total privacy of a room in which we sit alone, we are observed by other people. That is part of our lives. There is a strange irony in the fact that we are perfectly happy to say, "This is wonderful—the meal time is so well supervised by staff," but if it is supervised remotely through CCTV, or if there is CCTV available to check whether something has gone wrong, we are troubled by it.

Of course, so much depends on the absolute effectiveness of maintaining the necessary safeguard that material is kept within private circulation. However, provided we have that, I confess that I find it slightly difficult to differentiate between a camera providing some degree of assurance that everything is all right and a person physically sitting there, to which nobody would have any objection.

Julie Cooper: I hear what the right hon and learned Gentleman says. There are no right or wrong answers here; it is about creating a balance. I would point out that not all residents in care homes have dementia. Many of them do not and have a very strong awareness of their environment. They would see this as an infringement of their dignity—a dignity that they are fighting to hold on to for the remainder of their life. I take the point, but I do not think the issue is straightforward.

A point was made about CCTV in this building. We accept it, but we do not live here. We accept it in our lives, but if we are to make care homes a genuine substitute home for vulnerable people, we have to bear such points in mind. CCTV may have a role in specific circumstances, for example where a concern has been identified, but it ought to be a last resort, implemented only with the knowledge and full consent of residents, families, staff and professional representatives, because this affects everybody, and observing would definitely affect the relationships in the home.

Acknowledging that it is unlikely that incidents of abuse and poor standards of care would be prevented by installing CCTV cameras in communal areas does not mean that serious problems can be ignored. Abuse of people in care homes, and/or poor care, shames us all. In many ways, the issue of CCTV is more of a red herring than a solution. I accept that it may have a role in some areas, and there may be justification for using it in some limited ways. However, there is widespread agreement from a range of well-respected organisations that the blanket imposition of CCTV is not the answer.

As the hon. Member for North Ayrshire and Arran (Patricia Gibson) has pointed out, Caroline Abrahams from Age UK said that it is more important

"to raise the quality of care in care homes across the board and ensure that all older people, their families and staff are involved...and are able to raise any concerns, confident that their feedback will be acted on."

That is not always the case at the moment.

Dr Peter Carter, former chief executive of the Royal College of Nursing has said that the answer to better care is better recruitment, training and managerial supervision of staff; that would be a better way to deal with this. I agree.

The CQC said:

"We would be concerned by an over-reliance on surveillance to deliver key elements of care, and it can never be a substitute for trained and well supported staff."

I agree with that too, and I know that other hon. Members do too—there is so much agreement in this place on this subject, which is quite unusual. I am sure that the right hon. and learned Member for Beaconsfield has initiated this debate in good faith, but if we are really serious about ensuring the highest standards of care in care homes, which I believe he and other Members here are, he will join me in urging the Minister to consider reversing some of the funding cuts to social care.

It is a sad fact, but a fact nevertheless, that in response to Government funding cuts local authorities have reduced spending on social care by £6.3 billion since 2010. The cuts are now having a huge impact on care quality—a quarter of all adult care services have the lowest safety ratings, 30% of nursing homes in England require improvement or are inadequate and a growing number of private care homes are handing back their contracts, citing insufficient funds. Many more are teetering on the brink of financial collapse, faced with no alternative but to reduce staff numbers and, inevitably, standards of care.

We have not talked much about the funding implications of CCTV. Given that the sector is short of funds to start with, I am not sure who exactly would pay for CCTV installation and the ongoing monitoring, if it were to become mandatory; if it were to have any value at all, that would be expensive.

Before this debate, the Department of Health and Social Care said:

“Closed circuit television should not be...a substitute for proper recruitment procedures, training, management and support of care staff, or for ensuring that numbers of staff on duty are sufficient”.

I agree, but proper recruitment, training and adequate numbers of care staff have an associated cost, which it appears the Government are not prepared to meet. Quality care for the elderly and vulnerable cannot be delivered on a shoestring by poorly paid and overstretched carers. Our old people, our parents and grandparents deserve better. I look to the Minister to bring forward the promised Green Paper, to embrace the points made in this debate and to ensure that we have the kind of social care and care for our elderly that we can all be proud of.

10.25 am

The Minister for Care (Caroline Dinanage): It is a pleasure to serve under your chairmanship, Sir David. I congratulate my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) on securing the debate. I welcome his well-thought-out and measured contribution to this incredibly important agenda. At its heart is a focus on our shared interest in safety and quality of care for those in residential settings. I thank other hon. Members who have contributed. Consensus has broken out widely in the Chamber, which is not entirely usual and is to be warmly welcomed.

I begin as other hon. Members have by paying tribute to those who work in adult social care. They do a brilliant job often in quite difficult and demanding circumstances, and sometimes with very frail and vulnerable people. Social care professionals work with great compassion and resilience and the vast majority of them treat those they care for with enormous dignity and respect.

Central to the effectiveness of care and support services that enable living well is the quality of those services. Everybody wants the very best care for their loved ones, but we do not know for sure what takes place when we leave a residential care home, which is understandably a concern to many people.

I listened to my right hon. and learned Friend's arguments with interest. He makes them in his customary reasonable, compelling and persuasive manner. I agree that there are cases in which CCTV could be seen to be of benefit. The question we need to answer today is whether, in the Government's pursuit of quality care, mandatory CCTV cameras are the answer.

Currently, there is no obligation on care homes to install CCTV cameras, but are they able to provide reassurance that care assistants and other staff are looking after our relatives in the way that we would wish? I do not think there is a single answer to making sure that abuse is eliminated and care is delivered in the best way possible. Some providers may reap significant benefits from using surveillance. Certainly, campaigners such as my right hon. and learned Friend's constituent, Ms Connery, have collected great examples of it working very well to safeguard vulnerable residents. I can see how surveillance systems can be used as part of the appropriate deprivation of an individual's liberty. With appropriate safeguarding, CCTV could be used to monitor and identify whether a person living with dementia is attempting to leave a care home, for example.

Mr Grieve: I am grateful for the spirit in which the Minister is responding to the debate. As we have examples of what appears to be good practice—it is possible that one is being misled by the examples, which we have to bear in mind—I would be interested to know whether the Government, as well as the CQC, are assessing those companies that are voluntarily using CCTV in common parts and their results so that we can be better informed as to its success or otherwise.

Caroline Dinanage: We have not done that to date, but we would be very happy to see the valuable evidence that my right hon. and learned Friend says people have been collecting.

The hon. Members for Burnley (Julie Cooper) and for North Ayrshire and Arran (Patricia Gibson) raised the concern that CCTV has the potential to be intrusive in people's lives, not only for those who live in such homes but for their friends and families, the staff and people who come to visit. As they both said probably more articulately than I can, we have to keep at the back of our mind at all times that these are people's homes. Given the huge rise in the amount of care that is delivered in individual homes rather than in residential settings, there is also the concerning question of whether there would be pressure to install cameras in the homes of people who receive domiciliary care if CCTV is made compulsory for care homes, which would be a step into a whole new world.

I move on to this part of my speech with some trepidation, given that I am speaking to a former Attorney General. There are complications with the legal aspects of his proposal. I am not a learned Member of Parliament by any stretch of the imagination, but there could be an administrative and financial burden on care homes, many of which are small businesses with very few

[*Caroline Dinenage*]

administrative staff. In 2014, the Care Quality Commission published “Using Surveillance: Information for providers of health and social care on using surveillance to monitor services”. It was aimed at the public, inspectors and providers who are considering or already using surveillance systems. That guidance will be refreshed later this year.

The legal framework requires that any use of surveillance in care services must be lawful, fair and proportionate, and for purposes that support the delivery of safe, effective, compassionate and high-quality care. Providers considering using surveillance, particularly covert surveillance, must bear in mind the potential impact on the bond of trust with people who use their service.

Mr Grieve: I have to make it absolutely clear that I was not suggesting covert surveillance. I have been quite plain about this. As I understand it, the homes that have introduced it have done so overtly; the common parts are covered by CCTV and anybody who comes into the home understands that. I am not recommending a form of covert surveillance. I can see how that could be open to considerable abuse and lots of difficulties, and I strongly urge the Minister and her Department to steer well clear of that legal minefield.

Caroline Dinenage: I thank my right hon. and learned Friend for that legal advice, which would probably have cost me a fortune in the outside world. I am grateful for that clarification. The provider should consult those affected on the use of surveillance wherever it is possible to do so. It would have to meet the cost not simply of the equipment and the monitoring of it if it is done by a third party, but of the training, staff time, legal advice and consultation activity. There is no point in having such a system unless it is monitored and routinely checked.

The hon. Member for Kingston upon Hull West and Hessle (Emma Hardy) spoke compellingly about early years settings. I have experience of that, not just as the former early years Minister but as a mother who has been in exactly the situation that she mentioned. It certainly rings bells with me—leaving children screaming their heads off, and five minutes later being told they are all perfectly fine. As she says, that can be very comforting for parents. CCTV is not compulsory in early years settings either, but there are many similarities between the two sectors: they are both predominantly run by private companies. I hope that early years and residential care businesses see the benefits.

I have an apology to make to the hon. Lady. She asked about the letter that we sent, which suggested it might have to be up to the Ministry of Justice to change the law. That was incorrect, and we have subsequently sent her a letter clarifying that. I apologise.

Ultimately, CCTV can have benefits, but it simply cannot be a substitute for well-supported, well-trained staff and excellent management. We have made it clear in statutory guidance to support the implementation of the Care Act 2014 that we expect local authorities to ensure

“the services they commission are safe, effective and of high quality”.

We also expect those providing the service, local authorities and the Care Quality Commission to take swift action

where anyone alleges poor care, neglect or abuse. We have backed that up with more than £9 billion of investment in the sector in the past three years,¹ which equates to an 8% increase in funding. That incredible amount of money highlights the challenge we face in the sector.

Julie Cooper: Does the Minister not accept that, as a result of cuts to local authority funding, there has been a reduction equivalent to £6.3 billion of spending in the sector?

Caroline Dinenage: I accept that there were cuts to local government funding during the time of the recession that we all endured. That was incredibly regrettable, but was one of those very difficult decisions that Governments have to take.² In the last three years, we have increased funding by £9.4 billion, which equates to an 8% increase. It demonstrates the challenge of this ageing population—people are living longer with much more complex needs, and many vulnerable people need an enormous amount of support and care. It is an enormous amount of money, and yet we still see the sector facing great challenges and stress, which is why we have a Green Paper coming out later this year. We hope it will help address the sustainability of the adult social care sector. Successive Governments have wrestled with this incredibly challenging issue, and we need to find a long-term solution.

We expect serious allegations of abuse and neglect to be thoroughly investigated and prosecutions to be brought where that is warranted. The abuse of people who depend on care services is completely unacceptable and we are determined to stamp it out. That is why we introduced the new wilful neglect offence, which came into force in April 2015. The hon. Member for North Ayrshire and Arran said that we must get the very best quality of staff into this demanding and challenging profession. I could not agree with her more. We have made changes to help services recruit people with the right values and skills, and introduced a care certificate for frontline staff to ensure older and vulnerable people receive the high-quality care they deserve.

The Department for Health and Social Care has commissioned and funded Skills for Health, Skills for Care and Health Education England to develop a dementia core skills education and training framework, which is very important to me. There is also a fit-and-proper-person test to hold directors to account for care. Let us not forget that 82% of adult social care providers are rated as good or outstanding as of August 2018, according to the Care Quality Commission. That is a testament to the many hundreds of thousands of hard-working and committed professionals working in care, to whom we owe a debt of gratitude. Surely the best way of building on that is not to say to them, “We’re watching you in case you do the job wrong,” but rather to say, “How can we support you to do the job better? How can we invest in skills training, continuous professional development, great management and more staff on better wages?”

Mr Grieve: I come back to my point: in the course of their life, a person might carry out a job under supervision—I used to as a pupil barrister—when somebody might watch what they are doing and tell them what they are doing wrong. One of the difficulties in some care homes is that that is not necessarily happening. I urge the Minister simply to factor in that the chain care

1.[*Official Report*, 11 October 2018, Vol. 647, c. 4MC.]

2.[*Official Report*, 11 October 2018, Vol. 647, c. 4MC.]

homes that I cited were using CCTV not to pick up, punish and sack staff, but to improve the quality of the care. That is one of the things that impressed me the most about it.

Caroline Dinanage: My right. hon and learned Friend has made that point incredibly powerfully and I do not dispute for one second that there is value in that form of monitoring. Certain responsible employers might see that value and benefit from it. I still do not think that there is any substitute whatever for top-quality management carrying out that sort of monitoring and surveillance themselves, when done properly.

The Care Act 2014 places a duty on local authorities to promote their local market to ensure that all service users have a choice of high-quality services available. In 2015-16, nearly two thirds of service users reported that they were extremely or very satisfied with their care and support, which was consistent with the previous year and is testament to the work carried out at local level to deliver quality services. We cannot rest on our laurels: if two thirds of service users reported that they were extremely or very satisfied, a third did not. That is why the Department for Health and Social Care is working with the adult social care sector to implement Quality Matters, a shared commitment to take action to achieve high-quality adult social care for service users, families, carers and everyone working in the sector.

The compulsory use of CCTV cameras in the communal areas of care homes would require a change in the law, and it is not clear that that blanket approach would be proportionate or respect the needs and wishes of everyone who lives in a care home. There are undoubtedly cases in which better monitoring of staff would produce benefits, but without fuller evidence, the decision to install CCTV should remain one for the care home provider. I have been encouraged by the stories told by my right hon. and learned Friend about companies that found that installing CCTV brought tangible benefits. I encourage other providers to look at those kinds of examples if they are contemplating installing CCTV, and would certainly support them if they wished to do so.

The Government are absolutely committed to providing high-quality adult social care for service users, families, carers and everyone working in the sector, but at this stage we do not intend to make installing CCTV in care homes mandatory.

10.42 am

Mr Grieve: I am most grateful to the Minister for the time and trouble she has taken, and to other hon. Members who participated in the debate, my hon. Friend the Member for Montgomeryshire (Glyn Davies) in particular.

The points that have been made are all valid. I emphasise that I am not putting this proposal forward as a panacea—there are no panaceas. One of the things that we should have learnt a long time ago—I hope most hon. Members know this—is that perfecting humanity is impossible. All we can do is to strive to improve what we do. The point I would like to emphasise is that, despite the fact that many care homes strive to be good, systematic patterns of failings are clearly creeping into the area.

That happens in many other areas of human activity but, for the reasons I gave at the start of the debate, I do not think that the failings picked up in care homes should be in any way surprising.

Looking after people who have complex physical and in some cases mental health-related issues is a very difficult thing to do. It will stretch and test human beings, especially their tolerance levels. I know from past experience in other fields that any deterioration in how human beings behave towards each other, whether that is neglect or abuse, usually comes not as a one-off but as part of a pattern of inability to manage the stresses and strains that people are under and then to respond to them appropriately.

I have a younger son who has just come out of Sandhurst. When he left Sandhurst, during a lunch to celebrate his passing out, he said to me, “The funny thing is, I went into Sandhurst far more confident about my capacity to be an officer and a leader than when I came out,” to which one of the instructor officers replied, “That is exactly what we intended.” It was intended to point out the areas where they were going to be put under pressure and would have to find the right discipline to respond. That is the fundamental problem.

Ultimately, the Minister is right: it is about management. If there is good management, whether that be in prisons, hospitals or care homes, or political parties for that matter, those places are likely to work better than without good management. The question is, “What are the tools which we can use to try to enhance that?” Of course, CCTV is not a panacea—it could be misused and just become mechanical. Admittedly, the examples I have given are only examples. There may be others I do not know about in which CCTV has been used and is not working well—I have not come across any because I can only pick up the bits of evidence I am given, which is why I have suggested to the Minister that doing an evaluation might be quite useful. The Government are in a much better position, as is the CQC, to see whether the results are sufficiently positive. Even if CCTV is not made compulsory, it should be more positively encouraged because it is such a good tool. The best examples I have heard about suggest that it works rather well.

Far from CCTV leading to terrible stories about sacking inadequate or brutal staff, it simply means that staff end up happier and deliver a much better service to residents in care homes, relatives are much more reassured and, if there is a problem, it can be dealt with more effectively. That is what I am talking about. It is not a binary choice that I am putting forward—we have far too many of those in this place.

If this debate has served any useful purpose, I hope it has highlighted that in CCTV we have a positive tool that can be used effectively. I encourage the Minister and her Department, which has lots of problems to contend with, to look at this carefully. Despite the drawbacks that were rightly highlighted—I understand privacy, an issue which can trouble me very much as well—when we look at the nature of the sort of homes we are talking about, there is a place for CCTV. If it is encouraged, I think it might prove very useful in raising the standard, which is exactly what the Minister wants to do. I am here to encourage her in that direction in any way I can.

Question put and agreed to.

[Mr Grieve]

Resolved,

That this House has considered CCTV for communal areas of care homes.

10.47 am

Sitting suspended.

Equalities Legislation: Guide Dogs

11 am

Alex Chalk (Cheltenham) (Con): I beg to move,

That this House has considered the enforcement of equalities legislation relating to guide dogs.

It is a pleasure to serve under your chairmanship, Sir David. Enforcement of the laws we enact in this place matters. Without a robust and credible enforcement system, statutes risk becoming dead letters and the whole legislative process turns into a cosmetic exercise. There are practical steps we can take to support better enforcement of equalities legislation relating to guide dogs, and to improve the lives of people with disabilities.

I sought the debate because of the troubling experience of one of my constituents. The more I drilled into what he told me, the more I discovered that his experience was not isolated but symptomatic of a wider issue. My constituent, who prefers to remain nameless, is blind. In March, he tried to walk into a restaurant in Cheltenham with his guide dog, but the owner refused him entry, citing health and safety regulations. Those objections were entirely spurious. That was, *prima facie*, a clear breach of the Equality Act 2010.

A video of the incident was posted to the internet and carried on the GloucestershireLive website. The response was enormous, reflecting deep and proper concern about the injustice among people in my constituency and beyond. In fairness to the owner of the restaurant, I should say that the subsequent apology was suitably full and apparently sincere. It is important to note that neither I nor my constituent are calling for disproportionate retribution. In some ways, I am calling for quite the opposite: a system of process-driven enforcement, without the need for trial by social media.

My constituent's story is not unusual. There are more than 5,000 active guide dog partnerships and approximately 2,000 assistance dogs of other varieties—dogs other than guide dogs—working in the UK. A survey of more than 1,000 assistance dog owners conducted by Guide Dogs in spring 2015 found that 75% had been refused access at some point because they had an assistance dog with them; 49%—nearly half—had been refused access in the past 12 months; and 37% had been refused access to a restaurant in the past year. Those are sobering statistics. It is hard to communicate the impact of that to the extent it deserves. People affected feel humiliated, dehumanised and rejected by society. One guide dog owner in Hove said he felt “useless and...inadequate”.

What is the law? The Equality Act 2010 makes it unlawful to discriminate against a person with a disability and requires service providers to make “reasonable adjustments” to accommodate people. Taxis and minicabs are often cited as the most frequent offenders for turning guide dog owners away, but such a breach by a taxi owner is a criminal offence, so police and local authorities are better able to take action. For non-criminal breaches of the Equality Act—where someone is refused entry to a café or restaurant, for example—the options are very different, and none of them is terribly attractive.

What are those options? The gov.uk website states:

“If you find it difficult to access a local service—for example, you cannot use a local takeaway or sandwich shop because the

counter is too high—you should contact the organisation and let them know. It is in their interest to make sure everyone can use their service.”

