

Friday
23 November 2018

Volume 649
No. 211



HOUSE OF COMMONS
OFFICIAL REPORT

PARLIAMENTARY
DEBATES

(HANSARD)

Friday 23 November 2018

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The House met at half-past Nine o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Nigel Huddleston (Mid Worcestershire) (Con) I beg to move, That the House sit in private.

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

Stalking Protection Bill

Consideration of Bill, as amended in the Public Bill Committee

Clause 1

APPLICATIONS FOR ORDERS

9.34 am

Dr Sarah Wollaston (Totnes) (Con): I beg to move amendment 1, page 1, line 16, after “police” insert “for a police area in England and Wales”.

This amendment and Amendments 2 and 6 would allow the chief constable of the Ministry of Defence Police and the Chief Constable of the British Transport Police Force to apply for stalking protection orders and interim stalking protection orders, and to take part in related procedures.

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

Amendment 2, in clause 4, page 3, line 24, leave out from “police” to the end of line 27 and insert

“who applied for the stalking protection order and (if different) the chief officer of police for the area in which the defendant resides, if that area is in England or Wales.”

See the explanatory statement for Amendment 1.

Amendment 3, in clause 9, page 6, line 2, leave out “within” and insert “before the end of”.

This amendment would ensure a person can give notice that they are going to use a new name before doing so.

Amendment 4, page 6, line 8, leave out “within” and insert “before the end of”.

This amendment would ensure a person can give notice that they are going to change their home address before doing so.

Amendment 5, in clause 10, page 6, line 30, leave out “whose home address is not”

and insert

“who does not have a home address”.

This amendment would cater for the possibility that a person might not have a home address.

Amendment 6, in clause 14, page 8, line 9, at end insert—

““chief officer of police” means—

- (a) the chief constable of a police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London);
- (b) the Commissioner of Police of the Metropolis;
- (c) the Commissioner of Police for the City of London;

(d) the chief constable of the British Transport Police;

(e) the chief constable of the Ministry of Defence Police;”

See the explanatory statement for Amendment 1.

Amendment 7, in clause 15, page 9, line 4, leave out from “force” to the end of line 5 and insert

“two months after the day on which this Act is passed.”

Dr Wollaston: This week we celebrate the 100th anniversary of the first woman taking her seat in this House. I am immensely proud, as a Devon MP, that that woman was Lady Nancy Astor, and I think all of us in this House owe her an enormous debt of gratitude for the work she did, particularly in fighting on behalf of women and girls. I am proud that this Government have continued that work. Indeed, Members from across this whole House have done so much to advance this cause.

Of course, stalking does not just affect women—it affects men as well, and it is a vile crime of an insidious nature. I am very grateful to all those, both within this House and beyond, who have contributed to the passage of this Bill, including with advice, which has caused me to table some important amendments. They are minor in nature, but I think they will greatly improve the Bill.

Amendments 1, 2 and 6 would enable the chief constables of the Ministry of Defence police and the British Transport police to apply for stalking protection orders and interim orders, and to initiate related proceedings in connection with the variation and renewal of an order. That is because stalking occurs across a range of contexts and situations, with devastating consequences, and it is essential that a stalking protection order is available to police in a variety of situations. There may be circumstances in which the British Transport police or MOD police are best placed to seek an order, for example if the stalking conduct has taken place on the railway network or a perpetrator lives or works in MOD premises.

Amendments 3 and 4 would modify the notification requirements on a person subject to a stalking—

Kevin Foster (Torbay) (Con): I know that my hon. Friend was about to move on, but I just wanted to inquire about a thing not included in this list: the Civil Nuclear constabulary. The MOD police are included, and they protect particular areas. I welcome the amendments, but is there any particular reason why the Civil Nuclear constabulary is not included?

Dr Wollaston: I thank my hon. Friend for his point, which we could consider in the House of Lords as the Bill continues its passage.

Amendments 3 and 4 would modify the notification requirements on a person subject to a stalking protection order. Under the notification requirements, as drafted, a perpetrator must notify the police within three days of a change taking place. These amendments simply enable the perpetrator to give such notice in advance of a change taking place, and I hope that colleagues from across the House will recognise that that is a small, technical, but important change.

Finally, amendment 5 also relates to notification requirements. It caters for circumstances where the subject of a stalking protection order has no home address. In such a case, the amendment provides that the perpetrator

[Dr Wollaston]

can instead notify of a place where they can regularly be found. That simply mirrors notification requirements related to registered sex offenders. My hon. Friend the Member for Christchurch (Sir Christopher Chope) also has an amendment in this group, but I do not see him in the Chamber today, so I think we will assume that he does not wish to press that amendment. For now, I commend the amendments standing in my name to the House.

Mr Speaker: Has the hon. Lady completed her speech?

Dr Wollaston *indicated assent.*

Mr Speaker: We are immensely grateful to her; she has been the epitome of succinctness, which serves as a useful model for other colleagues.

Several hon. Members *rose—*

Mr Speaker: Ah, a veritable slew of colleagues wishing to take part. I call Mr Alex Chalk.

Alex Chalk (Cheltenham) (Con): What a pleasure it is to say a few words in this debate.

Before I move on to the specifics, it is important to look at some of the context, because of course it was not until fairly recently that stalking was made a crime. Before 2012, the concept of stalking was perhaps not taken terribly seriously at all—it was almost considered something of a joke—but over the past decade there has been a recognition that, as my hon. Friend the Member for Totnes (Dr Wollaston) said, stalking is an insidious and wicked crime. I pay tribute to her work to ensure that society's response truly fits the scale of the threat.

Luciana Berger (Liverpool, Wavertree) (Lab/Co-op): I was hoping to intervene on the hon. Member for Totnes (Dr Wollaston), but she concluded her speech very promptly. I echo the hon. Gentleman's sentiment—it is critical that we focus on the outcome of the Bill, which is to deal with what even for one person in this country is such an oppression that none of us in this House can really fathom it, if we have not been on the receiving end of it. Stalking can consume someone's life and be devastating, and it can have both physical and mental health consequences, so let us not forget the victims who have to contend with stalking throughout the country.

Alex Chalk: As always, the hon. Lady makes her point extremely well—she is absolutely right. When I came into this place in 2015, I really had only the most limited understanding of what stalking was all about but, exactly as the hon. Lady indicates, it has an incredibly insidious effect.

Like so many of us in this place, the circumstances in which I came to understand stalking revolve around a constituency matter. My constituent, Dr Ellie Aston, was a local GP, and someone started to stalk her. What was worrying was the extent to which the behaviour ratcheted up from something that was initially fairly innocuous in terms of attention from a patient to something that became concerning, and then deeply

troubling, as the letters multiplied, as he started to attend her home address, as he then started to attend her children's birthday parties and when there were concerns about the gas supply being interfered with. What is so troubling is that this went on for more than seven years. When the person was arrested, the police looked into his computer and found that he had searched for "How long after a person disappears are they considered dead?" When he was released, he sent a message to the victim saying simply, "Guess who's back?"

No wonder, then, that many victims of stalking refer to it as murder in slow motion. That might sound like an entirely melodramatic phrase, but they say it because over time their freedom and ability to go about their business starts to be eroded. They are looking over their shoulders and increasingly become prisoners in their own lives. What is so worrying is that stalking can escalate to very serious violence, which underpins why we need to take action early.

Mark Tami (Alyn and Deeside) (Lab): Like the hon. Gentleman, I realised the extent of stalking when people brought cases to me. I was particularly struck when it involved an ex-partner and I saw how seriously the police took it. I had a case in which the person moved, and on the day she moved in, she received a card from her ex-partner. The police said, "Well, that's just quite a nice thing to do." Actually, it was clearly the ex-partner saying, "I know where you live."

Alex Chalk: That is precisely it. The weight of that experience means that something that might be perceived to be innocuous in isolation becomes a deeply upsetting episode. I shall deal with that in a little more detail in due course.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): The hon. Gentleman might not know this, but I always sit in front of the memorial to my parliamentary neighbour Jo Cox. As the whole House knows, she was a victim of a type of stalking. I served on the anti-stalking commission, and that really opened my eyes to the misery of victims and the fact that very often they do not complain because they are terrified to do so.