In effect, the advice is, “Tell the perpetrator.” That is one option. The second is to issue proceedings in the county court. Not everyone will want to go through the hassle, expense and rigmarole of litigation in the county court. True, there is an equality advisory service, a legal advice helpline and help from the Equality and Human Rights Commission. None the less, given all the stress that comes with it, issuing legal proceedings is a daunting step, particularly where the breach is isolated. The third option is to report the breach on social media. However, in so doing, the victim loses control and may unleash a kind of digital vigilantism that they feel is disproportionate and inappropriate. The net result is that all too often justice is not done, and the options for the injured party are not palatable and not always appropriate.

Nick Thomas-Symonds (Torfaen) (Lab): I congratulate the hon. Gentleman on securing this important debate. I concur with what he says about the expense of litigation and the other options available. Is not raising awareness about the Equality Act 2010 a far better option in trying to ensure that the law is enforced?

Alex Chalk: The hon. Gentleman is absolutely right. Raising awareness is crucial, but where efforts to raise awareness have been unsuccessful, we need a process that is proportionate, streamlined and victim centred to ensure that justice is done in a way that is not as hit-and-miss and patchy as it is now.

The other problem is that local authorities usually do not keep records. For example, in the case of an individual transgression on the door by an 18-year-old who has not been properly trained, one might understand that there are mitigating circumstances and that what is required is better training, but what if the same thing happens six months later? Surely, a record should be kept so that the excuses that were advanced first time around start to ring a little hollower.

The burden to enforce the Equality Act should pass to local authorities. They have the power to bring trading standards prosecutions for breach of copyright. If someone is selling dodgy DVDs on the Promenade in Cheltenham or perpetrating blue badge fraud, the local authority can intervene to take action, so why can it not bring proceedings for breach of the Equality Act as part of its licensing duties, thereby at least sharing the burden with the complainant? There should be a duty on local authorities to keep records of breaches so that those breaches can be put before the licensing committee when decisions are made about license grants or extensions. In that way, repeat offenders would be found out and such breaches could be taken into account when they applied for a new or extended licence.

The bottom line is that the Equality Act 2010 is a good piece of legislation, particularly in relation to disabled people, but it needs to be given more teeth if it is to fulfil its true potential.

Janet Daby (Lewisham East) (Lab): I thank the hon. Gentleman for securing this important debate. I am here on behalf of all my constituents, but one particular constituent, who is visually impaired, contacted me to report that discrimination against guide dog owners

when they try to access businesses and services is disturbingly common, despite being against the law. A Guide Dogs report showed that three-quarters of the assistance dog owners surveyed had been turned away because of their dog. As the hon. Gentleman rightly mentioned, taxis and minicabs are the most frequent offenders for rejecting guide dog owners. In one year, 42% of assistance dog owners were refused by a taxi or minicab driver because of their dog. The discrimination and confrontation that assistance dog owners face when trying to carry out everyday activities undermines the independence that those dogs bring them, leaving them feeling embarrassed and angry.

That evidence of the frequency of refusal of access shows that the law is still not well understood, which presents guide dog owners with significant challenges in enforcing their rights and making those rights a reality. Does the hon. Gentleman agree that taxi and minicab services and drivers should be required to undertake disability equality training as part of their registration process, so that they fully understand the rights of assistance dog owners?

Alex Chalk: I am grateful to the hon. Lady for that full intervention. I agree with everything she says. To pick up that point, which was also made by the hon. Member for Torfaen (Nick Thomas-Symonds), training and awareness are critical, but there is a disconnect with the enforcement regime in respect of taxi drivers, where the police and local authority can intervene to bring a prosecution and a conviction can lead to a fine of up to £1,000. If the breach relates to a bricks-and-mortar premises rather than a vehicular premises, the enforcement regime is completely different. It seems to me, and indeed to those people with disabilities whom I have spoken to, that that is a distinction without a difference. It is just as humiliating and dehumanising to be refused access to a restaurant or a café, and yet it is far more difficult to seek redress. An individual who has been wronged in that way must be supported to seek redress that is proportionate and streamlined. It should not require an individual potentially to get legal advice or issue proceedings, at considerable personal cost, or to get witness statements, an allocation to the fast-track, defences and all that sort of thing, which is a stressful and time-consuming process. The system needs to be more victim-centred and streamlined.

Stephen Lloyd (Eastbourne) (LD): I thank the hon. Gentleman for securing this important debate. I have been involved in these issues for over 20 years. Equality legislation is crystal clear that disabled people and guide dog owners cannot be discriminated against in a range of areas; unfortunately, it is also clear that since the 2012 changes about applying for an adjudication against discrimination came into force, the number of cases has dropped by 60%. I am keen to hear from the hon. Gentleman and the Minister how they think that should be addressed, so that the clear rules on discrimination, which would stop discrimination against owners of guide dogs and assistance dogs, can be properly enforced and those discriminating against them can be properly charged.

Alex Chalk: The hon. Gentleman is right. There is a wider point here about access to justice—a point made by Lord Reed in a recent Supreme Court case in the

[Alex Chalk]

context of employment tribunals. He said that unless there is proper access to justice, the whole process of election of MPs to pass laws risks becoming “a meaningless charade”.

There is an issue about whether people can get before courts, but my point is slightly different: should that be the only credible remedy and recourse for the wronged party? I do not think it should. The system as it relates to taxi drivers recognises the fact that it is wrong to place the entire burden on the individual. With taxi drivers, the police can get involved; they can go along and say to an individual, “Did you realise that it is a breach of the Equality Act not to allow that person into your taxi with a guide dog? I may or may not decide to press this and bring proceedings for a £1,000 fine.” However, the police and, indeed, councils do not have that discretion when it comes to bricks-and-mortar premises. That strikes me as inconsistent, and it means that the individual is faced with the dilemma of whether they want to spend a considerable amount of time, effort and stress, and head off to the county court to issues proceedings, when ultimately the remedy may be relatively modest from a financial point of view.

In my experience, individuals want to seek justice—that is to say, the breach being marked, a record being made and advice or training being given as required. Crucially, if the premises becomes a repeat offender, it must be possible to make that clear and for consequences to follow for the business’s livelihood. That is what justice is.

Kirstene Hair (Angus) (Con): I thank my hon. Friend for bringing this important debate to the House. My local council, Angus, which incorporates my local guide dog training centre at Forfar, has been brilliant in adopting a street charter to ensure that streets are not obstructed and are accessible by all; it has also exempted local guide dog owners from parking restrictions. Does he agree that not only should we be making it easier for people to get justice, if they have been unfairly treated, but we should promote better practice in local authorities, to ensure that advice is readily available for local shop or restaurant owners?

Alex Chalk: I entirely agree with my hon. Friend and I commend her council for taking those enlightened steps. The problem is that geographically the approach taken is a bit hit and miss. It is patchy, so someone with disabilities might find that one year they live in a local authority that is proactive and in another year they live somewhere where the position is markedly different. I agree that better training and awareness is important, but with the carrot must come the stick. Premises that do not want to avail themselves of the guidance and teaching available must be aware that should they choose to ignore it, there could be consequences for them. Too many may take the view that it is part of the cost of doing business: they might get a bit of flak on social media, but from a commercial point of view, ultimately there will be no comeback. We need to redress the balance so that there can be a proportionate comeback.

We should not be living in a society where the individual who has been wronged is effectively left with the choice of opening the social media gates of hell. They may be uncomfortable with the kind of vigilante response that

that could elicit. The last thing the responsible citizen who was wronged in Cheltenham wanted was someone putting a brick through the window. He did not want to see the business close down. He recognised that sometimes people fall into error. What stuck in his craw—and in mine—is that there does not seem to be a middle way where the breach can be marked in a proportionate, process-driven way.

Jim Shannon (Strangford) (DUP): I apologise for not being here on time—I have visitors to the House today.

In Northern Ireland we have looked at opportunities for small businesses and start-ups to be given free training about the initiatives that are important in relation to guide dog legislation. Does the hon. Gentleman feel that should happen not just in Northern Ireland—where it happens across all councils—but across the whole of the United Kingdom of Great Britain and Northern Ireland?

Alex Chalk: Free training is an excellent idea, because it is not terribly onerous—the key tenets in the Equality Act could be summarised in about 10 minutes. If that were part of standard practice, that would be very positive, because in Equality Act matters, as in so much of public life, prevention is better than cure. The individuals I have spoken to want simply to be treated fairly and the problems not to happen in the first place. I entirely endorse that sensible call. This debate is about trying to pick up the pieces where, sadly, the message does not get through or the opportunities are not taken up.

We in the House are often encouraged—sometimes by social media or mainstream media pressure—to do something: to pass legislation, to show that we care, to show that issues are important to us. That is really only half the battle. Legislation without enforcement is a dead letter and risks bringing the legislative process into disrepute and tarnishing the reputation of this place. The good news is that there are steps that we can take to redress the balance where the Equality Act is concerned. It is within our grasp. There is an opportunity to make our society fairer and more decent for the people we should be seeking to serve—people of all abilities and disabilities.

11.18 am

The Parliamentary Under-Secretary of State for Work and Pensions (Justin Tomlinson): It is a pleasure to serve under your chairmanship for this important debate, Sir David, and to respond to my hon. Friend the Member for Cheltenham (Alex Chalk), who is a tireless champion of his constituents and one of the best parliamentary speakers. Time and time again, he picks up incredibly important and relevant topics and champions them in Parliament, which genuinely makes a difference. This issue is predominantly covered by the Ministry of Housing, Communities and Local Government and the Home Office, but it is with great pleasure that I respond as a former Minister for Disabled People and someone who has been personally active in connected issues. It is great to see such a turnout of MPs from across the House who are determined to see improvements in this area despite this being only a 30-minute debate.

My hon. Friend has been active on this issue for a number of years, and it came across in his speech that he is aware of all the challenges and opportunities.

He delivered his case in a measured way. He was proactive, and he recognised that such situations, which we all want to prevent, are sometimes complex and—more often than not—unintentional, coming from a lack of awareness and understanding, and there are ways in which we can look to make improvements.

During my time as the Minister responsible for disabled people I was asked to appear on “Watchdog”—I love it. I was very excited; I was star struck. I was not allowed to see the footage, but I was told it was to do with access to venues. I then saw the footage live on air, and I was shown examples of problems with access, such as when managers in restaurants had turned the disabled toilet into an office, with shelves of books and filing cabinets in the toilet that people were expected to use. There were also examples of issues with assistance dogs. I was horrified and pledged that we needed to do more.

I organised a roundtable with representatives of the hospitality industry, and the key message was about that lack of awareness, particularly when a company has a regular turnover of employees. There were some good organisations that did training, but their staff changed over very quickly and that awareness needed to be embedded in the culture. We were able to get senior representatives from many major chains to engage, partly because if they did not turn up I was going to name them—always a good way—but I was encouraged by their willingness to do that. I was also delighted to champion the campaign by Tourism for All, “Tourism is for Everybody”, which aimed to help tourism businesses ensure a positive experience for every individual. That is vital. Not only is it completely unacceptable in 2018 for disabled people with guide and assistance dogs to be turned away from shops and restaurants—unless there is a very good reason for doing so—but it is also unlawful and makes little economic sense.

One in six people in this country have some form of disability, and their combined spending power, referred to as the “purple pound”, is estimated at £249 billion per annum. Businesses need to start waking up to that and tailor their accessibility to the needs of disabled customers, not only because that is right and a legal obligation, but to maximise the business opportunities that that will bring. It is a win-win situation.

Stephen Lloyd: I entirely endorse every word the Minister says, and I have been saying such things probably for 20 years. Despite the fact that legislation has been in place for many years, I am genuinely shocked that the number of people with assistance or guide dogs who are turned away or discriminated against in restaurants or similar places has increased significantly over the past couple of years. There must be a reason for that, and I suggest it is because it is difficult for people to access legal remedies in such situations.

Justin Tomlinson: I thank the hon. Gentleman for that point, which goes to the heart of some of the points raised by my hon. Friend the Member for Cheltenham. The onus should not be on the individual to go through complex and difficult legal channels; perhaps that should be a given and should be enforced—I will cover that point later in my speech.

It is more than 20 years since Parliament first built on the Disability Discrimination Act 1995 by introducing a duty on employers and service providers to make reasonable

adjustments for employees and service users. That duty is now enshrined in the Equality Act 2010, and includes a requirement to provide or allow for auxiliary aids, including animals, for disabled people, to avoid their being put at a substantial disadvantage compared with people without disabilities. I very much recognise, however, the concerns raised by my hon. Friend the Member for Cheltenham and in interventions, and we must consider this issue.

Part of the potential solution, and one suggestion that has been put forward, is that we could, in effect, replicate the enforcement that takes place in the taxi trade. Such enforcement includes criminal sanctions in which the police will get involved, and a licensing team that will take such issues into consideration. I understand why my hon. Friend would like a more hard-hitting approach, because without that we would not be having this debate. The Government are absolutely committed to reviewing access for disabled people and, if necessary, to amending regulations to improve disabled access to licensed premises, parking and housing. We are receptive to the points that have been raised today.

There have been calls for the licensing of venues and premises by local authorities to include certain conditions that relate to the satisfaction of reasonable adjustment requirements, or for repeat offenders who have refused entry to people with assistance dogs on more than one occasion to have to change their ways to renew their licence. I believe the Home Office considers that there may be some challenges to doing that, but it has committed to improving disabled people’s access to licensed premises as part of the alcohol strategy currently under review. That work will include understanding the scope of the challenges facing disabled people, and possible practical solutions. Everything that has been raised today will be fed into that, and I will ask my Home Office colleagues to meet my hon. Friend and talk through his proactive and very measured suggestions.

Janet Daby: On local authorities becoming more engaged and having more responsibilities, since 2010, Lewisham East has seen cuts to local government of £165 million, and we have halved the size of the council. Does the Minister agree that we need to invest in our local authorities and local government to fulfil duties such as the ones he mentions?

Justin Tomlinson: I strongly suggest that the hon. Lady’s local authority talks to that of my hon. Friend the Member for Angus (Kirstene Hair) about how it has been able to share best practice proactively. We can all learn lessons from that.

Part of the work of reviewing the alcohol strategy will involve engagement with the Office for Disability Issues, bringing in its expertise and network of support from various disability charities to scope out the work and understand how best to engage formally with disabled people’s organisations and other representative groups. I am very encouraged by the Government’s move on that important issue. We also welcome the current inquiry by the Women and Equalities Committee into enforcement of the Equality Act 2010. That is timely, as it links into our commitment to improve and strengthen the enforcement of equality laws, so that businesses that deny people a service are properly investigated and rightly held to account. In conclusion, this has been a constructive,

[Justin Tomlinson]

helpful, timely and measured debate, and all suggestions made will be filtered through. It is a priority for this Government to improve the situation, and I thank all hon. Members for their support in this vital area.

Question put and agreed to.

11.27 am

Sitting suspended.

Organised Crime: Young People's Safety

[MR NIGEL EVANS *in the Chair*]

2.30 pm

Lyn Brown (West Ham) (Lab): I beg to move,

That this House has considered the Government's response to organised crime and young people's safety.

It is an absolute pleasure to serve under your chairmanship, Mr Evans.

Nine young lives have been lost to violent crime in West Ham since 2017. Nine teenagers and young adults, with their whole life ahead of them, needlessly and tragically stolen from us. Nine lost children, who are mourned by their families every single day. Although there has been relative calm in West Ham this summer compared with last, the reason for this spike in violence still haunts our communities and our streets. County lines, as we know, is organised crime. It is adults grooming our children—mostly our young boys—and sending them off to deliver and sell drugs all over the country.

These people have created a cruelly efficient business model to distribute and sell drugs, using our children as expendable, cheap labour to enable large profits. It is a cycle of grooming. It is a cycle of abuse. It is a cycle of exploitation that has become an industry. The children live a terrifying existence, witnessing depravity and violence almost day to day. It is a modern-day version of sending children up chimneys. They are disposable children, making big profits for the criminals who control and exploit them.

I know that the Minister knows this. I have had several conversations with the Government about these issues over the past year. I am sure the Minister will tell me that losing 21,000 police officers, and the fact that the Metropolitan Police Service has lost more funding per person than any other force in the country, has nothing whatever to do with it. However, as I understand it, we have completely failed to identify, arrest, charge or prosecute those at the top of these organisations—those who are making a small fortune pimping our children as drug mules and reaping a good living from the destruction of our children's lives.

The police are doing their best. I hope the County Lines Co-ordination Centre that opened this week will help. In the past year, there have been almost 100 arrests in Newham of those young drug dealers who laughingly call themselves “elders”. I know they do not consider themselves to be on the bottom rung of the gang hierarchy, but they are not the people who are in control of the organisation.

I, and the people I represent, want to know that we are making more headway in our fight against organised crime, that we are going to get those further up the food chain and that those who are controlling organisations, controlling children and reaping substantial economic benefits are going to be caught. I am happy to take a confidential briefing from the Minister on this, because I am not interested in party political points, but I want reassurance that those responsible for the creation and running of this sickening business are in our collective sights and will soon be serving very hefty prison sentences. I hold them accountable for the deaths in my community, the premature and heartless deaths of many of our young children, regardless of who finally pulled that trigger or wielded that knife.

This is my first ask. I want to know that we are putting money into locating, charging and throwing the book at those responsible at the very top of these organisations. I want assurances that we are closing in on them and that they will soon be languishing at Her Majesty's pleasure, all assets seized.

My second ask is about providing our children with resilience against the grooming techniques of these criminals and their minions. Many of us talk about the value of youth clubs and supported play opportunities, using sport to divert children from crime. It is not that we believe that the provision of a table-tennis table per se will divert a child from the wrong path; it is the professional adult who accompanies the table tennis table, who our children can relate to and confide in, who can offer insights and strategies for dealing with the groomers and the gangs and help our children to navigate the minefield that is their lives.

Children need to know how to say no. They need to be given the skills and tools to resist the manipulation of the groomers. That takes resources; the Home Office cannot provide all the resources on its own, but crime prevention and victim support funding have a vital role to play in filling those gaps in the short term. We also need to develop a joined-up, strategic safeguarding response to the criminal exploitation of young people, with schools, social services, community groups and detached youth workers all playing their part. Teachers, parents, police officers and social workers need to understand the real threat of exploitation and grooming by organised criminals and what is in their power to do to stop it.

Alison Thewliss (Glasgow Central) (SNP): The hon. Lady is making some excellent points. Is she aware of the work of Scotland's violence reduction units, which take a multi-agency approach to young people who were offending and at are risk of offending, to divert them into more productive activities, and the success that has come from that, seen in the reduction in youth offending in Scotland?

Lyn Brown: I thank the hon. Lady for that. I certainly think the only way forward is a multi-agency approach. I hesitate to say that the co-ordinating role should be placed at local government's door, given the swingeing cuts that it is absorbing, but there is already a legal wellbeing framework that this work could fall under. The Home Office has a responsibility to demand such strategies from local government and strategic partners, to ensure that they are in place and that there are resources to provide for them. That is my second ask: a strategy and the necessary investment in services that provide resilience for children. I humbly suggest that professional youth and play workers are essential to that activity.

My third ask is about training for those in the field, who may not understand the full malignancy of the beast we are dealing with and how it cleverly manipulates our stretched services and staff to keep a child within its clutches. My constituent—I will call her Deepa—was increasingly concerned about her son. He had fallen in with a bad crowd at school, although she did not know it, but she knew he was slipping away from her. His best friend had been excluded from school for drug-related activities, but she did not know.