Alex Chalk: That is absolutely right, and the hon. Gentleman will know that the rise of digital means of stalking has magnified the problem over the past decade or so. It used to be that the stalking might consist of the person turning up at someone's home address and then doing that threatening but apparently innocuous act of driving past. Of course, people can now stalk others using multiple fake identities. I heard about an appalling case in which somebody had generated the identity of the victim's dead partner—you could not make it up. They were seeking to harass, intimidate and upset that individual.

When I was working on this issue with my hon. Friend the Member for Gloucester (Richard Graham), it became clear to us that although society and this place had started to react to the issue by generating the offence of stalking, the penalties that existed for it were manifestly inadequate. The penalty at the time of only five years' imprisonment was less than the maximum penalty for the theft of a Mars bar, which is seven years, and less than the maximum penalty for non-residential

burglary—lock-up burglaries and so on—which is 10 years or so, yet stalking can genuinely ruin people’s lives. The sentence was insufficient.

9.45 am

James Cartlidge (South Suffolk) (Con): My hon. Friend is obviously a great expert on these matters and I do not want to divert him too much, but while probably all of us in this Chamber have been trolled—we have probably all been trolled repeatedly, with quite vicious language at times; it is a function of being in this place—hopefully most of us have not been stalked. Surely one thing we need to be clear on is the difference between the two. Presumably the lines will blur as cyber-crime grows and that sort of behaviour continues.

Alex Chalk: My hon. Friend makes an acute point. We must always recognise that whenever we legislate in this place, there is always the potential for the law of unintended consequences to apply. One thing that the courts will have to consider is precisely what stalking means, and that is covered by the Bill. Notwithstanding the possible pitfalls, there is no doubt that there was a gaping hole that needed to be filled. We in this country have moved much faster than most to seek to fill that gap.

I do not want to spend too much time looking into the history, but it is important to spend a moment putting the measures into context. The maximum penalty was five years’ imprisonment. When the judge came to sentence my constituent’s stalker at Gloucester Crown court, he said, “I simply don’t have the powers required to do justice in this case.” We know that if the maximum sentence is five years, which is of course 60 months, and the defendant pleads guilty—very often the evidence is so overwhelming that that is the only sensible approach for them—that takes it down to 40 months. They then serve half, and indeed they may even be released on a tag before the halfway point, so in reality the maximum penalty is around 18 months’ imprisonment. For a GP who has been stalked for seven years, driven to post-traumatic stress disorder and advised to come off the General Medical Council register, and who cannot begin to rebuild their life until they know that the person is in custody and they themselves are safe, 18 or 20 months is manifestly inadequate. I was therefore grateful to colleagues from all parties who came together to change the law and protect victims.

Kevin Foster: It is worth noting the work that my hon. Friend did with my hon. Friend the Member for Gloucester (Richard Graham) to produce a report that provided compelling evidence for why the House should change the law. It is appropriate that that is put on the record. Perhaps my hon. Friend may wish to reflect on the impact of that work.

Alex Chalk: It is very kind of my hon. Friend to say that. Our work has had an impact, but none of that would have been possible—as I say to Dr Aston and, indeed, as I say to the family of Hollie Gazzard, who was very sadly killed by a former partner in Gloucester—or achievable in this place without people being brave enough to support the campaign. When I sat down with Ellie, I said, “Are you prepared to put your name to this and to try to change things?”, because I was always concerned that it could reheat old traumas, but to her great credit that was precisely what she agreed to do.

Let me turn to the Bill. Again, I pay tribute to my hon. Friend the Member for Totnes for the work she has done. With characteristic clarity, she has identified the importance of early intervention. The reality of this behaviour is first that it escalates, and secondly that it can become ingrained very quickly. For both those reasons, it is important to intervene, because the nature of this kind of offending is such that—and this is not a criticism of the police at all—the police intervene only after it has escalated and the behaviour has become ingrained.

Just imagine the circumstances in the example of my constituent. A GP says to the police, “I’m a bit concerned because I’ve had five letters from my patient.” The police officer says, “Well, it seems a bit odd, but probably no crime has been committed.” She then says, “Actually, it has now escalated, because he’s turned up at my home address. He didn’t say anything violent, but he didn’t have any particularly good reason to be there.” The police officer says, “Yes, well, that also sounds a bit odd, but it probably doesn’t cross the threshold for actually arresting or prosecuting someone.” One can imagine the drip, drip over time, and we are suddenly one, two, or three months down the line. Meanwhile, that behaviour and that fixation has become truly entrenched.

Luciana Berger: I thank the hon. Gentleman for very kindly giving way again. It is worth putting on the record one of the key points of this Bill that we have not yet discussed this morning: we know already that there are too many people across our country who have to bring forward civil action at their own cost in order to contend with this challenge, which can take years of some people’s lives. The real purpose of the Bill, and the essence of what we are discussing today, is to ensure that that does not have to happen and that we empower victims and give them the support that they rightly deserve and need.

Alex Chalk: That is absolutely right. We spend a lot of time in this House passing legislation, and we collectively tend to pat ourselves on the back and say, “Well, look, brilliant, we’ve done it.” But unless legislation can be enforced, it becomes a dead letter. That is conversations that we have in this place in respect of all sorts of things ranging from the Legal Aid, Sentencing and Punishment of Offenders Act 2012 to the Equality Act 2010 and so on. The concern here is that unless people can get ready access to these sorts of protections then they are, as I say, a dead letter. The point that the hon. Lady makes about injunctions is an extremely good one. How many people want to issue a writ in the county court, or indeed in the High Court, at significant personal cost? Litigation of any type is an uncertain option, and—this is the critical point—what would be the remedy in the event that that injunction is breached? What we need is a swift and muscular—if I may use that expression—approach in order to be able to intervene early. It also has to be fair. That is the point that I will come to after I have taken this one intervention, and then I will make a bit more progress.

Mark Tami: Does the hon. Gentleman agree that, sometimes, the police fail to look at the whole pattern of behaviour and just look at each case in isolation, and it never quite reaches the mark that makes them feel that they need to do something about it?

Alex Chalk: The hon. Gentleman absolutely puts his finger on it. I will develop that point in a moment. One thing that I have experienced in my time in practice, particularly in relation to this kind of offence, is that the approach and the attitude of the officer in the case is absolutely crucial. If an officer understands precisely the point that the hon. Gentleman makes, which is that individual instances are not necessarily picked up and allows them to slide, then it can become a problem. On the other hand, if a police officer, because he has been properly trained or is particularly engaged in the case, is excellent at collating that evidence and material to build that picture, that can have a dramatically different impact, first, on the way the victim feels about it, and, secondly, on the remedy that they are likely to get.

I want to develop this other point. One thing that we have not dealt with in this piece of legislation, and that we need to go on to, is to look at the role of technology in all this. What do I mean? An individual victim will always be better and more effective at recording the litany of instances than the bureaucracy of the police. That is not a criticism of the police, but a statement, I would imagine, of the blindingly obvious. What we need to do is to put into the power of individuals the right, in appropriate circumstances, to record and list episodes as they take place. We might say, “Well, hang on, why don’t you just do that on a sheet of paper?” No, what we should be doing is potentially looking at an app, so that when the police, for example, authorise an app and say that they are going to open an investigation, the complainant or victim can, when there is an incident, record it on this app—what happened, the time that it took place and any photographs that go with it—and that can then be reviewed and assessed by police officers in due course. Otherwise, the danger is that if a person has to go down to a local police station every time their stalker walks past their house, it is terribly bureaucratic and inefficient.

I do not want to go down a rabbit hole, but there is an important role in ensuring that victims are best able to record and collate what, ultimately, will make the difference to an effective prosecution in due course. It becomes 10 times more powerful if the individual can say, “I remember that, at that precise moment, he walked past my house, or he knocked on the door, or he put the letter through my door, or he terrified my children and I will record it at that precise moment, and this is the evidence that I have collated.” That is powerful evidence and we should be helping to facilitate that.

Huw Merriman (Bexhill and Battle) (Con): My hon. Friend is making a very persuasive speech. Of course, what will be required is for the police to prioritise their resources to police this new offence. What that will also mean is that they may have to deprioritise other areas, or receive additional resources. I understand that an extra £410,000 is being allocated. Does he think that that will be enough to deliver the measures that he rightly talks about this morning?