Alarm bells should have started ringing at the school when Deepa told them that her son was starting to spend more time away from home without any explanation, simply going missing, sometimes for days at a time. He had clothes and a phone that she had not provided and that he had no resources to pay for. He was yet another child being groomed and drawn into criminal activity, vulnerable to violence; I am sorry to say that, two years on, that is still the case.

Deepa raised her concerns at school, but the groomers are very clever. They know how to manipulate the system. Her son told the school that parenting was the problem, that she was too strict; he hinted at abuse, and that was it. Not only could Deepa not get any information or help from the school or social services once the allegations had been made, but she was put under investigation. His absences were placed at her door. They were her fault. It is clear that the social workers and the school involved simply did not understand the nature of the crime or the criminals they were dealing with.

Deepa and her son have also, sadly, been let down by a charity paid for by public funds to provide mentoring for her boy, to do intensive work with him to help him exit the gang. He was up for it. Things had happened that terrified him, boys he knew were dead or injured, but this charity was only paid for three sessions and he needed more. Things escalated. He needed help. He phoned them, wanting to talk to his mentors, absolutely desperate, but they did not respond. They had done their three sessions and they had no more money to do others. Deepa wanted to pay for sessions herself, but she could not; they were way too expensive. Her window to exit her boy from a gang is likely to be closed because the services that she needed did not have access to funding.

How much more expensive will putting that child into custody—that is where it is going—and recurring offending be over the years to come? The Minister must know that it is a false economy. It will be another life wasted. My third ask is for effective, up-to-date training for professionals who come face to face with the strategies that criminals employ, and to provide those professionals with the resources that they need to fund effective treatments and techniques to remove our children from the clutches of these criminal gangs.

As the Minister knows, in order to catch these criminals we need information. Those with the information in the midst or at the edge of the gangs live in absolute fear, convinced that we—the state—cannot or will not protect them. Our children have no trust whatsoever in the systems that we have created, so they do not engage. If we are to get the information that we need, we will need to find new ways for our children and our communities to report to us. Frankly, as the Minister probably knows, Crimestoppers is simply not trusted.

My young constituents absolutely believe that calls to Crimestoppers are traced by the police, and that callers are attacked for being snitches as a result. There is no doubt in their minds that Crimestoppers is not safe, and that the police will arrive at their doorstep should they phone it. It does not matter if that is real or not—that is what they believe. My fourth ask is for a trusted third-party reporting system that will pass information on with absolutely all identifiable details removed. Callers have to know that they cannot and will not be called or visited by officers, and that they will not be targeted as a result of providing us with information.

[Lyn Brown]

Information is not only about initial reports. We also need more people to feel safe when acting as witnesses. My fifth ask is for better protection and care for witnesses. Darren is one of those affected. His house was attacked by armed gang members because of rumours about snitching, and his neighbour's door was shot through three times. It is a wonder that no one was hurt. Three months later, Darren still had nowhere to move, was afraid to leave his home, and was under the constant threat of another attack.

Maybe Darren was helping the police, or maybe it was just a vicious rumour, but the effect of the failure to protect and move him is the same. Stories like Darren's are known in my community, and they erode trust. Constituents who have information—children who want to break out of their exploitative relationship with a gang—are afraid to do so, because that is what will happen to them.

As the Minister knows, witnesses are amazingly brave in coming forward, and they deserve our greatest respect, our protection and our help to give them a new, fresh start. However, far too many get the exact opposite. That is what happened to Ashley, who is 16, and his dad, Nathan. Ashley did an amazingly brave thing: he gave evidence against a criminal gang member in a murder trial. He has personally experienced serious violence and has been threatened with death many times because he provided the police with information and stood up and testified in court.

The continuing danger to Ashley's life is clear, so he and his father were given new identities and were relocated. It is reassuring that this basic protection was offered, but I am sorry to say that it was not followed through. Ashley and Nathan have been badly let down. Before his son gave evidence, Nathan had a regular job and a regular tenancy in a housing association home, which they had to leave. It was a stable life of contribution to the community. However, in the months after the trial, their situation became the stuff of nightmares.

Nathan had to leave his job behind, along with his name. He is now unemployed. He was left without any income because he and Ashley were not given the documentation—simple things such as photo IDs—with their new names, leaving him unable to claim the benefits that he is entitled to and that he and Ashley need to support them through this awful, stressful time. Nathan has been repeatedly forced to reveal their situation to jobcentre counter staff to try to get help. Every single time he does so brings the clear possibility of their being exposed, as well as fear and anxiety that the information could lead to his son's life being in danger once more.

Vernon Coaker (Gedling) (Lab): Will my hon. Friend give way?

Lyn Brown: I will get to the end of the story. Nathan has now accrued more than £4,000 of rent arrears through absolutely no fault of his own. The system did not work. It happened because he was stuck for months between landlords, agencies and a local authority—not Newham—that would not talk to other agencies, and because he was given appalling and incorrect advice. The housing association allocated him a new property,

but it was not nearly fit for human habitation: it had no heating, no furniture and no cooker; on the other hand, it did contain asbestos. All the while, Nathan and Ashley were penniless, stressed and awfully anxious because Nathan still could not access his benefits.

It came to a head last year. At Christmas they had no money for food, let alone gifts, and no secure home. Nathan was on the brink of returning home to his family in the area that he and Ashley had fled. It would have put their lives at risk of revenge violence, but at least they would have had some food and comfort and some of the basic support, understanding and respect that they had had so little of.

Vernon Coaker: I am sorry to have interrupted my hon. Friend's flow; I thought she had finished that story. She makes an incredibly important point. Does she agree that the Minister needs to respond fully to these points, particularly in the light of the Government's policy now to use more children as covert human intelligence sources? The Minister needs to say something about that and to answer my hon. Friend's points in full detail.

Lyn Brown: I absolutely agree. The system lets down young witnesses like Ashley and their families. It fails them at almost every turn, it puts them at risk and it erodes trust. That trust is necessary for us to get the information that we need, let alone anything else. Hearing these stories makes people in my community less likely to engage with the authorities when they have information that could help us. That has to change.

My fifth ask is for public bodies to have a duty of care placed on them to work together to understand and support families such as Ashley and Nathan's, because without their help and co-operation, we will not get the information that we need to put an end to the blight of county lines exploitation. We need a national dedicated system of caseworkers trained to act as a single point of contact, working with statutory services; a named representative for those under threat because they have helped us, the police and the courts. They are trying to do the right thing. Nathan, Ashley and others like them deserve a genuine path to a secure future after the brave decisions that they have made.

Much of the violence is fuelled by social media, so my sixth ask is for stronger action against incitement online, whatever form it takes. In recent months, local people have been especially angry about one particular drill music video filmed in my constituency. It is effectively a celebration of gang murder. The rapper brags about killing with knives and guns and attacking people in broad daylight, and gloats about having killed one man by name and planning to kill his brother. He mocks other young men for just talking about murder and not acting. All of this was filmed by masked men in streets that my constituents recognise, because they live there, because they walk and work there every day and because their children play there.

The murders this video is about may be fictitious, but by looking at the online comments we quickly see many young people who believe it is real. They explain the murder references to each other and openly admire the rapper and his group for the supposed killings. The original copy of the video had more than 1 million views—that staggers me. It was taken down, but other copies have since been uploaded, and one has already

had more than 120,000 views. The technology to remove those copies automatically exists, as the Select Committee on Home Affairs has repeatedly pointed out. We need to understand why that is not being done.

The law may be unclear about whether such videos illegally incite violence, but I believe they are dangerous. They make the grooming of children easier by glamorising drug dealing and murder as a lucrative and exciting alternative to the hard and unrewarding work they see demonstrated in the lives of their parents. Presented as an alternative economic model, it is offered to children and made to look exciting. The videos do not just glamorise crime; they taunt and humiliate rivals. These are young, impulsive teenagers; there is so much pressure pushing them to respond, and the music itself tells them what response is expected: more knife attacks and more children dead. The Home Affairs Committee called for a wholesale review of the legislation on hate speech, harassment and extremism online to bring the law up to date. I think that that is sorely needed, and a better approach to online incitement should be one of the goals, so that is my sixth ask.

My seventh and final ask brings me back where I started—the nine deaths and the trauma caused in my community and how we can help the healing. After the appalling murder of Sami Sidhom in April, there was an immediate and powerful surge of mutual aid and support in his community of Forest Gate. As I have told the House before, his neighbours rushed to help him and gave him some comfort as he died. They were traumatised, but they received so little support. The trauma is not felt just by the families, friends, schoolmates and neighbours, although of course they suffer the worst. In Forest Gate, there was a palpable feeling that the community was in crisis after Sami died. There was a cumulative effect, though, as it was not just because of Sami but because of all the other young people who had died in the year before, especially CJ, who was just 14 and was shot in a playground in Forest Gate.

We need to provide support for whole communities who are traumatised in the way that I have described. The strong response that I saw in Forest Gate can help local people to cope, recover and heal. Community leaders have a really important role, but often they are volunteers; they give their time and energy freely, and it is simply unfair to expect them to take on all this without training, resources or professional support. I think that we need a professional response to assist communities with the trauma and mental health issues that arise after traumatic incidents, especially those involving young people.

Having spoken to people about what they feel would help, I would like to see the development of peripatetic regional mental health teams, consisting of people who can provide rapid, accessible support for communities after tragic events. My seventh ask is that the Minister works with the Department of Health and Social Care and find a way to make that happen. I would be happy to sit down and think about that some more with him or any other Minister in the Home Office team. I know that Marie Gabriel, soon to be a CBE and chair of the East London NHS Foundation Trust, is keen to support it as well. This is not just about crime; I am sure that all of us can think of other tragic events—some of them

not physically very far away from this building—after which mobile teams like that would have been very helpful.

The deaths over the past year have caused so much trauma and pain in my constituency, and they have exposed our failures in this place over many years to prevent the rise of county lines grooming and exploitation, and to give young people the hope and opportunities that would make them safer. The problems cannot all be solved by the Home Office acting alone, but children are dying in my constituency, across London and across the country, and all of us have an enormous responsibility to act. I believe that the Minister could play a very positive role in ensuring that the cross-departmental connections and strategies that we need are created, implemented and sustained. I would support him in that, and I hope to hear that he is committed to making those things happen.

Finally, I place on the record my enormous gratitude to a group of women in West Ham whose children have tragically been caught up in the county lines operation. I have learned so much from those women over the past year. They have been so honest and so generous with their time. I hope that today I have done them proud and represented them properly.

Several hon. Members *rose—*

Mr Nigel Evans (in the Chair): Order. Five hon. Members are standing, and the winding-up speeches will start at 3.30 pm, so please do the maths and be fair to one another so that you can all speak.

2.55 pm

Vernon Coaker (Gedling) (Lab): My hon. Friend the Member for West Ham (Lyn Brown) finished her speech by saying that she hoped that she had represented her constituents well, particularly the women to whom she was referring. Anyone listening to what she has just said and the way she has said it—with the obvious depth of feeling on her part—will absolutely think that she has done her constituents proud, but more than that, she has done the country proud by bringing this issue to the attention of Parliament and bringing the Minister to this Chamber to answer on what is a national crisis.

This is not a few people in one part of the country experiencing a particular local difficulty. I am pleased that this Minister is here, because he will know from all his experience in his other roles that it is a huge problem that requires Government and ministerial action all the time. What I want to say to the Minister is this. He is a Minister of the Crown, a representative of the Government. He will be speaking for the people in response to my hon. Friend, who spoke for her constituents but also the country, I think. We have to do better. We come here as parliamentarians, and here we are in this beautiful building, but just half a mile or a few hundred metres away, young people have been stabbed. Go to any of our constituencies and that will be the case. The report I read that caused me to come here today—I will refer to it in a minute—shows that every single area of the country, across the United Kingdom, is impacted by slavery, trafficking, county lines and organised crime, which are an enemy within. I know that the Minister will take this point. He has the power to demand action from the system, whether that is the police, local authorities,

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the devolved Administrations or, indeed, all of us: yes, write reports, and yes, discuss what we are going to do, but let us get on top of this.

Dan Carden (Liverpool, Walton) (Lab): Merseyside Police tell me that community intelligence from the ground is integral to fighting back on this, but we need to look at the cuts in the number of police officers—we have lost 1,000 police officers across Merseyside. Unless we tackle the problem of policing, we cannot solve this problem.

Vernon Coaker: I agree. I am a Labour politician, and the cuts in policing and to local authorities have consequences, which we all refer to. The Minister has to accept responsibility for that, but however many police we have, however many things are going on and however many resources are put into local authorities, there has to be a Government drive to push them into tackling this issue as a major priority.

What caused me to attend the debate secured by my hon. Friend the Member for West Ham was a National Crime Agency report published a few months ago. It talks about an intelligence gap—we do not know what we need to know. I asked a parliamentary question, and the Minister's colleague, the Under-Secretary of State for the Home Department, said that the Government did not know. They thought there were many thousands of people involved, and there was an intelligence gap. That was just a few weeks ago. That report said nine or 10 months ago that there was an intelligence gap, and the parliamentary answer two or three weeks ago said that there was an intelligence gap. That is not good enough, and the system will not change unless the Minister gets civil servants and other people in, and demands that something be done. Otherwise, in the Minister's constituency, my constituency and, indeed, all our constituencies, in Northern Ireland, Wales, Scotland and England and in all the regions, these incidents will continue and we will have to come to this Chamber again in a few months saying how appalling it is that young people have died on our streets as a result of their involvement in organised crime and their involvement in county lines. We do not even have the data, yet we see on our streets what is happening.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): My hon. Friend is speaking with great passion. He strongly made the point that this is a phenomenon that is affecting the whole country. I completely agree with him. A young man was dragged out of his car, stabbed to death and left to die in a garden only a hundred metres away from my home in Cardiff, just a few weeks ago. That comes on top of many other attacks. This problem is happening across the country and we simply do not—as he says—have the intelligence needed.

Vernon Coaker: I quite agree. To be frank, that is what has driven me to come here. My hon. Friend the Member for West Ham described eloquently many of the challenges and the impact that has had on her constituency. I want to feel, as a Member of Parliament—in this democracy of ours—that the system somehow feels the emotion that she portrayed. I hope that the Minister, as a human being, will also feel it.

Why does the system not respond? People have different ideas. The hon. Member for Inverclyde (Ronnie Cowan) has particular views on drugs policy. That requires discussion. What is the most effective way of gathering intelligence? Why is it—as my hon. Friend the Member for West Ham says—that in all our constituencies young people cannot even get a basketball, a football, a kit or somewhere to go and play? We cannot even do that. We talk about diversion, we write a report and the next thing we know there is a 200-page document on the importance of children's services and local authority provision to ensure that young people are not attracted to crime, because there are people working with them on the street. Goodness me! We don't need a—I nearly swore there, Mr Evans. I will leave it at that. We do not need a report, do we? We must be able to do better on data and all of these things.

The Minister has a good briefing from the civil service. He has a speech prepared, and he will try to answer the questions as best he can. However, I want to know when we are going to be able to see, in each of our areas, that concerted and co-ordinated effort, in youth provision, diversion and dealing with these organised criminals. That is the main point I wanted to make.

Let me say this to the Minister, too. The Modern Slavery Act 2015 contains a provision that means that if children become involved in criminality as a result of coercion—through being duped, violence, threats or those sorts of things—they are seen as victims, not criminals. Many of these young people are victims—they are not criminals. I am not saying that we cannot hold people to account. I am not saying that saying sorry for murder is fine—do not misunderstand me. I am saying that many of these young people, who are very young, are exploited, frightened and terrified into doing some of the things that they do. It is about time that the people who are terrified are the organised criminals who are exploiting these young people. People are trying to help and work with the police, as my hon. Friend the Member for West Ham said, and I am sick and tired of criminals taking it upon themselves to terrify a community. It is not good enough.

I appeal to the Minister, when he goes back to his office, to call everybody in and say, “We have had one of the most serious debates that I have attended in recent years”—organised by my hon. Friend the Member for West Ham—“and as a personal mission, I will ensure that instead of writing a report, the system gets on with doing something about this national crisis.”

3.5 pm

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): It is a pleasure to serve under your chairmanship, Mr Evans. I commend my hon. Friend the Member for West Ham (Lyn Brown), who set out a fantastic action plan and spoke with great passion about the challenges faced by her constituents. The horror stories we hear, particularly from London, shame the whole country, and, as my hon. Friend the Member for Gedling (Vernon Coaker) just pointed out, represent a national crisis.

This is indeed a national crisis, happening in cities and towns up and down this country. This is a new phenomenon: we have not previously seen this level of violence and involvement of young people. That is borne out in the Government's serious violence strategy,

in the NCA report, in what we have heard from the Home Affairs Committee and in what I hear weekly from my own police officers and community workers. There has been a dramatic and very unfortunate shift in the levels of violence, grooming and involvement of young people over the last six years, while I have been the Member of Parliament for Cardiff South and Penarth. Sadly, many of us warned that that would happen because of the trends that we saw and because of the cuts that we knew were coming in the police and community services. I will come on to the point raised about youth services.

I too have a litany of horrendous cases just from the last few months. I will not say that each of them has the same characteristics. They are often complex cases, some of them ongoing. I mentioned earlier the case from just a few weeks ago in Grangetown, Cardiff, where an individual was dragged out of his car and stabbed in the street, and left in a garden to die. Just a few months ago, another constituent of mine, Fatah Warsame, was stabbed to death in Liverpool, having been involved in some sort of engagement between Liverpool and Cardiff, showing that this is an issue that crosses between cities—not only London, but other cities in the UK. Tragically, just a few months before that, in Adamsdown and Splott, Sean Kelly was stabbed to death, also in a drug-related incident involving other individuals. Those are three of the most serious cases, but there are many more to report.

Those cases sit with the national trends. The number of police-recorded crimes involving knives or sharp instruments increased by 22% in the year ending December 2017 compared with the previous year, continuing an upward trend since 2014. A lot of that increase is in the Met police area, but other areas are affected. Possession of an article with a blade or a point is up by 33%. Hospital data confirms that, with admissions related to stabbing and other incidents up by 7%. Trends involving firearms are also up. Those statistics are confirmed and acknowledged by the Government's strategy.

This is not all to do with county lines, but that is a significant part of it. We need to be clear about what we mean by county lines. I had community workers come to me the other day and say, "What do you actually mean by county lines?" so I will read for the record the definition the Government use:

"County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs into one or more importing areas...using dedicated mobile phone lines or other form of 'deal line'. They are likely to exploit children and vulnerable adults to move (and store) the drugs and money and they will often use coercion, intimidation, violence (including sexual violence) and weapons."

That phenomenon of grooming young people and the involvement of young people unfortunately has many of the characteristics—I have seen this in my own constituency—that we see in the grooming of young people to be involved in terrorism, extremism and other forms of criminal behaviour. It is often the same tactics, the same methods, and the same insidious exploitation of often young and vulnerable people.

I have been told about a phenomenon that goes on in my local area called "blessings", where people are given small items—a pair of trainers or a bit of money—but not asked to do anything initially; later, people who are higher up in the system come back to them and say,

"I gave you a pair of trainers. How about you keep an eye on that corner for me?" or, "How about you transfer this package to someone?" It is a slippery slope. People get involved in more and more dangerous activity.

The Government's own strategy suggests that the drugs and county lines phenomenon is very much behind the rise in violent crime. They say:

"There is good evidence that these dynamics are a factor in the recent rise in serious violence."

The Government's report—again, this bears out what I have seen on the streets of Cardiff—talks about dealing in new psychoactive substances, such as spice, the increased involvement of young people, the rise in crack use since 2014, the surge in illegal cocaine production and the increase in the purity of cocaine imported to the UK from places such as Colombia since 2013. The changing nature of drug markets has led to what we see in the geography—the nationalisation—of the problem.

The Government's report states that one of the most striking findings about the rise in serious violence since 2014 is that it has not been limited to the main metropolitan areas. We are seeing drug-selling gangs from major urban areas such as London, Birmingham, Liverpool and Manchester, perhaps driven by excess supply, by technology or by new opportunities, spreading their evil networks out to other cities and towns across the UK. The NCA report is clear that the majority of police forces are identifying that the involvement of vulnerable children and people is one of the key hallmarks of county lines activity. The trend has arisen in just the past few years. The problem is very new and politicians, the Government and agencies are struggling to catch up with the shifting trends and changes. As the evidence shows, a crucial feature, again acknowledged by the Government, is that drug-selling gangs are now generally much more violent than the local dealers who had previously controlled the markets.

My hon. Friend the Member for West Ham spoke passionately about the importance of multi-agency working. There are no easy answers. We often have to have localised and carefully calibrated responses to deal with local circumstances, but I want to put on the record my praise for the group of agencies in Cardiff and the Vale, particularly in Cardiff in Butetown and Grangetown. I praise our police commissioner, our local police officers and our local council. I particularly praise Councillor Lynda Thorne, a cabinet member on Cardiff Council, and Councillor Saeed Ebrahim, one of our local councillors in Butetown. He is a former youth worker who worked with many of the young people involved. Those councillors are really trying to get to grips with the problem and bring together all the relevant agencies. I look forward to meeting them again in the next couple of weeks to discuss the progress they have made on the various strategies in different areas that they are putting forward.

I am proud that the performance of South Wales police in dealing with violence with injury and other issues is strong, but like many other police forces, it is struggling to cope. I have spoken to individual police officers and senior officers who tell me about the strains that they face in crime demand and non-crime demand. We all know about the pressures from mental health and missing persons. The Government can argue about this all they like, but the reality is that the number of police officers on our streets has come down substantially in the past few years, as has the number of community

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police officers, PCSOs and others. In individual areas, we have been able to keep the numbers up. We have PCSOs funded by the Welsh Government who are doing a fantastic job in our communities, but unless we have police officers on the ground who have relationships with young people, with other agencies and with the families, and who have that crucial local intelligence that my hon. Friend the Member for Gedling talked about, we will not be able to deal with the problem, which has been magnified by particular challenges in Cardiff.

We in Cardiff do not get the capital city funding that Edinburgh, Belfast and London get, yet we host major events. We put huge strains on our police force when we host events such as the UEFA Champions League and the Anthony Joshua fight. Those wonderful things come to our city. We all love them. They are all great, but they have a knock-on effect on day-to-day policing. Although additional money is sometimes provided, we see a knock-on effect on our shift patterns and holiday time and so on, which has a direct result in the communities facing problems. I look forward to meeting the Police Minister shortly with our chief constable, Matt Jukes, and our police commissioner, Alun Michael, to discuss Cardiff's specific needs.

Alongside the challenge for police funding is the challenge of other services facing cuts. We have done a great job of trying to protect services in Cardiff. We have a Welsh Labour council doing a fantastic job, but we need statutory youth services. I know that my hon. Friend the Member for Brighton, Kemptown (Lloyd Russell-Moyle) has spoken out about this. We must have that resource going into community youth workers. My father was a youth worker and I have worked with young people. Unless we have youth workers outside schools, having relationships and knowing what is going on in the crucial communities, we know what will happen. We warned of this years ago, and unfortunately we are now seeing it on the streets of Butetown, Grangetown, Splott and other areas of Cardiff and the Vale of Glamorgan.

Lastly, I will re-emphasise what my hon. Friend the Member for West Ham said about social media companies. I have spoken a lot about such companies and their responsibilities this week in cases ranging from the Lucy McHugh case to terrorism and the abuse of public figures. The social media companies are simply not taking their responsibilities seriously when it comes to the dissemination and sharing of information online that leads to intimidation and grooming of young people. Young people have told me about the challenges of closed Instagram groups where music videos and threats to individuals are shared, and closed YouTube videos are shared, making threats back and forth. Language is used that perhaps we would not understand, but it is very clear to people of a certain age and disposition, and they see it as threatening or encouraging or dragging them in.

As a Government, as a Parliament, as local representatives, we must get a grip. Social media companies have a huge responsibility, and we need to provide the police with the training and resources to be able to treat the cyber world in the same way as the physical world, because there is a direct overlap. We heard yesterday in the Home Affairs Committee about a direct overlap

between domestic violence, violence against women and girls and the cyber world and the physical world. Exactly the same thing goes on when it comes to young people, county lines and drug-related violence. We have to get a grip on this. I want to hear from the Minister what he is doing to bring in those social media companies and make sure they live up to their responsibilities. Again, I praise my hon. Friend the Member for West Ham for securing a debate on a national crisis. There should be more Members in the Chamber. I hope this will not be the last debate on this subject.

Mr Nigel Evans (in the Chair): This is a powerful, strong debate, but if everybody keeps to about five minutes, everybody will get in with equal time.

3.15 pm

Jim Shannon (Strangford) (DUP): I congratulate the hon. Member for West Ham (Lyn Brown) on securing this debate. Her constituents in West Ham should be very proud of her. She has done exceptionally well, so well done to her.

We have had a form of organised crime for many years in Northern Ireland in the form of proscribed organisations such as the UVF and IRA, with people fighting for their beliefs in a terrorist manner that was dangerous and harmful to communities and will take years to get over. Thankfully, we have moved away from the troubles, but, worryingly, we have moved towards the form of organised crime that is prevalent in the mainland, which the hon. Lady and others have referred to. We have young people joining organisations and being used as drug mules and pushers, doing the dirty work of those who will not get their hands dirty and who keep their names off police registers by abusing the trust and loyalty of young people. I see it at work in my community and it breaks my heart, as it does the hearts of the hon. Ladies and the others who have spoken.

Illicit tobacco seizures have prevented the loss of £1.25 million in revenue in Northern Ireland and £50,000 worth of cash has been seized. We had a seizure of £100,000 of illegal drugs in Newtownards on Monday. Local paramilitaries, as they call themselves—really, they are criminals—were involved in that activity. Detective Superintendent Singleton from the paramilitary crime taskforce said:

“When we look at these paramilitary organisations as organised crime groups we see a lot of similarities. The number one commodity for organised crime in Northern Ireland is drugs. 75% of our organised crime groups are involved in drugs either directly or indirectly. When I say directly I mean dealing them, when I say indirectly I mean extorting and taxing people that are involved in the drugs trade. Some of the Republican groups, like INLA or Action Against Drugs, we believe are actively involved in taxing drug dealers. If people don't pay they are the victims of paramilitary-style attacks, if not murder or attempted murder. You also have the violence that's associated with drugs as well as different organised crime groups who compete for their share of the market. That's why we see the likes of paramilitary style attacks, attempted murder, and in some cases very serious violence within our communities.”

Mr Gregory Campbell (East Londonderry) (DUP): Does my hon. Friend agree that part of the problem, in addition to what we have heard very powerfully throughout the debate, is that in some communities these activities are glamorised and young people's eyes are not opened

to the reality of what happens to them after they get involved? Do we not need to tackle that in a co-ordinated way?

Jim Shannon: I thank my hon. Friend for that intervention. He is absolutely right. I was going to quickly touch on that.

I have seen too many broken mothers in my office who tell me the same story. Their child was given a freebie—a joint or a little tablet—and the next week they are told that they owe for it; either they can pay immediately or interest will be added. What was £10 can rocket to £50 in a matter of days. They are then given the option to work off their debt: just lift a packet from a drawer in this house and deliver it to that house; just collect a parcel from this person and leave it in this place. Before the young people know it, they are heavily embroiled in the crime gang. Their parents are worried sick and wondering how it has happened, often trying to pay extortionate sums to release their child from the chains, only to have to repeat it in six months' time. It makes me sick to my stomach to know that crimes are being organised by certain people who use young people with no criminal convictions as their hands and feet, and when the PSNI catch up with them, those young people receive a sentence and those in charge walk away laughing.

Organised crime is not glamorous. It is not the stuff of "The Sopranos" or other TV shows. It is the mechanism whereby too many of our young people become hooked on drugs and involved in things they do not want to be involved in, but cannot escape. Some are lured with mottos such as "God and Ulster" and they are in too deep before they realise that it is nothing to do with God or Ulster, but is about lining the pockets of disgusting men who are too gutless to do their own business, but run an empire that targets children and vulnerable people and destroys our communities.

I met the local superintendent last week in my constituency office to discuss the issues. We can and must do more to share intelligence. For the mothers who come into my office pleading for help, for the young people who are too frightened even to make eye contact with me and who are stripped of their bravado and facing imprisonment, and for my community which is crying out for change, we in this place must do more to help our police, our community development officers and our schools to protect our children and to reach out.

I know that the Minister has no direct responsibility for Northern Ireland, but he will understand my frustration because we have no functioning Assembly, and these issues are as apparent in my constituency as they are in others. We have an epidemic of massive proportions, and the lives of many families are being destroyed. Some 98,301 crimes were recorded by the Police Service of Northern Ireland in 2017-18, which is a rise of 0.3% on the previous year. Crime is up, but the number of officers is down. We need better police co-operation, more funding for communities, and for schools and churches to do what they can within communities. As the hon. Member for West Ham said in her opening remarks, we must instil confidence in our young people that there are measures to protect them if they provide information. There are anonymous ways to provide the police with information that will get drugs and criminal

gangs off our streets. We need to send a message, and it must be strong and effective and come from the highest level down in order to affect everyone.

3.20 pm

Dr Rosena Allin-Khan (Tooting) (Lab): It is a pleasure to serve under your chairmanship, Mr Evans, and I thank my hon. Friend the Member for West Ham (Lyn Brown) for securing this important debate. It is a shame that more Members are not in Westminster Hall to reflect the severity of this issue, but that should not detract from how important it is.

As my hon. Friend said earlier, local communities play a vital role in tackling violent crime through mental health support, the offer of opportunities, and work with authorities. Across the country, violent crime has risen by 16% while police numbers are at their lowest since records began. Our police and frontline emergency services do incredible work, but at times they are over-stretched and under-resourced. This is a national problem. Our Government can turn away from the truth as long as they like, but the stark reality is staring us in the face.

Over the past 12 months, there have been a number of violent incidents in Tooting and Earlsfield, including some tragic fatalities. Local residents come to my advice surgeries afraid for their children's lives—afraid that county lines are robbing children of their lives and tearing families apart.

As an A&E doctor at St George's Hospital, I have treated teenagers who were once full of bravado on the streets, but who lay there, dying in front of my eyes, with tattoos emblazoned "Born to die" on their chest—children who were crying out for their mothers in their final moments. I have been with grieving parents who have arrived at the resuscitation room only to see their child die before them. The scream and echo of that pain—that audible anguish—never, ever leaves you. Once heard, it is never forgotten. Unfortunately it is a sound that we are hearing over and over again on our own doorstep and on our own watch. This has to stop, and I implore the Minister to listen to the arguments presented today.

As a Member of Parliament, I have listened to parents who cannot comprehend what has led their children to die before them. I am a parent myself, as are many in this room—imagine holding your dying child in front of you, knowing that they are dying not from some incurable disease, but from something that could be entirely avoidable but is part of an epidemic sweeping our country. Those parents cannot understand why they had to hear that their children died alone, why they went to work and came home to hear that the children they were raising died alone in their own blood on the streets, why the authorities were not there to support them through their grief, and why there was no way to prevent such tragedy. Enough is enough.

Just three weeks ago, I held a violent crime summit in my constituency of Tooting, bringing together the Deputy Mayor of London for Policing and Crime, the head of south-west London Metropolitan police, the chief executive of Wandsworth Council, and local community groups. It is imperative for local organisations that support young people and their families day in, day out, to be able to speak directly to the authorities and discuss how they can be a force for good and shape the way forward

[Dr Rosena Allin-Khan]

for young people in London and across the country. Only together, along with our communities, can we discuss the root causes of this rise in violence, and only together can we get weapons off our streets. Only together can we decide that this is not just another debate held day in, day out, on a number of topics that are discussed in Westminster, because only if this debate is treated with the respect it deserves can we truly save lives.

3.25 pm

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): I thank my hon. Friend the Member for West Ham (Lyn Brown), who spoke so movingly, as she has done many times. This is such an important issue.

In 2013, the coalition Government published their “Serious and organised crime strategy”. Prevention was cited as a key component of that plan to end gang and youth violence. As part of that strategy, the Government spoke about the utilisation of youth workers and youth services to identify high-risk individuals and help steer them away from crime. Despite the danger of sounding like a broken record, it will be no surprise to colleagues that I intend to speak about what has happened to youth services since then, and the problems that that has led to in our communities.

Despite the Government’s plan, a 2016 study—these are the latest figures we have—found that 600 youth centres in our country have closed, and that 3,500 youth workers, who were positive, adult influences on our young people, have lost their jobs. Some 140,000 places for the most vulnerable young people have been deleted. Those figures are two years old, but the cuts have got worse. That crippling effect has led to the collapse of youth services across our country, and there has been an increase in what we see as the exploitation of our young people.

To put a figure on this, in 2010 £1.2 billion was spent on youth services and youth prevention programmes, but last year just £358 million was spent. That is a 68% cash-terms cut: in today’s money, £1 billion has been ripped out from prevention—the very thing that the crime strategy said it needed to focus on. What has happened, unsurprisingly, is a jump in knife crime, which is up by 69%, and now the rise in county lines is affecting every corner of our country.

Councillor Richard Watts, chair of the Local Government Association’s children and young people’s board, recently said:

“Councils must be given the resources they need”

to stop just picking up the pieces and to start to tackle the problems. That highlights the current reactive approach as opposed to the positive approach that we have. In reality, if this issue was directly affecting your child, Mr Evans, or my child, or the children of people of influence, buttons would already have been pressed, strings would have been pulled, and rules would have been changed. However, the children and young people who are most affected often come from the poorest and most disadvantaged communities, and those with the least voice. We therefore see nice plaudits but—unfortunately—inaction, which is why we need a decent preventive strategy.

Last year, the Government slashed by half the budgets of youth offending teams. The principle was that a young person who got into trouble would have professionals to steer them away from that life. However, if the Ministry of Justice is cutting in half the amount of money that we are spending on that, we have to cut not only our preventive programmes but the programmes that pick up the pieces.

I ask the Minister to ask his colleagues at the Ministry of Justice to restore the youth offending budget, to speak to the Minister with responsibility for youth services and ensure that those services are invested in, and to make sure that those buttons are pressed and those strings are pulled. We must ensure that there are no more unnecessary deaths and ruined lives on this country’s streets.

3.30 pm

Ronnie Cowan (Inverclyde) (SNP): It is a pleasure to serve under your chairmanship, Mr Evans, and to speak on behalf of the Scottish National party. I thank the hon. Member for West Ham (Lyn Brown) for securing the debate. What we have heard about county lines is undoubtedly alarming—the sheer scale of the problem should give us pause for thought. According to one estimate, 46,000 children in England and 4,000 teenagers in London are being exploited. The National Crime Agency notes that the evidence gap means that the true scale of exploitation remains hidden.

Reports have highlighted the link between violent drug gangs and the exploitation of vulnerable people in the north-east of Scotland, particularly around Aberdeen, Fraserburgh and Peterhead. In line with what has been discussed in the debate, the experience there is of the threat or use of violence to exert power, particularly on vulnerable young people. In my constituency, drug deaths have more than doubled in the past decade.

The interconnected drug market that exists throughout the UK means that it is in all our interests to share best practice about how to combat this destructive force and to identify where Government policy is ineffective. That is a key point, because it is precisely our drug policies that have gifted a lucrative market to organised crime gangs who have the money, power and expertise to thrive in such an environment. The trafficking and exploitation of young people is simply an extension of their power.

Understandably, we seek vengeance. We want to see those responsible for the violence and abuse—those who exploit these vulnerable young kids—locked up, but experience tells us that whenever we incarcerate somebody for dealing, pushing or distributing, there is always somebody else in the background to step forward and fill their boots. Neil Woods was an undercover policeman for 14 years. In his book, “Good Cop, Bad War”, he outlines how he put his life at risk, day in, day out, with the aim of locking up drug dealers. Neil reckons that his actions locked people up for thousands of years, and disrupted the supply of class A drugs for a few hours.

Yesterday, there was a well attended meeting in Committee Room 10—better attended than this debate, unfortunately; where are all our fellow MPs? Most people there were serving cops or police and crime commissioners. A common phrase, repeated throughout

that meeting, was, “We can’t arrest our way out of a drugs war.” That is from serving law enforcement agencies throughout the United Kingdom. We need solutions, not retribution. I understand it—if one of my kids was sold a tab at a music festival, and that tab could kill them, as we have seen time and again, I would want to hunt down the person responsible and nail them to a wall. That might make me feel good, but it would not stop the distribution, and it would not help the next parent going through the same agony that I had just been put through.

Anyone’s Child is an organisation set up by people who have lost loved ones to the drug war. Its stance is not retribution but that we need to change the legal framework and our drugs policy if we are ever going to make things better. I fully agree with Anyone’s Child and Transform that if we regulate the drug market, we will remove one of the financial incentives to enslave young people. That will also enable authorities to identify those children as victims of modern slavery, rather than criminalise them and drive them further into a criminal underworld.

In becoming involved in a life of crime, even unwillingly, those children are learning to become intimidating and violent. They have to, because the scariest dealers do not get informed on. We must be honest in recognising that that development is a direct result of the police pursuing those children. The more we try to clamp down on the drug problem, the more the violence will escalate. That is the reality on our streets. Indeed, the Home Office’s 2010 drug strategy recognised the unintended consequences of enforcement.

I completely agree with former undercover drugs detective Neil Woods, the chairman of Law Enforcement Action Partnership UK, who said:

“How do people think these kids get recruited? Do people imagine that they just get randomly approached by dealers or cold called asking them if they fancy a life of crime? They are recruited through the cannabis market with the most promising youths being recruited for a County Line, dealing heroin and crack. By regulating the market we separate the link between organised crime and teenage consumers.”

Neil Woods clearly understands that disrupting the supply chain is not enough. A drugs market in flux is a drugs markets of aggressive competition where violence and intimidation will become more common as competing interests try to maximise more lucrative profits. Expendable young people who are enslaved within the system will not benefit from even more violence and turbulence.

Neither are we helping children caught up in county lines by employing them as so-called child spies. That practice casts moral ambiguity on the UK Government at a time when they are criticising the exploitation carried out by others. I am at a loss to see how we can reconcile the UK Government’s responsibility to protect minors with simultaneously exposing them to abuse rings for the sake of intelligence gathering.

Do we fully understand the long-term physical and mental ramifications of using young people in that way? Is there a clear code of practice on how children’s welfare is protected while working with the police or security services? How does an authorising officer weigh the intelligence benefits against the potential impact on the juvenile source? A report published by the House of Lords Secondary Legislation Scrutiny Committee suggests that the UK Government do not have satisfactory answers to those questions.

I am encouraged that the Scottish Government take a different approach to combating violent crime. As was mentioned earlier, a peak of 137 murders in Scotland prompted the formation of the violence reduction unit. By taking a public health approach to violence, the VRU and the Scottish Government have made significant headway in preventing such crimes. Instead of driving young offenders into prisons, they offer them alternatives—training, mentoring and employment opportunities—thereby breaking the cycle of reoffending. Since 2007, violent crime has almost halved in Scotland and crimes involving a weapon are down by two thirds. That did not happen by accident.