Alex Chalk: It is an extremely important point, and it does build on the point that I was making just now. There is no doubt that if this is not handled correctly—if it is not arranged correctly—there is a danger that it becomes more onerous than it needs to be. The example that I want to develop is the one on which I have just

briefly touched. Principally, the old analogue techniques are that if somebody is robbed in the street, the police officer will say, “You are making a complaint, I understand that. Please come to the police station on a certain date and we will sit down and prepare a statement. You, the complainant, will make the allegation of what happened to you in the street. I, the police officer, will write it down. It will be in longhand, running to various sides of paper. You will then sign each page and so on.” That process could easily take an hour and a half. It then gets logged onto a system and so on.

That might be perfectly appropriate where the allegation relates to an incident that took five minutes in, say, a high street, but where the allegation relates to a cumulative total of ongoing events, innocuous in isolation but insidious in combination—to coin a phrase—we need to have a more digital approach. That is why I invite the Home Office to consider digital techniques to allow the police to work as effectively—and to take up my hon. Friend’s point—and efficiently as possible, otherwise there is, of course, the danger of resources being mopped up. The only point that I would say on this resource issue is that there can be few more compelling priorities in circumstances where the evidence suggests, compellingly, that if we do not address this behaviour early it can have very serious consequences. In other words, this is a worthy candidate, I respectfully suggest, for the prioritisation to which my hon. Friend refers.

Chris Philp (Croydon South) (Con): My hon. Friend is making a very good speech, and this is a very good Bill. May I just come back to a point that he made earlier? I know that he had extensive legal experience at the Bar before coming here, so can he confirm his view that there is no adequate provision in existing law for this sort of thing to be brought forward by a victim or by the police—for example a restraining order—and that this effectively fills a gap that currently exists?

Alex Chalk: My hon. Friend is absolutely right. It is true to say that there are measures that could be imposed to say to a would-be defendant, “Don’t do this.” The hon. Member for Liverpool, Wavertree (Luciana Berger) talked about injunctions. It is true that there could be bail conditions further down the line, or indeed restraining orders. What this Bill does is provide for much earlier intervention. That is the critical point. It would mean that a chief police officer, under clause 1(1), could apply to the magistrates court for an order in respect of the defendant if it appears that the defendant has carried out acts associated with stalking and so on and so forth. I respectfully completely agree with the points that were made about the amendments. The reason why it is important is that a person then gets a hearing before the court in short order and it is a judicial process.

By the way, this is the other point that we need to be crystal clear about: just because we think that these allegations are serious, and just because we know that they can lead to very harmful consequences, it does not mean that we should jettison a proper judicial process. People should be made subject to these orders only if evidence is called—cogent, compelling and admissible evidence—to ensure that individuals are properly subject to these orders. We should make no mistake about this: they are deliberately onerous and deliberately restrictive, because they are designed to protect the individual,

but also, and importantly, they are designed to provide the courts with the tools they need to seek that early intervention and rehabilitation of the complainant. I am pleased to note also that duration of orders comes under clause 3, which provides that the stalking protection order has effect until a further order. In other words, if things have changed, and if as we all, I am sure, hope get to the point where an individual defendant finds themselves rehabilitated, they can come back to the court and apply to have the order discharged if that would be the appropriate thing to do.

The point that was made very well by my hon. Friend the Member for Croydon South (Chris Philp) is about providing a new tool in the armoury. The reason why it is in the armoury, so to speak, is that there are serious consequences in the event that someone breaches it. Clause 8, which covers the offence of breaching a stalking protection order, provides a power of imprisonment for a term not exceeding 12 months, a fine or both.

10 am

Kevin Foster: I am finding my hon. Friend's speech both interesting and persuasive. Does he agree that we must be very clear that these powers are in addition to the powers that the police and the courts already have, and that they should in no way be seen as an alternative? If someone has committed an offence under existing legislation with the penalties that it carries, then that should be used? This measure should be viewed as a way of protecting someone in addition to those powers, and not as a replacement in any way?

Alex Chalk: My hon. Friend is absolutely right; this is in addition.

Many victims have told me that by the time a perpetrator can be convicted under the Protection from Harassment Act 1997, when the court says, "Yes, an offence has been committed, the defendant has been convicted and we will now impose a restraining order," they want to say, "Well, thank you very much, but the damage has been done," because the concerns are in place and the behaviour is entrenched. Therefore, although one would not wish for one moment to remove that power—it remains an important tool for the courts—this provision fills that gap earlier in the process.

I have spoken for far too long, Mr Speaker. [HON. MEMBERS: "No, no!"] Hon. Members are very kind. In conclusion, we as a society have come an awfully long way on this issue, and we have done so as quickly as any other peer nation. It has been a process, and we are now close to, if not completing that process, getting to the point where these tools are available to the authorities. Ultimately, however, what will make the difference, whether in the criminal justice system or in any other part of public life, is the individuals who actually use these powers.

I wish to pay tribute to Gloucestershire Constabulary, whose police officers have put so much effort into this cause. They are leaders in their field. They have seized the baton and run with it, because they recognise the implications for people in our county—Hollie Gazzard is an obvious example, and Ellie Aston is another. Ultimately, it will be the officer who receives the complaint from the victim who, through their compassionate and organised response—I say "organised" because it is

about collating so much data—will make the difference in whether justice is done. I think that that conscientious, professional officer will now have the tools that he or she needs to keep victims safe. On that basis, I am delighted to support the Bill.

Several hon. Members *rose*—

Kevin Foster: I must say that it makes a pleasant change to be called to speak so early in the debate, because usually I have the joy of almost having to sum up, particularly on a Friday. It is a pleasure to speak to the amendments tabled by my constituency neighbour, my hon. Friend the Member for Totnes (Dr Wollaston). It was a joy to serve on the Public Bill Committee for this important legislation, which will provide protection for many victims of stalking.

This debate is timely, given the experiences of Devon and Cornwall's police and crime commissioner, who we have learnt has been a victim of domestic violence and stalking offences. Of course, the Bill relates more to victims who have not been in a relationship with the perpetrator, but it is very welcome that she has spoken out, and hopefully her experience will inspire other victims of stalking to realise that they need not stay silent.

Turning to amendment 1, I think that it makes eminent sense to be clear that the Bill applies to virtually every police force operating in England and Wales, and not just to the geographical police forces. The inclusion of the British Transport Police makes sense, given the obvious potential for stalking offences on public transport. For example, a stalker could follow their victim on to the train they take to work each day. Trains coming into London can be particularly crowded, and the four minutes to 4 train from Exeter to Paignton can be exceptionally crowded. That could give stalkers an opportunity to be in close physical contact with their victim. Normally that is just considered part of commuting. We have all experienced the joy of taking the tube at about 20 minutes to 9 in the morning, when the trains are packed. It is a chance to get very close to our fellow passengers, although not by choice. The inclusion of the British Transport Police is therefore welcome.

I should be clear that I support the amendments. I note that amendment 6 lists the police forces involved. That brings me to a query about whether the Civil Nuclear Constabulary ought to be included—the Minister might like to reflect on this—considering that these provisions could apply in instances where there has not been an intimate relationship. For example, someone working at a nuclear establishment could be stalked purely on the basis of their views on nuclear power generation. The same could be true for those who protect sites such as Sellafield. Or would that be an encumbrance in the legislation? That is more of a query, rather than something I think should necessarily be amended immediately.

I note that the Ministry of Defence police are included. I should explain, for the benefit of those following our proceedings—I always think that it is important to help people understand this point—that they are different from the military police or the naval provosts, who enforce military law against service personnel. The Ministry of Defence police are very visible in Plymouth, where I grew up, because of their role in enforcing the law at Her Majesty's naval base Devonport and the submarine

[Kevin Foster]

refit complex. They are police officers who work with the military; they are not the military police. It is important to be clear about their role.

The Civil Nuclear Constabulary operates as a fully armed constabulary, given the nature of its officers' work and the sites they protect, and particularly given the threat of terrorism. Again, should they be included in the Bill? I see the Minister dutifully noting down these queries, so I am sure that we will have a full response when the time comes. We should consider whether these would be useful additions, as my hon. Friend the Member for Totnes touched on when I intervened earlier. Of course, although we in this House will complete our consideration of the Bill today, it is still to go through the other place, where this matter might be considered further.