Likewise, I would like our drugs problem to be reclassified as a public health issue and regulated, as I mentioned earlier. If we were to take that road, it would reduce the burden on law enforcement and the NHS, and the saved funding could be invested in treatment, rehabilitation and harm reduction instead. By taking the approach that I have highlighted on violent crime and drug addiction, we can make significant strides against county lines.

We should not be handing the market to violent criminals, and we should not allow the economic conditions to exist that incentivise gangs to exploit children. Legalising and regulating will put the Government in control and drastically reduce the illegal exploitation of children. Finally, I put on the record my appreciation for the work of Transform, LEAP UK, Release and Anyone’s Child, which continue to produce invaluable research.

3.38 pm

Carolyn Harris (Swansea East) (Lab): I congratulate my hon. Friend the Member for West Ham (Lyn Brown) on securing the debate. It is an absolute pleasure to serve under your chairmanship, Mr Evans. Over the summer, the Metropolitan police launched their 100th murder investigation, but it is not just a London problem. In towns and cities all over the UK, the dynamic of crime is changing, and the need to change attitudes to policing has never been greater.

County lines are a devastating crime tsunami, as I have seen first hand in my own city, where the excellent South Wales police are fighting what is, in many cases, an invisible enemy—faceless in appearance, but devastating in action. Last Thursday, I spent the evening on the streets of Swansea with the Safer Wales outreach bus, which works with victims of prostitution. I heard about two young ladies—their age is disputable—who had gone missing. It was assumed that they had been taken by drug gangs—county lines—because of debt. I heard that they were likely to be trafficked. It was explained to me what punishment they could expect, but it is too dreadful to repeat in this place. That is the reality of what we are facing.

We are losing cities and towns up and down the country to the devastating phenomenon of county lines. Drugs, trafficking, prostitution and community devastation are the dreadful consequences of this life-sucking social cancer. They are taking our children’s lives, both metaphorically and literally. We must stop thinking that current police numbers and the availability of social and community work are adequate.

The level of support, training and intervention that the Government are providing is far below what is needed. Serious crime is threatening to overwhelm our

[Carolyn Harris]

communities. I acknowledge that the Government are trying, but it is time to try harder. The number of children aged between 10 and 15 being treated for stab wounds has increased by 69% since 2013. More than half the crimes against children from that same age group are related to violence. At the centre of those rises are tragedies we should never forget. Far too many young lives are being senselessly lost.

The Children's Commissioner has shown that a total of 70,000 youths aged up to 25 are feared to be part of a gang network. Too many lives are being wasted, too many families destroyed and too many communities devastated. The current surge in serious violence is a textbook definition of a whole-system failure, which Ministers must acknowledge. These children are the victims of austerity and rising poverty, and the figures tell their own story. Some 120,000 children are homeless. More than 70,000 are in care. Many thousands are excluded from school. The consequence for many hundreds of families is total devastation. Vital services are being pared back as a result of local authority cuts. Families arrive into the system when they are already at crisis point.

Violent crime has more than doubled in the past five years and is now at record levels. Last year, offences involving firearms increased by 11%, while those involving knives and sharp instruments increased by double that. I could regale the Chamber with examples from London, the midlands, Yorkshire or Wales—in fact, I could give examples from anywhere in the country. Despite the stories I could tell, the ending gang violence and exploitation fund, which is part of the serious violence strategy, will be just £300,000. That is hardly a commitment to tackling the reality of the serious crimewave engulfing our towns and cities.

I urge the Government to invest more in the battle fund and to meet this war—it is a war—head on. We cannot have any more families devastated. We cannot have any more lives lost. The time has passed for talking. We need to be fighting to protect our families, our communities and our children. It is time for the Government to invest the appropriate time and resources to tackle this demon head on.

3.43 pm

The Minister for Security and Economic Crime (Mr Ben Wallace): It is a pleasure to serve under your chairmanship, Mr Evans. I thank the hon. Member for West Ham (Lyn Brown) for securing this debate. I take the issue incredibly seriously, as do my colleagues. As the Minister for Security, my portfolio covers what we have just seen in the Chamber—the GRU, counter-espionage and counter-terrorism. However, the part of my portfolio that scares me the most, which I know I will see in my neighbourhood, my friends' neighbourhoods and my child's school, is serious organised crime.

One has to be very unlucky to be a victim of terrorism. One has to be even more unlucky to be a victim of an espionage event. The scale of organised crime and the empowerment of those networks in the past few years poses a threat not only to our young people of all classes through grooming, the growth in the use of drugs and the fuelling of that growth, but to all our communities. County lines have enabled crime to be exported into

large parts of the United Kingdom that never had violent crime or serious organised crime. They might have had the local dealer or the local burglar, but they have never had the type of organised violence that is now wreaking havoc on their streets.

I heard the hon. Member for Gedling (Vernon Coaker), whom I have known over the years. He was a Home Office Minister in 2008, I think. What he said was incredibly pertinent. It was a well-crafted speech, if nothing else, and as ever I will horrify my officials by not reading my well-crafted speech or quoting endless facts about fund Y or fund B. I have been in this House long enough to know about listing funds—I have listened from the Opposition Benches to other Governments doing it. I am happy to write to Members with the list of funds for communities.

The hon. Gentleman is absolutely right that, to fix this problem, we will need to drive integration both horizontally and vertically. We need to integrate the community response, the local authority response, the healthcare response and the voluntary response with the vertical driving together of local policing, regional policing through the regional organised crime units, and national policing. We will need to do that to get some of the very serious gangsters at the top and bring to bear, where we can, the weight of the state to weaken them. That is not often going to be driven by the experts—the experts know what to do and are just all in different buildings in different parts of Government. It takes a ministerial drive.

One of the weaknesses in our system—I would be interested in whether the hon. Gentleman agrees—is the length of time we as Ministers have to drive the system. It might be one year in the Home Office. I have done this job for two years, and I happen to have a background in counter-terrorism. I went through all those lessons in counter-terrorism in the early 1990s in terms of sharing intelligence, ensuring we tackle permissive communities and supporting communities in distancing terrorists from that support base. I happened to start at a run, but I have been here for two years and who knows how much longer.

One of the strengths we have in our system is to drive through, to knock heads together and to box clever within Whitehall, but it is a challenge. How do I get the DCLG—I forget the new name; it is too long now they put an H in front of it—or the Cabinet Office to do something? How do I lobby the Chief Secretary to the Treasury that something needs to be done? We can sit here and talk about cuts and I can talk about debt, but it is also about priorities. If Opposition Members were on the Government side of the House, they too would be having discussions about priorities and where to spend money. We have to have stability.

The great thing about the work that the hon. Member for West Ham has done is that it is more collaborative. The way she has gone about tackling and highlighting the threat of county lines is an example to us all. We are all trying to find a solution collectively, both locally and nationally. If I may, I will address her points rather than those of other Members because of the short time available. She eloquently set out her asks.

First, there is an ask from me on social media and communication. What has accelerated county lines? What has gripped? Organised crime has existed for many years. Violence has existed in some pockets. What has

accelerated county lines is social media and secure communication. There is à la carte drugs-buying from people who are posted. Sometimes they are groomed and abused, and sometimes they are willing. They go to other towns and boroughs and people order drugs à la carte through WhatsApp and Instagram. That is communicated safely to the drug barons and the drug buyers with end-to-end encryption. People can buy anything. There is an incredibly good documentary by a girl called Stacey Dooley on BBC—it is about kids buying drugs—that brings the issue home. She went to WhatsApp to show the research, and they would not even answer the door. The fuel on the fire has been that safe environment.

Ronnie Cowan: Will the Minister give way?

Mr Wallace: I do not have time. I remember Labour introduced the Regulation of Investigatory Powers Act 2000, which is where Labour brought in youth covert human intelligence sources. It was not a Conservative thing—it has been going on since 1999. When I was in the Scottish Parliament, the Scottish National party did not oppose it either. Using young people as CHIS has been around for many years.

When we introduce legislation to try to seek ways into encrypted technology there is often a knee-jerk reaction from the likes of Liberty, and too many people go along with it. Legislation is vital if we are to get into the top of those drug gangs and find out what is going on. The head of a cartel was arrested in Glasgow, I think last year. He had military-grade encryption to order directly from cartels in central America. He even distributed to the cartels and then distributed drugs back into Glasgow. We have to tackle that because that has been part of the fuel.

We also have to tackle education. What do we need to spot? It is the cuckooing and the vulnerable people. It is about educating local people, especially those in the leafy suburbs who have never seen it, and who do not know that a young person who has suddenly appeared in a flat is the victim of trafficking. Human trafficking leaks into the issue. There are nail bars up and down the country often manned by Vietnamese people who take only cash. Those people are trafficked 99% of the time, but in middle-class areas everyone still goes in to get their nails done. No one says, “There’s something odd here.” It is in plain sight, and we are working with our local authorities—the regional organised crime units are also working with them—to improve spotting the signs.

On reducing violent crime, I asked my officials to go and see an interesting project in Glasgow. I do not pretend that there have not been cuts to police, but in Glasgow, even in environments where there were falling police numbers, knife crime incidence has been massively reduced, which shows that working better together can sometimes make a significant difference. Some great work has been done in the Scottish Government on tackling that, which is important.

It leaks into the wider grooming piece. I see it in Prevent and in counter-terrorism. It is the same method whether it is sexual exploitation, crime or whatever. We have to take on the social media. That is why we are consulting, including on introducing regulations in this House. I went slightly freelance at one stage and said, “The polluter can pay.” If we have to spend hundreds of

millions of pounds on police, I know where I would get that money from. They need to step up to the plate. There is the technology and we can do more. We have to tackle grooming and put people in the category of groomers. They are not glamorous. They are the same as paedophiles. They are dirty little rotten groomers who are sacrificing young people.

I saw a very successful Merseyside operation that was brilliantly done. It goes back to how we are pursuing the organised crime. As the hon. Member for West Ham said, I want to see the bad guys at the top get it. A brilliant operation was done in Merseyside where county lines were coming up into Lancashire. The police went top and bottom and worked with local authorities. Good police forces have something called local organised crime panels. Chief Constable Mike Barton in Durham has used local authorities on a regular basis. On such panels are the Environment Agency and representatives from local government. A whole load of government agencies are on the panel, saying, “If we can’t arrest them for X, we’re going to make their life a misery. We’re going to do them for fly-tipping, and then we’re going to publicly expose them and take the glamour off them.” That is happening, and with good results. Other areas could follow suit better. Some do and some do not.

I totally agree with what was said about witness protection and having a trusted system. I worked in intelligence. If no one picks up the phone, we are flying blind. No matter how many neighbourhood policemen and women we have, if people are doing it in their bedrooms on secure comms we need someone to pick up the phone and to trust the system. That is really important.

This year and next year we are going to move witness protection away from the regions. It will be administered in the regions but it will be nationally co-ordinated by the National Crime Agency. However, the Met police has not opted to do that. I urge the hon. Member for West Ham, as a London MP—this is about working with everyone—to have a word with the Mayor of London about whether that is the right way to tackle it. Some of the biggest exporters of county lines are London into the regions and Merseyside into the regions. I can say that because my home plain is Lancashire. Between the two, we need to think with our Mayors about how we can tackle some of that permissive society—some of it is permissive.

It is not just the raw victims—there is a hard edge, which is why we sometimes have to use youth as CHIS. I can write to the hon. Member for Inverclyde (Ronnie Cowan) with the many safeguards that we put in place around that risking. It is overseen by the Investigatory Powers Commissioner, Lord Justice Fulford. It has been in existence since 1999. Sometimes—very rarely—we do it. We have to do it if we are to penetrate where encryption is used, and some of the county lines where it is not. It is not something we want to do, but sometimes it is useful and we have to do it.

I would be delighted to take up the case of Ashley and Nathan if the hon. Member for West Ham and I could have a meeting. How they have been treated is outrageous. That is not the message we want to send, and I will do everything to ensure that they are given the support that they should be given. I had experience of settling people who were under threat of death if they were caught, and some of them tragically were killed.

[Mr Wallace]

Finally, the hon. Members for Gedling and for West Ham asked what we are doing on the organisation to tackle crime. Some 128 tonnes of class A drugs were snatched last year. Thousands of people were arrested by the NCA and 628 guns were seized. As with the Contest strategy, which started under Labour and has been refined with mistakes learnt from and driven into the fingertips of Britain, we have got to a place over the last few years where the policing response is in the right place. We have regional organised crime units, we have the National Crime Agency above that and we have local forces. If somebody goes to visit their local regional organised crime unit they will see that collaboratively such units are bringing to bear some very good resource. I am happy to facilitate that for whoever wants to go.

The Met are not in the ROCU—it chooses to do it separately. I have lots of faith that the Met has the resource—it has much more resource per head than we do in Lancashire and Merseyside—but there is a plus and a downside to that. It is well worth exploring with the Mayor of London whether he thinks that that is the right apparatus. The regional crime units can bring specialists and specialist surveillance. We often find that county lines cross county borders and constabulary borders. That is why the regional organised crime units work. My one in the north-west is based in Warrington. I will visit it again, and regularly. I have been around all of them in the country. Part of what they do is about gathering better intelligence, as the hon. Member for Gedling said, and mapping organised crime groups. Individual forces have been pretty weak at finding a common denominator. Cumbria claims to have more organised crime groups per head than Merseyside or some other parts of the country. That is a bit different, so we have to improve the intelligence.

I am happy to facilitate visits to the NCA where we can. With the upskilling and the changes that we implemented last year to conditions to make them compete better, we are getting much better capability. We are starting to deliver and bringing to bear purely intelligence-led collaborative working. I am not deaf to concerns about neighbourhood policing or cuts to the police. I know that there have been cuts to the police—I

do not deny that. We can sit here and argue all day about why that had to happen and whether our priorities are right, but I recognise that we have to do something about it and we are going to try. Certainly it is about prevention as much as arrest. That is true of so many crimes, even this one—we cannot arrest our way out of it. I will not go down the long path of legalisation, but we have to keep empowering local authorities. I will send hon. Members the lists of what we do in local authorities.

One thing that I see from my desk at the Home Office—the hon. Member for Gedling will have seen this—is lots of people not bidding for funds. Colleagues understandably come and complain, and I say, “But your force or local authority didn’t actually bid into it.” I am very happy to share that with anyone if they come and say that they have seen the fund and no one has got it in their community. I can find out about it, and we will go together. We will go to Brighton and say, “Why didn’t you bid for it?” Not everybody can have the funds, but it is interesting that there are some who always bid and get them and some who never bid at all.

Mr Evans, I will sit down now and let the hon. Member for West Ham wind up the debate.

3.59 pm

Lyn Brown: Thank you, Mr Evans, and thank you to the Minister for sitting down and giving me the opportunity to wind up quickly. It has been a superb debate. Every Member who has spoken today has brought something special and unique. They are passionate about their communities and about keeping them safe. All the contributions have been excellent.

I thank the Minister for his response. I do not often feel like doing something like that, but I thought his response was excellent and his tone was right. I am so grateful that he did not read out the speech he was given. I take him up on all the offers that he has made today, and I will be happy to provide him with information about Ashley and so on.

The problem with funding is short-termism. If people are asking for money it is for only 15 or five months’ work, which is a problem.

Motion lapsed (Standing Order No. 10(6)).

Suicide: Coroners' Courts

[SIR DAVID AMESS *in the Chair*]

4 pm

Helen Jones (Warrington North) (Lab): It is a pleasure to be here under your chairmanship, Sir David, for this short debate on the standard of proof for a conclusion of suicide in the coroners' courts. To say that any suicide is a tragedy is to state the obvious. It is a tragedy for the person concerned, who could see no way out other than to take their own life; it is a tragedy for their family and friends, left with an intolerable burden to carry; but it is also a tragedy for us as a society, because we have failed to offer them another way out and failed to support them through their illness.

Suicide is an increasing problem for us. The rates are now highest among middle-aged men and have gone up by 40% in 10 years. It is also the biggest killer of young people between 15 and 34. It is a real public health emergency, yet we are often prevented from openly discussing suicide by the stigma that surrounds it. Nowhere is that stigma more obvious than in a coroner's court. Suicide ceased to be a crime in 1961, yet until very recently the courts held consistently that the standard of proof for a conclusion of suicide had to be the criminal one of "beyond all reasonable doubt". In effect, the state, having decided that suicide is not a crime, still treats people in a coroner's court as if it were. That is something we should alter.

It is settled in English law that there are two standards of proof—the civil and the criminal—but a coroner's court is not a criminal trial. It is not even litigation. It is, as Lord Chief Justice Lane said,

"a fact finding exercise and not a method of apportioning guilt."

A coroner's duty is to investigate someone's death and to find out and record the facts in the public interest. That public interest duty is important, and I will return to it later.

An inquest can find that someone died in a number of ways or it can record an open verdict, but its decision is not conclusive in any subsequent litigation. The rules of procedure prohibit a coroner's court from any finding of fact that may seem to determine criminal liability. The coroner's court no longer has a connection with a criminal court. It used to have, and could name a person who was thought responsible for a homicide, which committed them to trial, but that power was abolished in 1977. Why, when suicide is no longer a crime and when the courts no longer have that power, do we still stick to the criminal standard of proof?

The Minister will probably be relieved to hear that I do not have time today to go through all the cases that have led us to the current position, but it is important to note that it has come about through case law; it is not in statute or in the coroner's rules of procedure. Many of those cases were decided some time ago, when attitudes to suicide were very different from what they are today. Many of them resulted from people challenging a coroner's verdict on suicide. That was understandable prior to 1961, when suicide was a crime and when a conclusion, or verdict as it was then, of suicide could have significant financial implications for those left behind. For instance,

insurance companies often did not pay out when there was a suicide verdict. That is no longer the case, yet we continue on that road.

The situation was probably set out most clearly in the case of *R v. Her Majesty's Coroner for Dyfed*, ex parte Evans, where Lord Justice Watkins held that a coroner's jury could not return a verdict of suicide based on the balance of probabilities; it is only permissible for a coroner's jury to return a verdict of suicide if they find, upon evidence proved to their satisfaction, that the deceased intended to, and in fact did, take their own life. That is a very high threshold to meet.

Other cases that have contributed were not in fact about suicide, but about unlawful killing. In the famous one, ex parte Gray, Lord Justice Watkins, again, referred to an earlier case, ex parte Barber, which he said had held that a verdict of suicide was only permissible if proved beyond all reasonable doubt. Other cases established that the presumption ought always to be against a conclusion of suicide, and that intent was crucial. That was understandable when suicide was a crime—every first year law student knows that to prove a crime, both the mens rea and the actus reus must be proven—but it is not understandable when it is not a crime, and many of the key cases on intent were decided many years ago, when attitudes were very different and suicide was a criminal offence—for instance, the case of *Southall v. Cheshire County News Company Ltd* was decided in 1912, and that of ex parte Lockley was decided in 1944. None the less, they still haunt us today.

This is a real problem that still has an impact on many cases. In the case I referred to earlier, ex parte Evans, and in a similar one, *R (Jenkins) v. Her Majesty's Coroner for Bridgend and Glamorgan Valleys*, the challenges to the coroner were all based on intent. Family and friends gave evidence that the deceased were in a positive frame of mind prior to their deaths. That puts us in a position where we are returning conclusions that go against the facts. What we know about suicide now is that when someone has decided to take their own life, they often seem in a calmer and better frame of mind because of that decision. In those two cases, where people tragically threw themselves in front of trains, the facts of the case were very clear—those individuals intended to end their own life. We end up with conclusions that go against the known facts.