It makes eminent sense to tidy up provisions for when someone might need to give notification and how they are to do so. The Bill needs to be robust and we must not create any loopholes, as my hon. Friend the Member for Cheltenham (Alex Chalk) explained in his excellent speech, because many of those engaging in this kind of behaviour not only ruthlessly work out how to intimidate their victims and gain power over them, but research the law in an effort to stay just this side of committing a criminal offence. My hon. Friend described the impact on his constituents, which was welcome, because this is not some dry debate about legal orders that prevent people from doing something; it is about real victims.

Mr Sheerman: Do we not sometimes lose sight of the overall context? In this country today, deep into the 21st century, we have a tremendous problem with violence against women. There is not just stalking; there are gangs up and down our country—gangs of men of Pakistani origin prey on young girls and even children—and domestic violence. There is a real problem in our country with violence of all kinds against women. This Bill is part of the fight to roll that back.

Kevin Foster: I thank the hon. Gentleman for that intervention. He is right to highlight that there is a real issue. It is not just physical violence; it can be verbal violence. It is about someone trying to gain power over someone and have them under their control, whether through direct violence, intimidation or other actions, such as constant emailing or the sending of cards, as we have heard. My hon. Friend the Member for Cheltenham made the point that sending a Christmas card might seem innocuous, but it must be seen in the context of the overall behaviour. It can be about the perpetrator being constantly in the victim's life.

The hon. Gentleman mentioned violence against women. I am a supporter of the white ribbon campaign in my constituency, and I hope he is doing the same—I am sure he is—in his own constituency. This is about men standing up and saying that other men's violence against women is unacceptable. I have a close relative who experienced a violent relationship for a significant period. She was physically abused—in one case, she was hospitalised by the attack launched against her—but what sticks is the constant name calling and running down. One of the points she used to make was that if someone who did not know them had observed what was going on

and then asked what her name was, they would have been given not her name but two swear words put together. I do not need to repeat such language in the Chamber; Members can work out for themselves what sort of language I am referring to. She felt that that was how she would be known.

There was constant denigration and running down, and then when trying to move away from the relationship, there were constant phone calls and texts. Bluntly, it was only when BT's choose to refuse service became available that a lot of that could finally be brought to an end through blocking the numbers. I wonder whether, if something like the Bill had been available, it might have helped to build confidence in tackling those situations.

It is right that we have clear penalties. We have been clear that this is an additional way of protecting potential victims of stalking, not about replacing existing legislation. For me, this is not just about those who have been in relationships. As I touched on in my comments about the Civil Nuclear Constabulary, such actions may in effect be stalking but are due to other reasons, such as political reasons.

Yesterday, along with my hon. Friend the Member for Witney (Robert Courts) and the hon. Members for Cardiff North (Anna McMorrin) and the hon. Member for Dudley North (Ian Austin), I had a very interesting visit to the Community Security Trust, which works with the Jewish community, and heard about the experiences of some of the people there. The reason for someone in effect stalking or harassing in such cases is based on their faith. Again, it would be interesting to hear what the Minister thinks about someone engaging in the completely unacceptable behaviour of targeting people for that reason, but doing so in a way that looks very much like stalking. She is an eminent lawyer in her own right—a learned Member—and I am sure she will outline how some of these powers might be of assistance.

Huw Merriman: My hon. Friend is making an excellent speech. Does he agree with me—I make this point not specifically to my own Front Benchers but about successive Governments—that although Parliament is very good at creating new laws, if money, resources and guidance are not provided, the authorities responsible for enforcing those laws cannot deliver on that, which calls the laws into question in the first place? I found that as a district councillor under the previous Labour Government and I am afraid it is happening again. I absolutely support this Bill, but there is a wider point. When Parliament passes a new law, should there be a money resolution not for the Bill to be carried forward but to make sure that it can be enforced and delivered on the ground? Otherwise, we are, I am afraid, misleading people.

Kevin Foster: I thank my hon. Friend for a very thought-provoking intervention. Just to be clear on the technicalities, the Bill does of course have a money resolution, because the Government have agreed to one.

Huw Merriman: Obviously, there is a money resolution to carry through the Bill, but I am talking about an ongoing money resolution, as it were, to make sure that the police have the resources to deliver it.

Kevin Foster: My hon. Friend is right. There clearly needs to be an intention not just to pass a piece of legislation—it makes us sound very virtuous, and we

can pop our speeches on to our websites when we get back to the office—but to ensure it has a real and clear effect. I am sure that the Minister, who I see has already made some notes, will talk about how the Home Office will seek to work with police forces to make sure this power is used and brought into effect.

I have one slight disappointment. My hon. Friend the Member for Christchurch (Sir Christopher Chope) was due to talk this morning on his amendment 7, which is about when the Bill will be brought into force. Again, when we move on to Third Reading—I hope the Bill will be given a Third Reading later today—it would be interesting to hear the Minister’s thoughts about when she intends to bring it into force. We do not just want to pass the Bill and then leave it sitting on the statute book, but to bring it into force.

10.15 am

Chris Philp: On the question raised by our hon. Friend the Member for Bexhill a few moments ago—[HON. MEMBERS: “And Battle.”] Let us not forget Battle. My hon. Friend the Member for Bexhill and Battle (Huw Merriman) asked about funding. Is my hon. Friend aware that the Government intend to increase funding to combat violence against women by £100 million between now and 2020? That may go some way to addressing the concern that our hon. Friend has raised.

Kevin Foster: I thank my hon. Friend for yet another very well thought through and incisive intervention. I am obviously encouraged to hear that news, as I am sure Members from across the House will be. We probably should be clear that this law is gender-blind—the victim of stalking could be male or female. I remember a case in Coventry, where a male vicar was targeted by a female stalker. I absolutely welcome the funding, which is a sign of the intention to tackle a problem from which, sadly, too many women suffer. When a relationship is breaking down, or even when it is still going, it can go from love and affection to aggression, control and domination.

Huw Merriman: Will my hon. Friend give way?

Kevin Foster: I will give way very briefly. I am conscious of the time, and I know that you, Mr Speaker, do not want to listen to too much of me today.

Huw Merriman: My hon. Friend should give himself more credit. This comes back to the point made by my hon. Friend the Member for Croydon South (Chris Philp). The Government of course focus resources on certain policy areas. I absolutely agree. They have spent £802 billion—that is what this Government do and they do it well—but when we state that we are spending this amount on a generic area, and that it is not ring-fenced to a particular offence or new legislation, people are somewhat left short. I am thinking of the free bus passes that the previous Government brought in. I was a district councillor, and we found that they were not funded at all, and the district councils took the rap.

Kevin Foster: My hon. Friend—I visited the Battle part of my hon. Friend’s constituency, at his invitation, earlier this year—makes a valid point. When I was deputy leader of Coventry City Council, the funding for free swimming passes was distributed. Bizarrely, some

councils with swimming pools struggled with the amount of funding they received, yet one council received the funding even though it did not have a swimming pool. One council got the bill and another got the funding, so it was a bizarre situation.

To return to the Bill, I know that the Minister, who is in her place on the Front Bench, will be keen to reply to us to confirm how we see it being taken forward, implemented and explained in guidance. We should not get drawn into the amount of additional resource because this is also partly about the police officer who is looking for legal options to deal with a case and a victim. The Bill gives them that option. In many cases, that can be done with existing resources. It is about assisting officers in dealing with a situation that may otherwise escalate into a worse one—with a much more serious crime being committed, necessitating even more police resources—or one where they have to let it run, because at the moment the law does not quite kick in. The Bill gives officers an opportunity to make an application. I am certainly satisfied that the protection of requiring the application to be made to a court means that there will be a fair process, and this cannot just be used arbitrarily. As Members will have noticed, there is also provision for an interim order, pending a full application, if the court feels that is appropriate.

I would not necessarily say that this should be codified in an amendment, but it might have been helpful if my hon. Friend the Member for Christchurch had spoken to his amendment to allow us to discuss the exact time the measure will be brought in. However, we certainly want to reflect on the fact that we need not just to pass legislation, but to provide an element of funding to ensure that it becomes of real help on the ground.

The amendments tabled by my hon. Friend the Member for Totnes make eminent sense. They will strengthen the Bill and introduce additional tweaks to those measures introduced in Committee, and they will make the Bill even more robust as—hopefully—we send it in the not-too-distant future for scrutiny by their lordships. The Bill will be welcomed. I hope that hon. Members will support the amendments and that we will not be forced to spend time on Divisions that could otherwise be spent on Third Reading. I congratulate again my hon. Friend on the progress of the Bill so far.