It seems to me that the current position is also legally unsupportable. We are basing our approach on cases decided a long time ago, when suicide was a criminal offence, and on some cases that did not even involve suicide at all. Other cases in the coroner's court are decided on the balance of probabilities. In civil litigation, a court can decide based on the balance of probabilities, even when criminal facts are involved—for instance where someone seeks compensation for a fraud, or where people sue for compensation, perhaps following a rape or the murder of a family member, we decide on the civil balance of probabilities measure.

Given this situation, it is not surprising that there are other common law jurisdictions that have refused to follow these precedents. In Canada, for example, where the coroners' court system is closely modelled on our system, the Supreme Court decided that suicide should be decided in the coroner's court on the balance of probabilities. Until recently, we have had all these decisions in English courts that have gone the other way. That only

[Helen Jones]

changed recently, in a case, *R (Maughan) vs. Her Majesty's Senior Coroner for Oxfordshire*, that is now subject to appeal—I have therefore had to take advice from our omniscient and helpful Clerks about what I might say about it—concerning a narrative verdict and the instructions to a coroner's jury. The judges held in that case—subject, of course, to appeal—that it is no longer tenable to use the criminal standard of proof given that there was no connection with the criminal courts, and that cases, whether they involve a narrative or a short-form verdict, should be decided on the balance of probabilities.

It remains to be seen what happens in that appeal. The judgment may, of course, be overturned, but I believe it is time for the Government to end this situation and legislate to make clear that the civil standard of proof should be used in a coroner's court for cases involving suicide. I believe that for a number of reasons. First, by continuing to use the criminal standard of proof, we are in fact maintaining the stigma around suicide, which prevents us from discussing it openly and dealing with it effectively. In the past, Ministers have argued that that is not the case, but Professor Louis Appleby, who knows something about this issue, told the Health Committee during its inquiry in the previous Parliament:

"There is a principle here, which is that that standard of proof is a reflection of a system that is full of prejudice and stigma, which we ought to dismantle."

The second reason is that, in the current system, we may be hugely underestimating the number of suicides we are dealing with. Academics who have looked at this matter, such as Professor Pritchard at Bournemouth, have concluded that we may be underestimating by between 30% and 50%. The first step in dealing with the problem is to know how widespread it is. Currently, we do not know that properly. In the past, some Ministers have been concerned about making changes that may offend faith groups. As a born and bred believing Catholic, I say gently to the Minister that that is not the duty of the state. The duty of the state is to find out the facts, as was said in the recent case, without fear or favour. The view that any faith group takes of suicide is a matter for them, not for the Government.

The third, and understandable, reason is that coroners are often reluctant to reach a conclusion of suicide because they fear the upset it would cause to the family. I understand that. I have nothing but sympathy for families left to deal with the after-effects of a suicide. In fact, I think we should offer them more support than we currently do, but again that is not the courts' role. The public interest in knowing how many suicides we are dealing with and how they are occurring overrides that concern. In the end, if we are not able to discuss suicide openly and if people are prevented from being honest about their suicidal thoughts and seeking help because of the stigma that attaches to it, we cannot design services effectively and we may lose the chance to save lives. That, to me, is far more important.

This is not a party political matter—the current position has prevailed under Ministers of different political parties—but it is time to get hold of the anomaly and deal with it. If the Minister did that, he would have widespread support from the National Suicide Prevention Alliance, from PAPYRUS, which works to prevent young

suicide and is based in Warrington—it gave me a great deal of help in preparing for this debate—and from the Health Committee, which recommended this change in its report on suicide prevention in the previous Parliament. He would also have the support of the former Chief Coroner, Peter Thornton, who wrote to the chair of PAPYRUS in 2013:

"I am supportive of the change which would reduce the standard of proof for suicide to the civil standard and have expressed that view to the Ministry of Justice."

He would also have support across the House.

In the end, this matter is too important to leave to the lawyers and the courts. It is a major public health issue, which we need to tackle. Unless we get it right, we will not be tackling it effectively. We will lose the chance to prevent more deaths in the future, and we will be culpable for that. Some things in politics are not easy, but they are nevertheless right. I strongly urge the Minister, who has seen coroners' courts operating and is concerned about this issue, to do the right thing and make this change for the benefit of many individuals and their families in the future.

4.16 pm

The Parliamentary Under-Secretary of State for Justice (Edward Argar): I congratulate the hon. Member for Warrington North (Helen Jones) on securing this debate on such an important, complex and sensitive issue. I am grateful for her passionate and thoughtful views. Her erudite speech highlighted, if my recollection is correct, not only her distinguished time as a parliamentarian but her previous career as a distinguished solicitor, as was evident from her careful and clever deployment of her legal knowledge.

Coroners' courts are the oldest part of the judicial system in England and Wales, but they have not stood still; they have continued to evolve their processes. The Coroners and Justice Act 2009 set out a comprehensive suite of reforms to coroner law and practice, which was implemented in July 2013. The dedication and commitment of the Chief Coroner, His Honour Judge Mark Lucraft QC, and that of his predecessor, whom the hon. Lady mentioned, both in working towards continued improvement and in providing leadership, guidance and support to coroners, is second to none, and I am grateful to them both for their service.

In 2017, almost 230,000 registered deaths in England and Wales were reported to coroners—43% of the total number of deaths—and inquests were opened into 31,500 deaths by the 88 coroners' areas across England and Wales. As the hon. Lady said, by definition bereaved families engage with coroners at an extremely difficult and stressful time in their lives. I believe that the coroner service does a wonderful job of working to ensure that its engagement is as respectful and caring as possible.

As the hon. Lady alluded to, I had first-hand experience of that when I recently had the privilege of visiting the Westminster coroner's court to open a garden of remembrance—a personal initiative taken forward by the excellent Inner West London senior coroner, Dr Fiona Wilcox. I was also able to observe an inquest into a suicide, and I saw for myself how deftly and sensitively Dr Wilcox handled the legal process, alongside sensitively handling a bereaved family and their feelings. I pay

tribute to her and all her coroner colleagues for their dedication and professionalism, often in very difficult circumstances. It is a service of which we can be proud.

As the hon. Lady said, put simply an inquest is a court hearing held by the coroner to establish who died and how, and when and where the death occurred, but it differs from other types of court hearing because it is inquisitorial, rather than adversarial, and does not establish criminal or civil responsibility, as she said, deploying her legal knowledge. At the end of the inquest the coroner—or jury, where there is one—reaches a conclusion. Historically, the standard of proof for a conclusion of suicide has been established by case law, as the hon. Lady said. Although suicide was decriminalised in 1961, case law continued to apply the criminal standard—that is, beyond reasonable doubt—as opposed to the lower civil standard.

To go to the crux of the debate, as the hon. Lady said, there have been calls for the Government to address that situation, not least by campaigning organisations such as PAPYRUS, which she mentioned and which campaigns energetically not only on this issue but on the broader one of preventing suicide among young people. As she said, the Health Committee recommended lowering the standard of proof for suicide in the reports of its suicide prevention inquiry, published in December 2016 and March 2017. The Government made it clear in their July 2017 response that they had been considering whether to make such a change. Recently, however, the matter has moved on as a result of evolving case law, with the judgment handed down by the High Court on 26 July in the case of *R (Maughan) v. Her Majesty's Senior Coroner for Oxfordshire*. Before continuing, I put on record my sincere condolences to the family of James Maughan on the sad loss of their loved one in difficult circumstances.

In brief, the case, which has been alluded to, was a judicial review of the jury inquest held into Mr Maughan's death. The senior coroner invited the jury to record a narrative conclusion, rather than a short-form conclusion of suicide, which he directed should be determined on the civil standard of proof. The judicial review claim was made by the bereaved family on the basis that the jury's conclusion was unlawful because it amounted to a conclusion of suicide reached on the balance of probabilities, rather than on the criminal test of beyond reasonable doubt.

That judicial review claim was dismissed by the High Court on the basis that previous case law applying the criminal standard of proof was incorrect and that the correct position in the opinion of the court was the application of the civil standard. However, the High Court gave the bereaved family leave to appeal the judgment, which they have now done. A date has not yet been confirmed for the Court of Appeal hearing of the case. Pending that hearing, I hope that the House understands that it would not be appropriate for me to discuss the judgment of the High Court, other than the factual account that I have just put on the record, the forthcoming appeal, or any issues relating to or arising directly from either one, because that might impact on the case.

Helen Jones: I realise that the Minister cannot comment on the case, but may I ask whether he has had discussions with his colleagues in the Department of Health and

Social Care about the impact of the existing situation on any assessment of the number of suicides and the design of services to meet them?

Edward Argar: Such issues of suicide prevention are discussed regularly with the Department of Health and Social Care. I am about to come on to suicide prevention and the broader point that the hon. Lady made, in particular about understanding the scale of the issue. If she allows me one more paragraph, I shall come on to exactly that.

I appreciate that the point I made about being slightly limited in what I can say given the legal context will disappoint the hon. Lady. I hasten to add that my intention is never to disappoint her—

Helen Jones: I am frequently disappointed.

Edward Argar: I hope not by me—yet. I can only assure the hon. Lady that I have of course noted the points that she and other hon. Members have made today and in the past. I will consider them very seriously, along with the Court of Appeal ruling when judgment is handed down in that case. I shall respond as appropriate at that point. Clearly, however, while the case is being heard I shall stray no further.

To come on to the hon. Lady's wider point, I shall touch on the broader issues underlying the debate: the importance of preventing suicide, tackling potential contributing factors and understanding what it is that drives suicide in some cases. As she said, a verdict of suicide in a coroner's court of course means that a tragedy has already occurred, and every death by suicide is a tragedy with a devastating effect on families and communities. That is why the Government updated the national suicide prevention strategy last year—to strengthen the delivery of its key areas for action, such as expanding the strategy's scope to include addressing self-harm as an issue in its own right.

I am encouraged that data published by the Office for National Statistics this week show that in 2017 the suicide rate in England reduced for the third consecutive year. The rate is now at its lowest for seven years, which brings us closer to achieving the national ambition to reduce suicide by 10% by 2020.

Helen Jones: As the Minister knows, evidence given to the Health Committee stated that apparent reductions in suicide are often linked to changes of practice in the coroners' courts. Will he therefore look seriously at what the Health Committee recommended on coroners being given more training in how to construct their narrative verdicts, and on giving the Chief Coroner more resources to ensure similar practice across all the courts?

Edward Argar: I am happy to look into both those matters. My understanding is that the suicide registration statistics, which are used to calculate the suicide rate, already include deaths by undetermined intent, where a suicide conclusion was not reached but where it is likely that the death was caused by suicide. There is a slight difference in the calculation of the rate, but I shall look into the points that the hon. Lady made.

I am encouraged that the suicide rate among men—the highest-risk group, as the hon. Lady said—reduced for the fourth consecutive year. That is of course a reason

[Edward Argar]

to do even more, because every suicide is a tragedy, and we must seek to do everything we can to prevent any suicide if at all possible.

To address suicide prevention in mental health settings, this year, the previous Health and Social Care Secretary launched a zero-suicide ambition across the NHS, starting with mental health in-patients but seeking to include all mental health patients. My opposite number in Health, the Under-Secretary of State for Health and Social Care, my hon. Friend the Member for Thurrock (Jackie Doyle-Price), has a personal commitment to that agenda. She is working extremely hard to ensure that the record levels of spending on mental health by the Government continue to drive improvement.

Clearly, suicide prevention must be a key Government priority. The hon. Member for Warrington North is absolutely right to highlight the fact that the issue is not a partisan or party political one; it is about doing what is right and improving the situation for everyone. I thank her for securing the opportunity to focus on such an important issue in the specific context of the operation of the coroners' courts and system.

The recent High Court judgment has thrown a spotlight on a particular aspect of the national debate around the complex and sensitive network of issues involving suicide. I may not have been able to go into the level of detail that the hon. Lady might have wished, but I hope that I can offer some reassurance with my commitment: we await the decision by the Court of Appeal with keen interest, we will consider it carefully, and we will continue to reflect on the particular issue that she has highlighted so eloquently. Furthermore, should she so wish, I am happy to meet her to discuss it further.

Question put and agreed to.

Care Crisis Review

4.28 pm

Sir David Amess (in the Chair): Before we begin the debate, I alert colleagues to the fact that a Division is expected at 4.48 pm, at which point we shall adjourn for 15 minutes if there is one Division or 25 minutes if there is a second Division. We shall still have the full hour of the debate.

Lucy Allan (Telford) (Con): I beg to move,

That this House has considered the findings of the Care Crisis Review.

It is a pleasure to serve under your chairmanship, Sir David.

I take the opportunity to put on record my thanks to the Minister for his recent announcement about the new exploitation unit. I know that he will continue to work closely with the Home Office on the exploitation of vulnerable children, and I am extremely pleased with how well he understands his brief. When he has appeared before the Select Committee on Education, he has been passionate about his commitment to children in care. He shares my passion, I know, to do everything possible to support and strengthen families. That is why he has engaged with the findings of the care crisis review. I would like to build on that and ask the Minister to acknowledge the scale of the problem, with alarming numbers of children being taken from their families and placed in state care. I would also like him to acknowledge the apparent lack of a long-term strategy to address the problem.

Although money is never the whole solution to any problem, I urge the Minister to commit to funding early support for struggling families and to ensure that the funding is ring-fenced so that it is not eaten up by statutory crisis interventions. The care crisis review was facilitated by the excellent Family Rights Group, which does so much important work in this area, and funded by the Nuffield Foundation. It was undertaken in response to the unprecedented increase in the number of children being taken into care, as a way of finding a series of solutions to bring about change. It has come up with 20 solutions—I will not go through all the findings because the Minister is familiar with them, but I will highlight one or two that I urge him to take on board.

Over the last 10 years, in the wake of the tragic case of Baby P, there has been a dramatic and consistent increase in the numbers of children being taken into state care. The figures show something like a 151% increase in 10 years of children in child protection investigations, and 73,000 young people in care in 2017—those figures are higher for 2018, although the numbers are not yet out. That translates into 90 children a day being taken into care. That is not sustainable and it is not necessary. Often, taking children into care helps councils and social workers to be protected from any accusations of failing to act, but sometimes it is not necessary.

Anna Turley (Redcar) (Lab/Co-op): I congratulate the hon. Lady on securing this important debate. She makes a really important point about the number of children being taken into care, sometimes unnecessarily. Does she agree on the importance and value of kinship

carers and wider family support networks? At the moment, there is patchy and inconsistent support for those families. Many do not get the financial support and counselling they need to take care of their children and to keep them out of the care system.

Lucy Allan: The hon. Lady has done wonderful work in Parliament promoting the role of kinship carers. She is absolutely right: the opportunity to explore other avenues before taking children into care is often overlooked. Too often, social workers say, “This person won’t be suitable,” but they have not actually done the due diligence to determine whether extended family can be supported to help keep a child connected with their identity, school, friends and network. All those things are so important to the stability of children. I hope that the hon. Lady will continue to do work on kinship carers. If I can assist her in any way, I would be more than delighted.

It used to be considered that increasing the number of children in child protection investigations or taking more children into care was a good thing. Thank goodness we no longer think that way. Clearly, it places intense pressure on children’s services and on the family court system. Too often, statutory intervention does nothing specific to help a family and is more punitive than supportive. Often, it is all that is available at the end of a long process. If all we can offer struggling families is care proceedings, of course they will not engage and work collaboratively with social workers.

Mr Jim Cunningham (Coventry South) (Lab): I congratulate the hon. Lady on this timely debate, which in actual fact has been a long-running debate for a number of years. When we talk about problems that social workers have and criticisms of them, we tend to forget that a social worker probably has too many cases on their hands, which does not allow them to concentrate in the way that they should concentrate. Of course, there is a lack of resources.

Often, police are called to a house about an issue that has nothing to do with childcare, only to discover some appalling situation affecting children, and have to get on to the relevant authorities to try to sort it out. We have had one or two cases in Coventry like that. There is a need for a more joined-up approach. We can have as much legislation as we want, but if we do not have a proper joined-up approach, we will get nowhere fast.

Lucy Allan: The hon. Gentleman is absolutely right. One of the issues raised by the care crisis review was the intense pressure on social workers and the need to work in a problem-solving way rather than in the process-driven way that is so often their focus. They often find themselves in a blame culture where they are quite defensive, and therefore focus on getting the process right rather than finding the right solution for the child. The hon. Gentleman makes a very important point.

Placing children in care or triggering forcible state intervention is never a solution to a family’s problems. Too often, it is evidence of our failure to support children before problems escalate so they can stay safely at home or, as the hon. Member for Redcar (Anna Turley) said, with a wider family network. Time and again we hear that action is taken only at the point of crisis, and often only in the form of assessment, judgment, monitoring or scrutinising a parent’s ability to parent. The action

taken is not practical support for the drugs, alcohol or mental health issues that are the cause of the crisis, but simply saying that the parents are not really good enough, and all the state can offer is removing the children from the family. Meanwhile, people often overlook the role that the extended family and the community can play in supporting families.

For all those reasons, I invite the Minister to take very seriously the solutions that the care crisis review has put forward. There is an emotionally damaging cost to children, families and to society, as well as a financial cost to the state. That is why we must have an overarching long-term view on the problem—a longer-term strategy, rather than sitting back and saying that this is a local issue for councils to decide locally what is right for them. They are on very tight budgets that often are taken up with statutory measures rather than being available for early intervention and preventive measures.

Mike Hill (Hartlepool) (Lab): I congratulate the hon. Lady on securing this important debate. On funding, Hartlepool council’s children’s social care services have been rated by Ofsted as good, and outstanding in some areas such as children in care. Spending on that allocation has gone up by 27%, yet they face an overall council deficit of £6 million. Does she agree that there are long-term financial difficulties to resolve in local authorities’ funding?

Lucy Allan: The hon. Gentleman makes an excellent point that perfectly illustrates my argument about the duties of local authorities to spend on the statutory crisis intervention measures they are required to take by law. They have nothing left in the pot for the preventive measures that would reduce in the long term the need to spend on crisis funding. It is difficult for a local authority to have the flexibility to do what it knows would work in the long term, because it is a statutory requirement that it uses its budget primarily to meet the statutory needs of the most vulnerable children in the borough.

That is a big issue that we neglect. If there are tight budgets for children’s services, councils have to take an increasing number of children into care, which costs more, and there is less chance of reducing that number through early intervention and support. That is why we have to think and act for the long term. If we believe that families do a better job than the state, we must work with families to support them, not just judge them and find them wanting—that helps no one. The Minister will agree because, like me, he has a wonderful family. The greatest gift he could give to any child to secure their life chances is a strong family.

Anyone who works in the system will say that the short-termism that they are forced to work with is wrong, and that instead of being able to fund early help, most authorities have to proceed with the statutory interventions that so many families experience as oppressive and destabilising. My plea is to invest in early help to make long-term savings. I am thinking not just of the huge financial savings, but of the emotional cost to a child of being removed from their family and losing their home, their siblings, their friends and their school. We know that happens. The Education Committee hears too often about fostering breakdowns, which cause children to go through a whole series of placements. Time and again, children feel abandoned and isolated,

[Lucy Allan]

and have to put their possessions in a black plastic bag to move from foster home to foster home. They never quite feel that they belong.

I know that every Member would want to prevent that from happening to any child if possible. That is why I believe that the Government could be doing so much more to set the direction and insist on a ring-fenced element of funding for early intervention and prevention. As a Conservative Government, we care about families. We care about people being able to help themselves. We believe in helping people to help themselves, but we are not doing that. We are simply saying, "The state will take care of this, because you have failed as a parent." What message does that send about our vision of society? The number of children in care goes on increasing while everyone takes a back seat and says, "Well, it's not really central Government's problem, because local authorities have to make these decisions on a case-by-case basis. It just so happens the numbers are going up." We have to look at why that is, and that is exactly what the care crisis review did.

Tim Loughton (East Worthing and Shoreham) (Con): I declare an interest, which is detailed in the Register of Members' Financial Interests. I agree with much of what my hon. Friend says, although I take issue with some of her analysis. Does she agree that the early help recommendation of the Munro review back in 2011 was crucial to allowing more preventive work to be done to keep families together? Alas, that recommendation never became reality. She will also be mindful of the worrying finding in the "Storing Up Trouble" report by the all-party parliamentary group on children, which came out at a similar time to the care crisis review and to which the Minister contributed, about the huge differences in intervention outcomes between authorities. A child in one local authority can be seven times more likely to be taken into care than one in another. That causes great concern.

Lucy Allan: I am grateful to my hon. Friend for that contribution. He has a long track record of expertise in this area, not least as an excellent Children's Minister. His point about different treatment in different local authorities is vital, because it demonstrates that with the right support for families there is less need to take children into care. With the right support, children are more likely to be able to thrive safely at home. That illustrates my argument.

All Members would agree that taking children from their families must be a last resort. Indeed, the Prime Minister said exactly that when I raised the care crisis review at Prime Minister's questions a few months ago. However, if nothing else is on offer to support a family in crisis, it suddenly is not a last resort—in some cases, it becomes the only tool a local authority can deploy. As I said, that will be of huge consequence to children, society and the state if we continue down the path of saying simply, "Let's not invest in the long term and enabling children to stay safely at home with their families."

Had I not seen it for myself, I would not have believed the cost of care proceedings where parents object, or the agonies they go through to keep their child with them. I have seen cases where the legal process has cost

the state millions. Just think of the difference we could have made if only we had been able to support such families before they reached crisis—not only to the children's lives, but with the millions of pounds we have spent on the court process, which is the most awful process for any family to have to go through.

I pay tribute to Edward Timpson, another excellent former Children's Minister, for the work he did and for his knowledge and understanding of this area. He initiated fantastic projects such as Pause, which works with women who have repeatedly had children taken from them and put into the care system. To deal with their loss and grief, women continued to have children, which the state simply took away from them one after another without doing anything whatever to help them get out of the situation they were in. The futility of all that anguish seems senseless, so I am grateful to Edward Timpson for his legacy.

The only thing I would say about such projects is that, admirable as they are, they too often tinker at the edges rather than setting an overarching, long-term view of what could be done differently. That is why I welcome the suggestions in the care crisis review. Yes, some of them are about funding, which I have touched on, but the review contains all sorts of other suggestions. The Minister is very familiar with them, and I urge him to consider which ones could be implemented and which he could put his weight behind. It is important that we do not just have debates in which the Minister says, "I'm going to consider it," and then the proposal dies a death. I have seen that happen many times. This is a real opportunity to use work that has been done for the Government by experts in the field to look carefully at what the Government can do to improve the system and make things better for children and families.

The cost to the state of a child being in care is enormous. We all know about the outcomes for care leavers and the huge challenges they face when they leave the care system. We know the statistics about the make-up of the prison population. Too often, people who have children taken from them are care leavers who did not have a parenting role model. The state deems that in itself to be a risk factor when assessing their suitability to parent. In too many cases, there is a self-perpetuating cycle of misery, and the Government do not intervene in the way they could to do amazing good. We have seen from the great projects I mentioned how much good can be done, but there does not seem to be an overarching, long-term Government strategy. Instead, understandably, the point is made that local authorities have to act on a case-by-case basis and the Government cannot intervene.

Mr Jim Cunningham: The hon. Lady is being generous in accepting interventions. She has worked hard on issues such as child abuse, which are related to this debate. One of the big problems is that successive Governments—not just Conservative Governments—have passed legislation but have not provided the funding to see it through. That is why we often get situations where things are botched, for want of a better term. We all know that local authorities have been starved of resources. Whether we accept the figures or not, that is a fact, and it puts another burden on local authorities. If we are going to have a proper strategy, it will have to be properly funded and we will need cross-party consensus to ensure that whichever party is in power sees it through.

Timpson was one of the very few Ministers I knew who actually understood the problem. I met him many times because of the problems we had in Coventry. I hope the present Minister, whom I do not know too well, has the same depth of commitment as Timpson. If he has, I am sure he will realise what the hon. Lady advocates. That will be the test for him.

Lucy Allan: I am very grateful to the hon. Gentleman for his comments and for echoing what I said about Edward Timpson's contribution. He is correct about funding. I am not one who thinks the solution to a problem is just to throw money at it—never, never, never—but in this case, where local authorities do not have funding for early intervention, prevention and support for families, they will only be able to keep coming back to the Government and asking for more money for statutory services. There will be a cumulative effect. That will happen unless the Government step in and say, “Right, we’re going to ring-fence funding to ensure there is at least an attempt to provide adequate support, particularly where we can see a family is struggling.”

We know that if a crisis is not addressed it continues to escalate. We must be able to act. We must be able to say, “Okay, that’s no good.” People normally end up in court proceedings, where the judge says, “Ah yes, the mother needs to have therapy, she needs to go to counselling and there needs to be”—[*Interruption.*]

Sir David Amess (in the Chair): Order. There is a Division in the House. The sitting is suspended for 15 minutes or, if there is a second Division, for 25 minutes.

4.49 pm

Sitting suspended for Divisions in the House.

5.20 pm

On resuming—

Lucy Allan: Before the Divisions, I was talking about a situation where a family was in court proceedings and the judge told them to get counselling, but it was too late, because the timeline for the mother is not fitted to the timeline for the child and therefore the child is going into care. My point is that acting sooner is for the good of all, and particularly for the good of children, who need to be brought up in strong families.

Before I conclude, I want to say something about the role of social workers and the local authority. As we mentioned, the care crisis review refers to the risk-averse blame culture and the focus on correct processes rather than a collaborative problem-solving approach. We have to understand the difficult challenge social workers face. If a social worker has little else to offer a struggling family, of course they will be more likely to conclude that a child would be better off being removed, because they cannot take the risk of doing nothing.

As a Government, we cannot just sit back and say that these decisions must be made by the local authority, because that is a little bit too hands-off. I am not usually one to say that Government should do more, but we recognise that all social workers have a professional obligation to adhere to statutory requirements and guidelines and they simply do not have the flexibility that we imagine they do. They also have their own

professional reputation to safeguard and that of their children's services department. The local children's services department has to fund statutory services, which speaks to the point about there being nothing left in the budget.

One important point, which I hope the Minister will take away, is that we cannot just say it is someone else's problem. We need clarity from central Government. There are alternatives to care proceedings and some local authorities use them very effectively; we have to look at what works and encourage other local authorities to implement it. The care crisis review has come up with helpful options for change. It has specifically drawn attention to the need to tackle root causes and address the issues that children and families face on a cross-departmental basis. I am sure the Minister agrees that we should have a Children's Minister in the Cabinet, because that cross-departmental approach is really important. The Minister has been working effectively with the Home Office on child sexual exploitation and I am grateful to see effective cross-departmental working on that issue; I know there is more of that to come under this Minister. I want to emphasise the point about ring-fencing funding for early help. We do not want to lose all the funding for children's services to cover statutory interventions when other activities could support the families and help children to stay safely at home.

I know the Minister will have listened carefully and that he has already considered the conclusions of the care crisis review. What plans does he have to adopt any of the recommendations? Will he ask his officials to take a long-term, overarching, strategic approach to the problem? If we continue to take more children into care, the funding gap will increase. It is a sticking plaster, which will not solve anything in the long term. I know it is difficult for a Minister who is only in his post for a year or two—I hope this Minister will remain a great deal longer—to think long-term. If he implemented the strategic direction, which is currently lacking, that would be a tremendous legacy.

I believe Government have to be active in formulating direction, because there are too many legislative restrictions on local authorities. There is too much that they have to do, so they do not have the choice to operate in a more flexible manner. I know we all agree that no child should be in care if they can live safely at home, and if the Minister agrees with that, I know he will take action to make it an objective for Government. I thank everyone for taking part and the Minister for listening to me on this subject, which I have raised with him many times.

Sir David Amess (in the Chair): I have to advise the House that the debate must finish at 6.1 pm.

5.24 pm

Jim Shannon (Strangford) (DUP): It is a pleasure to speak in this debate. I congratulate the hon. Member for Telford (Lucy Allan) on securing the debate and setting the scene. I know it is not the Minister's responsibility to speak out on behalf of those in Northern Ireland, but I think it is important that we get a perspective from Northern Ireland. The figures I will refer to will show that we do not have the same extremes that there are in parts of the UK mainland, but that does not detract from my support for the hon. Lady and others who have contributed to this debate.

[Jim Shannon]

As I mentioned to the hon. Lady, I had the joy of being raised by both parents in a strict but loving home, and raising my own boys along with my wife—although I can take no credit for that, as my wife reared them and I was rarely there. I now have the joy of seeing my granddaughters also living in a happy and stable home. My heart aches very much, therefore, when I hear the case made by the hon. Lady, of which she has persuaded me. I think of the children in the UK and specifically in Northern Ireland, who through no fault of their own do not have the life that we have, but live in care. In the short discussion I had with the hon. Lady beforehand, we were saying how fortunate we both are to have had a loving family home, but we also recognise the responsibility we have as Members of Parliament to make the case on behalf of those who need help. I do not do it in a judgmental way. I seek solutions for the problems and try to find a way forward.

The Minister has not been in his position long, but we wish him well. The hon. Member for East Worthing and Shoreham (Tim Loughton), who is in the Chamber, was an excellent Children's Minister. I also remember the right hon. Member for Scarborough and Whitby (Mr Goodwill), who was also Children's Minister. We miss his contribution. He was really on the button with everything we were trying to put forward. The Minister has a hard act to follow, but we look forward to his response, which will hopefully be helpful.

In Northern Ireland, on 30 September 2017, some 2,325 children and young people had been in care continuously for 12 months or longer. The number of children in care was 5% higher than the previous year, but it represented a 57% increase from 2006. The increase over those 10 years was astronomical and put a lot of pressure on our system in Northern Ireland. Those 2,325 children represent a rate of 53 per 10,000 aged under 18, which is lower than the rest of the United Kingdom. Some 62 children per 10,000 had been in care for 12 months or more on the 31 March 2017. On 30 September 2017, 55% of those young people and children who had been in care for 12 months were male and 45% were female.

People say that there are “lies, damned lies and statistics,” but statistics prove a point. While they may not make good reading, they illustrate the issue. Similarly to 2015-16, 70% of children in care were pre-school age, some were primary school age, 26% were post-primary school age and 18% were 16 or older. There were minor differences in the breakdown between boys and girls. The rate of looked-after children in 2017 was slightly higher than that of 2016. The lowest rate occurred in 2006, when 34 children per 10,000 had been in care for 12 months or longer. We have had a consistent, long problem in Northern Ireland with children in need. We have tried to address that issue. Our health service has tried to address it fairly well within the confines of its responsibility financially, physically and emotionally.

Of those children, 18% experienced a placement change, which unfortunately can be particularly difficult. That has been the lowest number in recent years. If children whose placement move was for an adoption placement are excluded, the proportion of children with a placement change was 17%. As of 30 September 2017, more than 1,000 children in care for 12 months were placed in

non-kinship foster care. The hon. Member for Redcar (Anna Turley) referred to kinship foster care, which I have a particular interest in as well. Some 5% were in residential care and some 2% were in other placement types. Of the 1,055 children in non-kinship foster care, 71 were placed for adoption.

I have always tried to support adoption over the years—it is so important to get the right home and the right availability. Today there was a meeting of the all-party parliamentary group on adoption and fostering that unfortunately I was unable to attend because of other commitments. I would have liked to have been there to give my support.

Of the 44 children in other placement types, 27 were living independently—sometimes that can happen—while the remaining 17 were in assessment centres, community placements, support accommodation, hospitals, juvenile justice centres and other placements not elsewhere described. Statements of special educational needs continue to be more prevalent among children of school age who are in care—some 24%—than the general school population.

I put to the Minister the importance of Health and Education Ministers working together, ever mindful that he is responsible for the mainland UK and that responsibility for care is devolved in Northern Ireland. When it comes to doing it better, we should be doing more in health and education together. Children in care for 12 months or longer do not perform as well as their peers in key stage assessments. Again, that tells us that the problems are not just about health and placements but about educational needs. While some of those children attain five or more As at GCSE, it is clear that many do not.

I was looking at how to describe this issue, and I wanted to give the stats and the figures in Northern Ireland to prove where the problem is. Now I want to ask everyone in the Chamber—I said this to the hon. Member for Telford beforehand—to do something different in illustrating the issue. For us, they are statistics—somebody that probably we do not know and may never know, but they may have come to our constituency office. However, we have read the pertinent statistics that highlight that our system is under immense pressure and we are failing these children. I believe we are, and the responsibility for that lies with elected representatives, with Government and with devolved Assemblies as well. We all agree that more needs to be done—the statistics speak for themselves.

I want everyone to take one of those people and think of them as their young son or daughter. Put a face, rather than just a number, to that statistic of 45%, 5% or 2%. In my case, my eldest grandchild is called Katie. How would I feel if Katie was one of the 25% who did not get their GCSEs? That is a statistic, but it is also a young person. What if Katie was one of the 17 children placed in a juvenile detainment facility? What if Katie was the child who slipped through the cracks and was one of the 127 children suspended from school in Northern Ireland last year? That is how we make statistics and figures real: we close our eyes and say, “What if that was my Katie, your John, your Jane or your Robert?” If it were my Katie, I would be doing more, so I ask myself, “Why, as an elected representative, am I not doing more now?”

I ask the Minister gently, cautiously and humbly to put his child's face to one of those statistics, rather than see a figure. That makes it real and gives a perspective

on what we are trying to say. We need to make changes to the system. Work must be done. We are not here to criticise or to point a finger; we are just here to make a heartfelt plea, as the hon. Lady did and as others did in their interventions. We urge the Minister to begin the work by making these changes, and not to simply accept or argue against the findings. The statistics are clear and they are not good reading. These children would not be abandoned if they were in our families—if they were our blood and kin—and they cannot be abandoned in our communities either. We must do more. I hope that today is the first day of acknowledging and working on that. I congratulate the hon. Lady on securing the debate, and all hon. Members who have contributed.

5.35 pm

Mrs Emma Lewell-Buck (South Shields) (Lab): It is a pleasure to serve under your chairmanship, Sir David. I thank the hon. Member for Telford (Lucy Allan) for securing this important debate on the findings of the care crisis review, which was expertly conducted by the Family Rights Group. She made some excellent and valuable points, as did other hon. Members who have contributed.

Sir James Munby, president of the family division, said:

“We are facing a crisis and, truth be told, we have no very clear strategy for meeting the crisis... What is to be done?”

The Minister and all of us should be alarmed that although those comments were made more than two years ago, the state of children’s social care has continued on that negative downward trajectory. The review notes “the link between poverty and care”

and that

“local authority spending in England and Wales is failing to keep pace with the steadily rising demand for children’s services, linked to rising family poverty.”

Those comments should come as no surprise to the Minister, as his Department’s figures show that children are 10 times more likely to be on a child protection plan if they live in a deprived area.

Similarly, the Minister will know that local authorities’ early intervention grants—money that can keep children from entering care—have been slashed by his Government by up to £600 million, with almost £100 million more of cuts still to come. When the Minister was previously asked about early intervention, he said:

“early intervention is important and the Government take that very seriously.”—[*Official Report*, 25 June 2018; Vol. 643, c. 590.]

If that is the case, he should have no difficulty in committing today to the review’s request that he plug the estimated £2 billion gap in local authority budgets for children’s care by 2020. Services must be enabled to move on from an expensive crisis-led model to one of prevention, where there are enough resources for families to be supported and for children to remain with their family or return to their family’s care where it is safe to do so. In the prevention model, the focus on process and performance indicators changes to a focus on relationships and the absolute best way to meet a child’s needs.

As a practising social worker, I often saw the pain caused to children, their wider birth family and their new family when they were removed from their parents’

care, even when it was the safest thing to do. It is utterly heartbreaking. When opportunities to keep a family together have been missed, that heartbreak and enduring pain never leaves those involved. That is why it is vital to implement the recommendation to extend the problem-solving model of the family, drug and alcohol courts, which help to keep children out of the care system and save the taxpayer an average of £27,000 per family. I urge the Minister and his colleagues in the Ministry of Justice to halt their plans, which will lead to the closure of the family, drug and alcohol court national unit.

The Opposition very much welcome the report’s other recommendations to strengthen support for families, and its overall thrust. If implemented, it would result in a more child and family-centred social care system across the board. The recommendations are in stark contrast with the Government’s misguided efforts so far. The What Works centre has already cost taxpayers nearly £10 million and will not be in place until 2020. Partners in practice has had questionable results, with one council’s Ofsted rating falling from outstanding to requiring improvement under the Government’s scheme. The national assessment and accreditation system proved grossly unpopular, which forced a U-turn on roll-out, while gifting £23 million to private companies. The innovation programme has similarly bestowed £12 million on private consultancies, despite being time-limited and given only to certain local authorities, which exacerbates the postcode lottery. In total, £45 million has been spent on piecemeal measures that are not yielding long-term positive changes.

Three months ago, the Minister said about the very report we are debating:

“Across government we will consider its findings and recommendations carefully.”—[*Official Report*, 25 June 2018; Vol. 643, c. 589.]

He should be in a position today to say what he will implement from the report and detail the outcome of the discussions that have taken place so far. I look forward to hearing that in his response.

I would like to end where I began, with a recent comment from Sir James Munby’s successor, Sir Andrew McFarlane. He said:

“I, too, am clear that this is a crisis and I am extremely concerned to see that it is by no means abating.”

Coupled with recent reports in the press from members of the Minister’s own party that we are fast approaching a Baby P tragedy, it should be more than enough for him to act and put pressure where it is needed within government. I wait in anticipation and look forward to his response.

5.40 pm

The Parliamentary Under-Secretary of State for Education (Nadhim Zahawi): It is an honour and a pleasure to serve under your chairmanship, Sir David. I begin by congratulating my hon. Friend the Member for Telford (Lucy Allan) on securing this important debate. I know she is concerned about the number of children being taken into care and that she is a firm believer in early intervention and family support services as a vehicle for lowering care demand.

I acknowledge the increase in the number of care order applications and the number of children being taken into care in recent years. The Government are

[*Nadhim Zahawi*]

acutely aware of the impact that that has had and is having on local authorities and the courts. We are also very conscious of the implications for children and families. I am immensely grateful to all those who have worked in child protection and the family justice system, whether they are social workers, court staff, CAFCASS guardians, judges or those in other roles. We want every child to be in a loving, stable home that is right for them. In most cases, children are best looked after by their families. Children are only removed as a last resort, which is why my Department is continuing to deliver a comprehensive reform programme for children's social care across England. I will say more about our reforms later.

I recognise the sector's care crisis review and acknowledge the work that the Family Rights Group and others involved invested in it. The review is an important contribution to the work being done across the family justice system to address the pressures caused by rising public law volumes for local authorities and the family courts. I am pleased to say that tomorrow the Minister for family justice, my hon. and learned Friend the Member for South East Cambridgeshire (Lucy Frazer), who also has an interest in the report, and I are meeting members of the review team—Nigel Richardson, who chaired the review, and Cathy Ashley, who helped drive it—to discuss its findings.