James Cartlidge: It is a pleasure to follow my hon. Friend the Member for Torbay (Kevin Foster). He said that the House probably did not want to hear more, but he does himself a disservice. I was certainly left wanting more, and I look forward to hearing him speak on other matters, possibly later today. I pay tribute to my hon. Friend the Member for Totnes (Dr Wollaston) for introducing this important Bill. As a child I remember being a great fan of the Sherlock Holmes series with Jeremy Brett, and the episode that scared me the most was “The Solitary Cyclist”—

The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins) *indicated assent.*

James Cartlidge: The Minister clearly shares that recollection. As a child I found the concept of a lone female on a bicycle being followed at distance by someone else on a bicycle absolutely terrifying. That was a drama, and without giving a spoiler to anyone who does not

[James Cartlidge]

know the story, the gentleman was not quite as nefarious as perhaps the lady had feared at the start, but in summarising the sense of fear produced by stalking, that story left an indelible mark.

I wish to refer to a specific constituency case regarding this Bill, but I will keep it for Third Reading when I hope to catch your eye, Mr Speaker, because it is more a point of principle. It is a matter that I have previously discussed with the Minister, and I think it may well be raised in another place, perhaps by Lord Deben or the newly ennobled Lord Garnier. The point is incredibly important to me personally and to my constituency, so I shall keep it for Third Reading.

Like my hon. Friend the Member for Torbay I welcome amendment 1 on the Ministry of Defence police and the British Transport police, and I shall focus my remarks on that. South Suffolk contains the village of Wattisham. Strictly speaking the Wattisham Army airbase is in the constituency of my hon. Friend the Member for Bury St Edmunds (Jo Churchill), but many service people reside in my constituency. They live either on the base or in the nearby town of Hadleigh.

To underline the importance of that base, at the Remembrance Sunday service in Hadleigh the entire regiment and town come out, and we have a fly-past by Apache helicopters. I do not know what the probability is or what the statistics are on stalking occurring in those residential homes, either within the base or for service personnel who live in towns, but I agree with my hon. Friend the Member for Torbay that there is every reason to extend these powers to those officers because stalking could occur. Stalking is not confined to any part of society—it embraces all of society, including my constituents, and it affects men and women as both victims and perpetrators.

The British Transport police are often undervalued, but they perform a fantastic job protecting the transport network. My hon. Friend the Member for Torbay referred to being on the tube at twenty to nine in the morning, and being uncomfortably and involuntarily close to people and their armpits—[*Interruption.*] I am sure you have experienced it too, Mr Speaker, and that is the nature of the tube at busy times. It can be quite unpleasant, but we grin and bear it so to speak. The point is that someone could be on that tube following, pursuing or stalking someone. I do not necessarily understand exactly when the order could be placed, and whether it would be done by the normal constabulary in respect of the person being stalked and their home address, or whether the British Transport police would have specific responsibility for doing that. I will leave that to finer legal minds than mine, but the logic of extending those powers seems straightforward, and I am happy to support the amendment.

Justine Greening (Putney) (Con): I want to build on my hon. Friend's powerful point by saying that, in my community, public transport is essentially how everybody gets around. People often travel on the overland or underground late at night, and this is a crucial amendment to a crucial Bill that I very much support. I am pleased that my hon. Friend supports the Bill, and I add my support to his.

James Cartlidge: I am grateful to my right hon. Friend. Although most of her constituents use public transport, things are slightly different in rural constituencies where there is more dependency on the car, which leads on to a point about police resources.

Kevin Foster: I am very much enjoying my hon. Friend's detailed remarks and his usual analysis of the Bill. Does he agree that involving the British Transport police—or, for example, the Metropolitan police—means that either/or, or even both could apply to the court? That is the approach they should adopt, rather than waiting to agree or thinking that the other force will act. Each force has the ability to apply once the evidence is there. Will my hon. Friend join me in encouraging information sharing between the forces so that we do not have half the evidence required with the British Transport police, and half with the Metropolitan police, without the two being put together?

James Cartlidge: That is a good point, and the fact that I am unable strictly to comment on it underlines why politicians should probably not have a role in frontline policing matters. We do, however, have responsibility for making the law and resourcing the police, and I want to focus on that point. My right hon. Friend the Member for Putney (Justine Greening) made a good point about public transport. We have public transport in South Suffolk—indeed, many of my constituents wish we had more buses and so on, and there is one train station—but in rural constituencies people overwhelmingly rely on cars. This is an issue of police resources. On many occasions I have been happy to defend the Government's position of enabling police and crime commissioners to decide whether to raise the precept to fund the police, but if we pass laws that may result in more being asked of the police, we must ensure that they have the resources to carry out those tasks.

Putting aside the money coming from the precept, we feel concerned that the funding formula penalises Suffolk. Norfolk is a very similar county in many ways—of course, it is not quite as good in some respects—and it receives about £1 million more per year than Suffolk for no obvious reason, and significantly more per head, which is even more indefensible. I very much welcome the funding to deal with violence against women, but will it be distributed to forces under the current formula, and how will that be determined? Stalking is a terrible crime that we all oppose—that is why we are here to support the Bill. If it is that serious a crime, and if the police are to be given more resource to deal with it, how will that resource be distributed and where will it come from?

I support the amendment but I have a caveat about resourcing. As the Minister will be aware—perhaps the note from the officials is on this point; I hope it is—on funding we must take rurality into account, and not just in terms of reliance on the car. I submitted a written question to the Home Office to ask whether it has considered the difference in cost between rural and urban policing, and it responded that no such study has been undertaken.

Alex Chalk: My hon. Friend makes an important point about the impact of rurality. Does he agree that in that context it is even more important to consider

technological solutions, so that individuals are able to record and report allegations that relate to stalking or other offences, without necessarily having to make long journeys to local police stations to make a statement? Only by properly harnessing technology can the police truly build effective prosecutions that lead to justice.

James Cartlidge: I talked earlier about my lack of expertise in police matters, but of course my hon. Friend has considerable expertise on criminal law matters. I am sure he is correct about the role of technology.

10.30 am

My final point on funding relates to pensions. As I believe all hon. Members are aware, the police will be required to make additional pension contributions and they will have to be funded. There is no choice in the matter. On the strategy of using the precept, whether to raise funding for more resources to deal with stalking or any other crimes or issues that present a resource challenge to the police, it is one thing for me to say to my constituents in Suffolk, as I do, that I defend the use of the precept by saying, “You know that every pound raised is spent in Suffolk on our police”. However, if we are to raise that money and give it to the Treasury to fill a pension deficit, I think that argument becomes harder to make. On that basis, it would not be unreasonable for the centre to say, “Look, we’ve had to make an adjustment here. It wasn’t expected. Chief constables were not expecting this and therefore there should be central recompense.”

That is a pitch I make to the Minister because this is an incredibly important Bill. Stalking is a terrible crime: a crime of cowardice and bullying. On Third Reading, I will refer to a constituency case that comes under that heading. If the police are to deal with these measures adequately, whether the British Transport police, the Ministry of Defence police or the constabularies in our counties and cities, they will have to be adequately resourced.

Nigel Huddleston (Mid Worcestershire) (Con): It is a pleasure to follow my hon. Friends the Members for South Suffolk (James Cartlidge) and for Torbay (Kevin Foster), and in particular my hon. Friend for Cheltenham (Alex Chalk), who speaks with great knowledge of these issues. I congratulate my hon. Friend the Member for Totnes (Dr Wollaston) on introducing this very important Bill.

I would like to speak briefly to a few amendments. There is complete agreement among Members that stalking is an abhorrent behaviour that can have terrifying consequences for its victims. It can cause significant psychological damage and worse. Sadly, I have heard from constituents who have been victims of stalking just how it can take over their lives, not only when the stalking is happening but for years afterwards. It is therefore very important that we take action.

The House heard during our previous consideration of the Bill how the powers currently available to the police to intervene in stalking cases are insufficient. The responses to the Government’s consultation demonstrated that “stranger stalking” in particular is a form of crime that is not adequately addressed by existing laws. The passing of the Bill will send a very clear message to

victims and perpetrators alike that stalking in all its forms is despicable, will not be tolerated and will have serious consequences.

Thanks to the excellent work of my hon. Friend the Member for Totnes, the Bill has cross-party support, as well as the backing of the Government, so there are very few amendments for me to address at this stage. However, I would like to talk about a few. I welcome the broadening of the Bill’s scope that amendments 1, 2 and 6 would bring. We all recognise that there is a gap in the existing protective order regime, particularly in terms of provisions for early intervention in stalking cases or addressing emerging patterns of behaviour. Under the current regime, it is difficult to take any action in cases in which the criminal threshold has not yet been met, as my hon. Friend the Member for Cheltenham articulated, in which the stalking occurs outside a domestic abuse context, or in which the perpetrator has not been intimately linked with the victim previously.

One of the Bill’s most important benefits is the fact that it transfers the onus to take action away from the victim, giving other bodies—the police and the courts—the additional tools they need to intervene in stalking cases at an early stage. The amendments will ensure that access to the new tools created by the Bill is not limited solely to local police forces in England and Wales, but given to the chief constable of the Ministry of Defence police and the chief constable of the British Transport police. It can only benefit the victims of stalking if we ensure that those other branches of our police forces are able to act on their behalf.

The technical changes made by amendments 3 to 5 put in place important safeguards that should reduce the likelihood that perpetrators of stalking could evade the Bill’s provisions. As colleagues will be aware, the Bill creates a new civil stalking protection order that will enable the imposition of both prohibitions and requirements on individuals who are deemed to be perpetrators of stalking. One of those requirements, introduced by clauses 9 and 10, is that any person subject to a stalking protection order would have to give their name and address to the police by attending the local police station and also notify the police if their address changes. There was, however, a lack of clarity in the Bill about when persons subject to an order would have to notify the police of any changes to their registered details. Amendments 3 and 4 provide important clarification by requiring individuals to give notice of their intention to change their name or address, rather than being able to inform the police after the fact.

Under the Bill as originally drafted, there was a danger that perpetrators with no fixed address could evade the requirement to register their details with the police. Amendment 5 addresses that directly by explicitly catering for the possibility that a perpetrator may not have a home address. All the amendments are eminently sensible and receive my support. I support the Bill and I look forward to speaking on Third Reading.

Mike Wood (Dudley South) (Con): It is a pleasure and privilege to speak on Report. I, too, congratulate my hon. Friend the Member for Totnes (Dr Wollaston) on promoting such an important Bill. I steered a private Member’s Bill through this place in my first year as a Member, so I know the many demands that can suddenly appear in the inbox and arrive down the telephone line

[Mike Wood]

the moment one is drawn in the ballot, as there are any number of competing calls from non-governmental organisations and campaign groups. I can think of very few issues that are more worthy to pursue than the one that my hon. Friend has chosen.

It was a particular privilege to serve on the Bill Committee with my hon. Friend and to hear some of the examples from Members on both sides of the House. The core purpose of the Bill is to fill gaps in existing legislation and to ensure that our laws keep up with the changing pattern of stalking offences and developments in our understanding of them. It is a testament to the skill with which my hon. Friend has steered the Bill that it received overwhelming support from both sides of the House and that our proceedings in Committee were so straightforward. There was strong support for both the principle and the detail. She has rightly continued to work to ensure that every t is crossed and every i is dotted so that the Bill can fulfil its potential.

I join my hon. Friend the Member for Mid Worcestershire (Nigel Huddleston) in speaking very briefly to the amendments, which will make this very good Bill even better. I think that most Members will welcome amendments 1, 2 and 6 as common-sense clarifications. We would expect most applications for protection orders to involve police forces that cover geographical areas in England and Wales, but it would clearly be undesirable to allow specific cases to fall between the gaps purely because the jurisdiction they occurred under was covered by the British Transport police or the military police. As my hon. Friend the Member for Torbay (Kevin Foster) suggested, the Civil Nuclear constabulary would be a sensible addition to those bodies, should the opportunity arise at a later stage of the Bill's passage. Those three amendments clarify that the orders are not confined purely to what we might think of as police forces, but cover all parts of our police service.

As my hon. Friend the Member for Mid Worcestershire pointed out, when one of the core provisions of the orders is notification requirements, it is very important that those notification requirements are sensible and comprehensive. It would be frankly absurd to preclude people covered by the orders from being able to notify the appropriate authorities before they changed their name or address, but the Bill as originally drafted could easily have been interpreted as saying that the sole period within which people could make notifications was during the three days immediately after the changes came into effect. In tabling her amendments, my hon. Friend the Member for Totnes has provided clarification and brought forward what most Members would see as common-sense provisions. Similarly, there is further clarification on people without a home address—particularly those of no fixed abode—and clearly, it would not fit the purpose of the Bill if orders could not apply to people in such circumstances.

I think that this is an extremely important and welcome Bill, and the amendments will make it even better. I hope to catch your eye on Third Reading, Madam Deputy Speaker, to speak about the Bill more generally.

Victoria Atkins: May I say what a pleasure it is to support the Bill and these amendments today? The whole House thanks my hon. Friend the Member for

Totnes (Dr Wollaston) for her incredibly hard work on the Bill, helped by her members of staff. This has been a shining example of the House of Commons at its best: we have cross-party agreement; we know the direction of travel and the destination we want to get to; and we have had constructive criticism, questions and so on to help us to improve the Bill. In that spirit, I thank all Members who have contributed on Report.

If I may, I will reflect on my hon. Friend's comments about Lady Astor being the first female MP. I have the pleasure of representing a seat for which the second female MP stood—we always remember the firsts for landmark events, but we tend not to remember the second. Margaret Wintringham represented the seat of Louth in 1921. She was the first ever British-born female MP—the second ever female MP—and she took a slightly different approach to campaigning than I or any of my colleagues, because she took a vow of silence during the campaign, which might commend itself to some of us in future.

In that spirit, I welcome these modest refinements to the Bill. Amendments 1, 2 and 6 will expand the list of chief officers who will be able to apply for the orders to the Ministry of Defence police and the British Transport police—we have heard from colleagues about the benefits that this could have—and they will be able to initiate related proceedings in connection with the variation and renewal of an order.

10.45 am

I listened very carefully to the observation made by my hon. Friend the Member for Torbay (Kevin Foster) about the Civil Nuclear constabulary. Its role is to provide security for nuclear material and sites, and of course we recognise that that covers workplaces. I am mindful of figures that were released only yesterday by the Office for National Statistics. It compiled a bulletin of data from the national stalking helpline, which is run by the Suzy Lamplugh Trust. In an analysis of the calls to the helpline, which is an incredibly important facility, it looked at the types of stalking behaviours experienced by callers who reported stalking by an ex-partner or family member, so it was restricted to, as it were, intimate relationships, as opposed to stranger stalking. None the less, I note that 4% of calls reported stalking in or through the workplace, so my hon. Friend raises a very good point regarding the Civil Nuclear constabulary, and we will look into that as the Bill proceeds through another place.

Kevin Foster: I thank the Minister for her detailed response and agree with her proposed approach. As I said, the reason why I raised the point was that the Ministry of Defence police focuses fundamentally on securing a base, but may react to incidents on the periphery of the base. It is about the police being part of the process, but I welcome her proposal.

Victoria Atkins: Indeed, and I note that my hon. Friend the Member for South Suffolk (James Cartledge) raised a more general point about service personnel. The Bill already covers acts of stalking by forces personnel against civilians, and stalking offences apply to service personnel automatically by virtue of the Armed Forces Act 2006. However, I will look into the points that he raised.

Stalking occurs across a range of contexts with devastating consequences. It is therefore essential that the orders are available to different police forces, and I am delighted that the amendments will help us to achieve that. While I am speaking to clause 1, and I have notified my hon. Friend the Member for Totnes about this—who knows, it may be that my legal skills are causing me to examine the text too carefully—I want to commit to clarifying the terminology in the clause, which moves between “defendant” and “person”. I want to make it absolutely clear for the police, those who litigate on their behalf and magistrates how the Bill should be navigated, so I will provide clarity on the use of terminology in the other place.

Before I move on to amendments 3 and 4, I want to thank my hon. Friend the Member for Cheltenham (Alex Chalk) for his speech. I will be more loquacious about his contribution to this issue on Third Reading, but I note his point about the police updating their processes to include, for example, the use of apps to help to record instances of stalking. I will explore that with the police, because it seems to be a very valid point.