In advance of that meeting, I can tell Members that officials in both our Departments have been carefully considering the options for change set out in the report, and we have taken action. The sector's report sets out two specific options for change in relation to our "Working together to safeguard children" statutory guidance. First, it states that the guidance should be

"reviewed and amended so that the principles underpinning the legislation, including partnership and co-production with families, are clearly expressed and the processes for managing individual cases reflect the messages from research on the effectiveness of relationship-based practice."

Secondly, it argued that the same guidance should be

"amended to place greater emphasis on the role to be played by key partner agencies, in addition to that played by children's social care, in assessing and meeting the accommodation, health and educational needs of children and their families."

I am pleased to say that we have addressed both those issues in the latest version of the statutory guidance, which we published in July. I hope Members and those who took part in the review welcome that. It is particularly important to recognise that the sector's review stated that

"there are many overlapping factors contributing to the rise in care proceedings and the number of children in care. This complex picture means that there is no single solution."

That is in keeping with the Government's own analysis and is why, in addition to the many reforms we are seeking to deliver, including those I will talk about shortly, we are working across Government to consider what more we can do. It includes the work that officials from my Department and the Ministry of Justice are doing with members of national and local family justice boards across England, through which we are seeking to understand the challenges in the family justice system better and consider with sector representatives what can be done to address them.

My hon. Friend the Member for Telford has an interest in early intervention. I assure her that, across Government, we are addressing the root causes of children's needs early—be it by supporting children with alcohol-dependent parents or in families affected by domestic abuse, preventing young people from being drawn into serious violence, or investing in early years and children's and young people's mental health. Our "Working Together to Safeguard Children" statutory guidance is clear that local areas should have a comprehensive range of effective evidence-based services in place to address assessed needs early. The Government have also committed £920 million to the troubled families programme, which aims to achieve significant and sustained improvement for up to 400,000 families with multiple high-cost problems by 2020.

On the point that my hon. Friend made on funding for preventive support services, it is for local authorities to determine how to spend their non-ring-fenced income on the services they provide, including services for preventive support measures.

Tim Loughton: The Minister mentioned the troubled families programme, which has been a huge success in west Sussex. There is concern that the funding will not be renewed after 2020. Will he give a commitment now that that successful programme will be continued?

Nadhim Zahawi: My hon. Friend is one of my excellent predecessors—hon. Members mentioned Edward Timpson, but the work that my hon. Friend did in the Department has been a high bar for me to attempt to meet. I have seen first hand the effectiveness of the troubled families programme, and when it comes to the spending review, I will be a champion in ensuring that we continue to commit. In many of the cases that were highlighted to me by social workers in Islington and other parts of the country, a whole support system is required to help those families deliver stability for the family and the child.

Since 2016, we have been working to implement the reforms set out by my predecessor, Edward Timpson, in the "Putting children first" strategy. They centre on three key areas: people and leadership, practice and systems, and governance and accountability. I fully support the strategy and am committed to implementing it. "Putting children first" set out a five-year reform programme for children's social care in England, which includes developing the social work profession, supporting innovation and improvement and establishing a new What Works centre. I will say something about them and the impact that our reforms will have.

On the social work profession, our successful Step Up to Social Work and Frontline programmes have brought new people into the profession and promoted social work as a desirable graduate career. Recently, I was pleased to be able to announce a further £25 million for Step Up to Social Work to bring a further 700 talented future social workers into children's services. Through investment in professional development at key stages throughout their career, and the new national accreditation and assessment system, which the shadow Minister effectively dissed—[*Interruption.*] Not at all. The very good social workers who have been through it show very high satisfaction ratings. Hon. Members will hear more of that in the future. We are really helping to ensure that the quality of practice is consistently excellent.

Innovation and improvements are at the heart of the Government's vision for children's social care. The £200 million Children's Social Care Innovation programme has deepened evidence about what good social work looks like and about the potential for innovation. It has generated a portfolio of promising successful innovations, which we are rolling out more widely to understand the potential wider impact. I am also pleased to note that the sector-led report points out that many projects are doing effective and innovative work with families who are at risk of breakdown, including helping to reduce the numbers of children being taken into care. Information from the programme will form the wider bank of evidence going into the new What Works centre, which is currently in a testing and development phase, to improve outcomes for young people and learning for the sector. The What Works centre is pressing ahead with its research programme, including examining what works on reducing the need for children to enter care. We hope it will support the uptake of quality evidence in frontline practice in children's social care.

Mrs Lewell-Buck: I am conscious that the Minister is about to wrap up, and I am concerned that he has failed to mention anything about the links between deprivation and rising care numbers, which all the research says is a massive issue. I am interested to find out from him what exactly local authorities have done through innovation money that they would not have been able to do if they were funded properly. Would it not have been better if they were all funded properly so they could all innovate, instead of it being piecemeal?

Nadhim Zahawi: Local authorities are spending a record £9.2 billion on children's services. The hon. Lady raises an important point and I do not want to politicise this. Yes, budgets are tight, but where I have seen good children's services being delivered, it is very much dependent on the quality of leadership and support offered to frontline social workers.

Mike Hill: Will the Minister acknowledge the role of kinship carers with respect to the moneys they save the state? Will he commit to looking at that subject and trying to resolve their issues as part of examining the wider picture?

Nadhim Zahawi: I was going to mention the point made by the hon. Member for Redcar (Anna Turley) on kinship carers. I acknowledge the work that they do. As the hon. Member for Strangford (Jim Shannon) mentioned, we should remember to turn the statistics into real children and real families. The work that kinship carers do is incredibly important in delivering stability for those children.

We have developed an improvement strategy to identify local authorities at risk of failing and put in place targeted support to help them improve, so that the services families and vulnerable children receive get better faster. We have done that by working in partnership with the Association of Directors of Children's Services and the LGA to test the new regional improvement alliances. We believe that that will complement the new Ofsted framework, enabling a new phase of continuous sector-led improvement.

In March I announced that more than £15 million will go to eight new partners in practice, expanding our local authority peer support programme to improve children's services. We know that some of our partners in practice are looking at what can be done to address the increased number of children entering care—this addresses the point made by the hon. Member for South Shields—and are working with them to understand what might work and how it might be used by other local authorities.

We are confident that this comprehensive reform programme will lead to better qualified and developed skilled social workers who are able to make difficult decisions, more confident local authorities and social workers that manage cases themselves including associated risks, and a children's social care system that learns what works from evidence and applies it in practice. Ultimately, that should all lead to the right decisions being made for children and their families.

In addition, as I mentioned earlier, my Department is working with the Ministry of Justice, with which we share responsibility for public family law. We are committed to ensuring that local authorities and the courts have the resources that they need. For example, the MOJ has overseen a campaign to recruit more family court judges and to provide more court sitting days.

I thank my hon. Friend the Member for Telford for securing today's important debate and express my gratitude for her ongoing interest. I want to address some of the points made by hon. Members. The hon. Member for Coventry South (Mr Cunningham) talked about social worker caseloads. Social workers have one of the hardest jobs in the world, and I am determined to do all I can to support them. We continue to attract high-quality recruits and we invest in fast-track and the frontline programmes. We are also establishing Social Work England as a new specialist regulator, which will set professional education training standards and provide assurances that those registered meet the standards.

The hon. Member for Coventry South made the point that the reforms came without additional funding. However, when new duties have been introduced, we have provided additional funding. For example, when the new "staying put" duty came into force in May 2014, we committed £40 million to help local authorities implement it.

It is important to address some of the questions asked by probably the most experienced Member of Parliament in the Chamber, my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton). He asked about early help being deprioritised after the Munro review in 2011 recommended an early help duty and the Government decided that such a duty was not necessary. Instead, as I am sure he knows, we strengthened the "Working together to safeguard children" requirement for early help assessment, as I mentioned. We made it clear that early help services should form part of a continuum of help in local areas.

My hon. Friend made a very good point about the postcode lottery. The Government are committed to making the reforms to improve decision making for children and their families throughout England. Alongside that, part of the joint work that my Department is undertaking with the Ministry of Justice is to understand better the basis of decision making in different areas so that we can consider what Government are able to do.

[Nadhim Zahawi]

For example, can we learn anything from how different local authorities use the space that precedes care proceedings and share that among all local authorities?

I shall end there, other than to say that, ultimately, in my book, everything we do and all the reforms that we deliver need to do two things: place the child at the heart of the process and deliver stability.

5.57 pm

Lucy Allan: I thank all Members who have contributed to this extremely important debate. I value in particular the reminder from the hon. Member for Strangford (Jim Shannon) that these children are not statistics; these children are our children. I know that everyone present shares that view.

I am grateful and glad that the Minister will meet the Family Rights Group tomorrow. That is excellent news. The group will tell the Minister many of the things that I and others have said today.

The issue of funding is not one that can be so lightly skated over. I hesitate to say that, because I never think that funding is the solution to problems on its own, but

the Minister may need to reconsider ring-fenced funding for early intervention. If nothing is left in the budget, there is no choice for local authorities to spend on early intervention. The LGA, Barnardo's and Action for Children all say the same thing. He will listen to what I have said and to what others have said. Cathy Ashley will also put him right on that point tomorrow.

I am glad about the good news on children's social care—there is lots of it, but I will continue to raise it with the Minister. There is a well of support for it on the Education Committee too, and he will be back before us to answer our questions. I am grateful to him, and I know that he has a passion for the sector, that he cares deeply about children and children in care, and that he will do everything possible to ensure that children have the opportunity to be brought up in a safe and strong family.

Question put and agreed to.

Resolved,

That this House has considered the findings of the Care Crisis Review.

5.59 pm

Sitting adjourned.

Written Statements

Wednesday 5 September 2018

HOME DEPARTMENT

Modern Slavery Act 2015: Independent Review

The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): On 30 July, the Home Office announced plans to launch an independent review of the Modern Slavery Act 2015. The review is being led by the right hon. Member for Birkenhead (Frank Field), my right hon. Friend the Member for Basingstoke (Mrs Miller) and the right hon. Baroness Butler-Sloss.

The introduction of the Modern Slavery Act 2015, the first legislation of its kind in the world, has helped to transform the UK's response to modern slavery. More victims are being identified and supported; more offenders are being prosecuted; and thousands of companies have published statements setting out the steps they have taken to tackle modern slavery in their supply chains. The UK is determined to lead global efforts to tackle this barbaric crime and as the methods used by criminals to exploit vulnerable people evolve, and our understanding of this crime evolves, it is important to consider our legislative approach.

The aim of the review is to understand and report on how the 2015 Act is operating in practice, how effective it is, and whether the legal framework for tackling modern slavery is fit for purpose now and in the future. In doing so, the review will need to take into account any significant economic, social and technological changes since the 2015 Act was passed.

The following provisions of the Act will be considered in the review:

- section 3 on the meaning of exploitation
- sections 8 to 10 on reparation orders
- sections 40 to 44 on the independent anti-slavery commissioner
- section 45 on the statutory defence
- section 48 on independent child trafficking advocates
- section 54 on transparency in supply chains

The review will gather evidence and seek views from relevant stakeholders across a range of sectors and interest groups. The findings and recommendations of the review will represent the views of the reviewers, who will be supported by a secretariat seconded from the Home Office.

The review will aim to report to the Home Secretary before the end of March 2019. Following approval, the Home Secretary will lay the report in Parliament.

A copy of the review's terms of reference will be placed in the Library of the House and is available on www.gov.uk.

[HCWS935]

Prevent Duty Toolkit

The Minister for Security and Economic Crime (Mr Ben Wallace): The aim of the Prevent duty, commenced as part of the Counter Terrorism and Security Act 2015, is to reduce the threat to the UK from terrorism by stopping people being drawn into terrorism or supporting terrorism.

The statutory guidance which accompanied the Prevent duty was the starting point for the implementation of Prevent across sectors and places a duty on specified authorities to have "due regard to the need to prevent people from being drawn into terrorism". A range of sector-specific advice to supplement the statutory guidance and further support duty implementation across sectors has since been issued.

The Prevent duty has made a significant positive impact in preventing people being drawn into terrorism. To further support the local government sector, the Office for Security and Counter-Terrorism has worked across government and with local partners to publish practical advice in the form of a toolkit. The toolkit supplements information provided in statutory guidance to ensure local authorities are effectively supported in implementing the Prevent duty. This toolkit does not replace the statutory guidance.

The publication of the Prevent toolkit is based on three years of productive engagement with the local government sector since the introduction of the duty, and illustrates examples of good practice to promote continuous improvement. It will support the practical delivery of Prevent by local authorities by providing information, implementation guidance, a self-assessment framework and case study examples to support local authorities and their partners in delivering the Prevent duty locally.

The toolkit has been published today and I will place a copy of it in the Library of the House. It has also been made available on Gov.uk at <https://www.gov.uk/government/publications/prevent-duty-toolkit-for-local-authorities-and-partner-agencies>

[HCWS934]

HOUSING, COMMUNITIES AND LOCAL GOVERNMENT

Rough Sleeping

The Secretary of State for Housing, Communities and Local Government (James Brokenshire): I am today announcing a provisional allocation of the further funding for the rough sleeping initiative that I outlined in the recently published rough sleeping strategy.

I have already allocated a targeted £30 million rough sleeping initiative fund for 2018-19 to support those sleeping rough and those at risk in 83 local authorities with the highest need. Today's announcement of provisional further funding for next year supports the good work that local authorities are already doing with the funding for this year.

Over the last few months our team of expert practitioners have worked closely with local authorities and the Greater London Authority (GLA) to identify service gaps and create tailored packages to tackle rough sleeping in their area this year. Together they have co-produced bespoke plans to tackle rough sleeping based on local government and third sector knowledge of what works. The new rough sleeping initiative team will work closely with local areas to implement the plans and to monitor their progress.

These provisional allocations represent another significant step in our plans to reduce and end rough sleeping following on from the publication of our rough sleeping strategy last month.

A full list of the individual amounts provisionally allocated to the 83 local authorities and the GLA has been published on gov.uk. Alongside the £34 million

provisionally allocated today, the Government have set aside a further £11 million for spending on additional areas and projects to those currently supported by the rough sleeping initiative and will announce further details in due course.

This package will achieve substantial results in these areas of high need. It will also build upon the work we have already undertaken in order to meet our manifesto commitment. This work includes piloting the internationally proven Housing First approach in three areas of England, allocating over £1.2 billion in order to prevent homelessness and rough sleeping, including more up-front funding so local authorities can proactively tackle homelessness pressures in their areas, and also the recent changes made under the Homelessness Reduction Act which mean that more people will get the help they need and at an earlier stage.

[HCWS936]

Petitions

Wednesday 5 September 2018

PRESENTED PETITION

Petition presented to the House but not read on the Floor
Home Education: draft guidance and the consultation

The petition of residents of Chingford and Woodford Green,

Declare that the “Home Education—Call for Evidence and revised DfE guidance” has been written following significant consultation with local authorities and no consultation whatsoever with the home education community; further that the consultation is consequently for little more than show as an intention to implement the content has already been stated: further that it seeks to encourage local authorities to breach the ECHR Article 8 and the GDPR; and further that the report provides no accessible means for a parent to address ultra vires behaviour by their local authority, where many of those authorities already act routinely in an ultra vires manner.

The petitioners therefore request that the House of Commons urges the Government to withdraw the draft guidance and the consultation, until it has put in place an accessible and workable complaints procedure and further has consulted with home educating parents, as it has with Local Authorities, what the contents should include.

And the petitioners remain, etc.—[Presented by Mr Iain Duncan Smith.]

[P002262]

OBSERVATIONS

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY Green Deal Scheme

The petition of residents of Glasgow North East,

Declares that the Government backed Green Deal Scheme has affected petitioners as we have suffered a detriment to both our finances, our private and family lives; further that many vulnerable residents have invested their life savings in good faith, and others have accrued up to £17,000 debt to pay for the work that was carried out; and further that in many cases the installer did not apply for building warrants and as a result we are unable to sell our properties or have the assurance that they are safe to live in, or can be insured.

The petitioners therefore urge the House of Commons to ensure that the Government will compensate and protect people who have found themselves suffering a detriment because of this Government backed Scheme, and take steps to ensure that this cannot happen in the future.

And the petitioners remain, etc.—[Presented by Mr Paul Sweeney, *Official Report*, 23 July 2018; Vol. 645, c. 834.]

[P002231]

Observations from the Minister for Energy and Clean Growth (Claire Perry):

The Government recognise that consumers should be able to obtain appropriate redress where a detriment has been suffered under the Green Deal. A specific

process for handling complaints exists under the scheme, established in legislation under the Green Deal Framework (Disclosure, Acknowledgment, Redress etc.) Regulations 2012. This starts with a complaint by the consumer to their Green Deal Provider, the company responsible for the work. If not resolved satisfactorily, the consumer may then approach the Green Deal Ombudsman or the Financial Ombudsman Service, depending on the nature of the complaint. Their decisions will be binding on the Green Deal Provider.

If, after progressing through those channels, or if the Provider is in liquidation, the consumer is still not satisfied, they may refer their complaint to the Secretary of State for Business, Energy and Industrial Strategy for consideration. If the Secretary of State is satisfied that there has been a breach of the applicable regulations, they may impose the sanction of reduction or cancellation of the Green Deal loan. This represents the full extent of the Secretary of State's power to require redress is provided to consumers in relation to the Green Deal.

The Government are currently reviewing the Green Deal. This began with the publication last Autumn of a Call for Evidence on the Green Deal Framework. A summary of responses received was published in July (both publications are available

At: <https://www.gov.uk/government/consultations/call-for-evidence-on-the-reform-of-the-green-deal-framework>). The Government will publish a consultation at a later date on proposals to reform the Green Deal. In developing proposals, the Government will learn from the experience from delivery of the Green Deal to date and will ensure that the interests of consumers remain foremost.

Zero emissions target

The petition of residents of Macclesfield,

Declares that the United Kingdom should maintain its lead in investment and job creation in clean industries, cut waste, improving air quality, and inspiring the next generation of engineers and scientists; further that the United Kingdom should work to restore natural habitats; and finally that Her Majesty's Government should take steps to mitigate the impact of climate change in the developing world, where more extreme weather is already having an impact.

The petitioners therefore request that the House of Commons urges the Prime Minister to give priority to set a UK net zero emissions target, enshrined in law, ahead of the year 2050.

And the petitioners remain, etc.—[Presented by David Rutley, *Official Report*, 24 July 2018; Vol. 645, c. 18P.]

[P002260]

Observations from the Minister for Energy and Clean Growth (Claire Perry):

The Government recognise that climate change is one of the most urgent and pressing challenges we face today, and the UK is committed to tackling it. Our Climate Change Act was the first of its kind in the world to set legally binding long-term targets, and the UK played a lead role in securing the historic climate deal agreed in Paris in 2015. We are already making strong progress. Between 1990 and 2016, the UK reduced its emissions by over 40 per cent while growing the economy by more than two thirds—the best performance in the G7 on a per person basis.

The Clean Growth Strategy, published last October, made clear that the Government believe the UK will need to legislate for a net zero emissions target at an appropriate point in the future, to provide legal certainty on where the UK is heading.

In addition, the Government have made clear that they intend to seek the advice of their independent

advisers, the Committee on Climate Change (CCC), on the implications of the Paris Agreement for the UK's long-term emissions reductions targets, once the Intergovernmental Panel on Climate Change publish their special report on 1.5°C later this year. We will consider the CCC's advice carefully when it is received.

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