I am grateful for the observations from my hon. Friends the Members for South Suffolk and for Bexhill and Battle (Huw Merriman) on police resourcing. We make an economic impact assessment of the effects of any Bill, so one has of course been conducted for this Bill. I heard what they said about the police settlement, which they will both know is coming forward in December. We have managed this year to provide a further £460 million for policing, with the help of police and crime commissioners, but it is very important that we listen regarding any further support that can be given in pressing the case for dealing with the challenges of changing crime in the 21st century. The full economic impact is a reason why we have not placed a commencement date in the Bill. That point was raised by my hon. Friend the Member for Torbay, and I will deal with that at the end of my speech.

Amendments 3 and 4 will modify the notification requirements on a person subject to a stalking protection order. I am pleased that they have the approval of the House. Under the requirements as drafted, a perpetrator must notify the police of a change of name or address within three days of that change taking place. It enables the perpetrator to give such notice before the change takes effect. Amendment 5 caters for circumstances in which the subject of a stalking protection order does not have a home address, and mirrors the notification requirements relating to registered sex offenders.

My hon. Friend the Member for Torbay examined the issue of commencement dates. We propose to deal with that through regulations, and he will know that that is the usual way of enacting provisions in any Bill that receives Royal Assent. We have gone for the traditional or usual way of commencement because we are mindful that if the orders are to be used as effectively as all colleagues wish, there will be implications for the courts, legal aid, the Crown Prosecution Service, the Prison Service and the National Probation Service, as well as the police who will require training and who will make the applications. We want to allow a little time for that to bed in, and guidance will be issued as part of that.

Kevin Foster: I thank the Minister for the details that she is providing on commencement. Would she provide a rough timeline for the benefit of those following our

proceedings? It makes eminent sense to give those organisations time to prepare, but I assume that we are talking about a matter of months, not years.

Victoria Atkins: Most certainly. My hon. Friend will understand that I cannot give precise dates, but it is certainly months. We want to get this on the statute book, and put it in force as soon as possible. We have a date for consideration in the other place early in the new year, and we want the measure to be put into force as soon as possible. May I thank all hon. Members, including my hon. Friends, for their contributions to this stage of scrutiny, and commend the amendments to the House?

Amendment 1 agreed to.

Clause 4

VARIATIONS, RENEWALS AND DISCHARGES

Amendment made: 2, page 3, line 24, leave out from “police” to the end of line 27 and insert “who applied for the stalking protection order and (if different) the chief officer of police for the area in which the defendant resides, if that area is in England or Wales.”—*(Dr Wollaston.)*

See the explanatory statement for amendment 1.

Clause 9

NOTIFICATION REQUIREMENTS

Amendments made: 3, page 6, line 2, leave out “within” and insert “before the end of” .

This amendment would ensure a person can give notice that they are going to use a new name before doing so.

4, page 6, line 8, leave out “within” and insert “before the end of” —*(Dr Wollaston.)*

This amendment would ensure a person can give notice that they are going to change their home address before doing so

Clause 10

METHOD OF NOTIFICATION AND RELATED MATTERS

Amendment made: 5, page 6, line 30, leave out “whose home address is not” and insert “who does not have a home address” .—*(Dr Wollaston.)*

This amendment would cater for the possibility that a person might not have a home address

Clause 14

INTERPRETATION

Amendment made: 6, page 8, line 9, at end insert—

““chief officer of police” means—

- (a) the chief constable of a police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London);
- (b) the Commissioner of Police of the Metropolis;
- (c) the Commissioner of Police for the City of London;
- (d) the chief constable of the British Transport Police;
- (e) the chief constable of the Ministry of Defence Police;” —*(Dr Wollaston.)*

See the explanatory statement for amendment 1.

Third Reading

10.52 am

Dr Wollaston: I beg to move, That the Bill be now read the Third time.

May I begin by thanking the Minister and all her officials for the extraordinary amount of work that they have put into assisting with the Bill, and for everything that the Minister has done to progress the violence against women and girls agenda in the House? I also thank Daragh Quinn in my team for his work and for doing so much to co-ordinate and help with the preparation of the Bill. I also thank the many individuals and organisations outside the House that have made such a difference. I am thinking of the Suzy Lamplugh Trust, Paladin, the Gloucestershire Stalking Advisory Service, the National Stalking Consortium and many others, such as police and crime commissioners for Sussex, for Northumbria, and for Devon and Cornwall, as well as officers from Thames Valley police and Devon and Cornwall constabulary, I thank them for their valuable advice, and I also thank the stalking lead for the Royal College of Psychiatrists.

I would particularly like to pay tribute to colleagues and Members across the House for their work. Having listened to the characteristically thoughtful speech by my hon. Friend the Member for Cheltenham (Alex Chalk), I pay tribute to the work that he has done, along with my hon. Friend the Member for Gloucester (Richard Graham), on stalking, which has made an extraordinary difference.

Leo Docherty (Aldershot) (Con): My hon. Friend is being extremely gracious. I thank her for introducing the Bill, which undoubtedly will be of benefit to my constituents in Aldershot and Farnborough. We are very grateful.

Dr Wollaston: I thank everyone who has contributed today with thoughtful speeches and interventions, including my hon. Friend the Member for Cheltenham, my hon. Friend the Member for Torbay (Kevin Foster), my neighbour, whom I join in his tribute to the police and crime commissioner for Devon and Cornwall for her courage in talking about her experience. I also thank my hon. Friends the Members for South Suffolk (James Cartlidge), for Mid Worcestershire (Nigel Huddleston), and for Dudley South (Mike Wood), for their thoughtful interventions. I thank the hon. Members for Huddersfield (Mr Sheerman), for Liverpool, Wavertree (Luciana Berger) and for Alyn and Deeside (Mark Tami), as well as my hon. Friends the Members for Croydon South (Chris Philp), and for Bexhill and Battle (Huw Merriman), for their ongoing and long-standing work. I greatly appreciate all the support I have received from colleagues across the House.

As we have heard, stalking is an insidious and dangerous crime with devastating consequences for victims and their families. Acts that initially appear, as we have heard, to be trivial, when seen as a whole have an extraordinary effect, not just on the individuals immediately affected but on everyone around them. Stalkers contact not just members of the family—my hon. Friend the Member for Cheltenham spoke about his constituent, Dr Aston—but people's workmates and neighbours. There is a sense in which it never stops. As we heard from my hon. Friend, it is often described as murder in slow motion. It affects people's physical and mental

health, leaving them feeling isolated and fearful. It can escalate rapidly. In the context of domestic violence, about 50% of threats of violence are acted on, and there are many examples in which stalking has escalated to rape and murder.

Stalking behaviour is much more common than people realise. About one in five women and one in 10 men experience some kind of stalking behaviour in their adult lifetime, according to the crime survey for England and Wales. It typically takes about 100 episodes of stalking behaviour for victims to come forward. That is what the Bill is partly about. It is also about raising awareness and allowing this to be taken seriously. We hear time and again of people coming forward to report stalking behaviour, but it is dismissed as somehow a compliment.

James Cartlidge: I am impressed by what my hon. Friend is saying, as it shows the great passion that she has brought to the Bill. We would all agree that it adds huge value by protecting our constituents and bringing greater security and peace of mind to those who have suffered from this, knowing that others may be better protected in future.

Dr Wollaston: I thank my hon. Friend.

Raising awareness will help to encourage more people to come forward. There has been some encouraging progress. In the 2017-18 crime survey for England and Wales, there were more than 10,000 recorded offences of stalking, almost double the previous number of 5,313. The increase is likely to be due to improvements in the recording of the crime, rather than an increase in stalking. That is an important point: laws in themselves will not protect victims. A key focus is to make sure that we have better recording so that victims are more confident about coming forward. That does not mean that every instance of unwanted attention will lead to prosecution for stalking—of course not.

Stalking is a type of harassment characterised by fixation and obsession. As hon. Members have said, the Bill will allow earlier intervention, rather than allowing that to become a deeply ingrained pattern of behaviour that carries on for decades. We heard that Emily Maitlis's stalker pursued her for more than two decades and even, disgracefully, managed to continue his behaviour from prison. There is a possibility that, if we can intervene at an earlier stage, we can stop this behaviour in its tracks, and I think that that is an important aspect of the Bill.

I pay tribute to the courage of all the victims who have come forward and spoken out. I am not talking just about celebrities; as we have heard, stalking affects people in their everyday lives, and stalking patterns of behaviour sometimes follow relatively trivial encounters. I pay particular tribute to Alexis Bowater, from my own area, for her long-standing work and her campaign for changes and increased protections.

Luciana Berger: I, too, welcome the courage of the people who have been able to speak out, but we should recognise that hundreds, if not thousands, of people throughout the country are unable to do so. I have heard victim impact statements read out in court from people who have not been able to come forward because the stalker's behaviour has had such a negative impact

that it has affected their mental and physical health, and their ability to conduct their daily lives. That has impeded them from speaking out, although they may have wanted to.

Dr Wollaston: That is an extremely important point. There is, of course, another group who cannot speak out: those who have lost their lives at the hands of stalkers. Some of the most moving testimonies that I heard when I was preparing the Bill have come from families who have been bereaved by stalking. I am thinking in particular of the family of Alice Ruggles. I pay tribute to all those people, and I am grateful to the Minister for meeting some of them at a roundtable. I think that we were both struck by their personal courage and bravery in trying to change a hideous experience into an attempt to protect others in the future, and I thank them all.

Another point that has been raised today concerns the growth of online stalking. There is nothing new about stalking, but, sadly, what is new is the increase in the number of avenues that are open to stalkers. That is one of the reasons the Bill does not strictly define stalking. This is a rapidly evolving, changing field, and it is important for us to retain some flexibility. The number of avenues that are open has increased even over the last few years, and if we defined stalking too tightly, we might restrict future opportunities to head off stalking behaviour. The Bill leaves the definition open, giving examples of the kinds of behaviour that could constitute stalking. As I have said before, the point about stalking is the fixated and obsessive nature of it, and the fact that it is a form of harassment. That needs to be recognised as a whole. My hon. Friend the Member for Cheltenham made an important point when he said that an app should be considered. That would enable the full picture to be seen, and I hope that the Minister will consider adopting my hon. Friend's welcome suggestion.

The Bill is important because it fills a significant gap in the law relating to those who are subject to so-called stranger stalking—that is, stalking by someone who is not a former, or indeed current, intimate partner. It is also important because it takes the onus away from the victim. It means that someone else can come forward to apply for a civil stalking protection order on the victim's behalf, rather than the victim's incurring a huge amount of expense and trauma in trying to establish protections on their own behalf. That is one of the key features of the Bill. Moreover, because this is a civil order, it can be imposed on the balance of probabilities—although, importantly, breaching it is a criminal offence. There are real penalties, which I think have been lacking in the past. Stalking is punishable with up to five years' imprisonment. However, the protection order is not intended to replace a prosecution for stalking. When the criminal threshold has been met, we would expect the police and the whole criminal justice system to go down that route, but we know that a case can take time to build. The point about a stalking protection order is that it could be there while that case was being built for a full prosecution.

Alex Chalk: My hon. Friend is making a very important point, not least for this reason. A substantive and full prosecution could allow the court to consider the entirety of the conduct in its full context, to ensure that the

punishment was truly fitting and appropriate. If the prosecution related purely to a breach of a stalking protection order, the courts might not have the powers that they required, because the offending itself would not be fully set out. Does my hon. Friend agree?

Dr Wollaston: Absolutely. Following the important work that my hon. Friend has himself undertaken, longer sentences are available following a full prosecution for stalking. However, as he will know, it takes time to build a case, and in the meantime the behaviour is allowed to continue.

Another feature of the stalking protection order is that it has both positive and negative requirements. It is a bespoke order, so it can allow the court to include a requirement to undergo a psychiatric assessment or, if necessary, to take part in a perpetrator programme. I hope that the Minister will look into perpetrator programmes, and what we can do to ensure that more of them are available where they could help.

The Bill also makes it possible to consider the full range of stalking behaviour in imposing prohibitions. For example, much more of such behaviour now encompasses online stalking. The orders would ensure that perpetrators not only registered their names and addresses, but registered all their names and addresses, and the aliases that they used. They could be required not to have encryption software on their computers, so that it could be demonstrated whether or not they were continuing to contact their victims using another means. If, for example, they did have encryption software, that in itself would constitute a breach of the order and a criminal offence. A bespoke order allows us to be flexible about all the different methods that perpetrators are currently using.

Some people may fear that we would use the orders in inappropriate circumstances. Others have suggested to me that a person who complains of being stalked may, in fact, turn out to be the stalker. That is why this must be a very careful process, and the orders must be demonstrated to be necessary to protect. They must pass that test. As my hon. Friend the Member for Cheltenham has already pointed out, there needs to be a very effective process for people to be able to come back and challenge the orders, and that, I think, is another important aspect of the Bill.

Overall, the Bill improves protection for victims against what is a really horrible crime, which is much more common than people realise. It fills a gap in the law for those who are victims of so-called stranger stalking, and I think that it has shown the House working at its best. Colleagues on both sides of the House have recognised the gap in the law and made constructive suggestions for improving it. I am grateful to everyone who has supported the Bill and helped it to make progress.

11.9 am

Louise Haigh (Sheffield, Heeley) (Lab): I would like to start by congratulating wholeheartedly the hon. Member for Totnes (Dr Wollaston), who, with her characteristic diligence, perseverance and cross-party approach, has succeeded in uniting the House behind these important measures that will protect victims and save lives. I can think of few tasks more important to this House than keeping our constituents safe, and she has done all our constituents a huge service through this Bill.

[*Louise Haigh*]

We have heard the emotional and chilling testimonies of constituents who have brought their cases to their MPs. They show why this Bill is so important, and it will undoubtedly ensure better and earlier protection for victims of these terrible crimes.

Far too many stalking crimes go undetected. In 2015, there were just 194 convictions for stalking offences. Yet, the crime survey suggests that one in five women and one in 10 men will be affected by stalking in their lifetime, while the under-publicised national stalking helpline has responded to almost 14,000 calls since it was established in 2010. Clearly the conviction rate is barely the tip of the iceberg.

Providing the police with the vital additional tool of this Bill is important to protect victims, and, importantly, puts the onus and the priority on the police. The hon. Lady knows that we wholeheartedly support this Bill and will continue to do so as it makes its way through the other place.

However, as is clear from this debate, it will be important to continue to keep the measures under review and look at what more might be needed in future in order to build on this architecture to ensure long-term safety and protection for victims. There are simply too many gaps in the current legislation as it stands. With increased technology and globalisation it is important that legislation covers cyber-stalking and crimes carried out from other countries, and it is also important that measures extend to strangers.

Last year the House amended the law so that perpetrators of stalking may now receive much longer maximum sentences. We know that the way that victims are dealt with is simply not good enough, however. Charges are amended and dropped with no notice and victims can be cross-examined by their own tormentor in court. It is a matter of deep regret that the Government have failed to bring forward a victims law, as promised in successive manifestos. It would enshrine the rights of victims in law and create important new measures to support victims. If the Government chose to bring forward such a law, they would have the full support of Labour for the creation of an independent victims advocate, who would help the victim navigate their fundamental rights at a traumatic time, when the array of services and institutions they have to deal with can often be overwhelming and bewildering. The rights of victims often end up, almost unwittingly, falling by the wayside in this process.

The measures in this Bill are essential for early intervention, not just because prevention is always better than cure, but because even before arriving at sentencing, victims of stalking face additional hurdles in their treatment by the criminal justice system. It has been shocking to hear that victims experience on average 100 occurrences before coming forward to report the crime. As with all serious crime, the police and the entire criminal justice system need an integrated and informed approach if the issue is to be tackled effectively. Better detection and better treatment of victims must be their priorities. That has been very apparent in today's debate.

This insidious form of harassment has been acknowledged and recognised only over the last few years, and the impact on, and implications for, victims

and the difficulties they face in attempting to get the authorities to take them seriously has been described by several Members. The hon. Member for Cheltenham (Alex Chalk) made an excellent speech, in which he compellingly described this form of crime as "murder in slow motion". He talked about how the victim's freedom is constantly chipped away and horrendous psychological damage caused, and the feeling that the crime will not be taken seriously by the authorities. As constituents of mine have experienced, such crimes are sometimes taken seriously only once an actual violent crime has been committed.

Despite the obvious progress made since 2012, I have repeated conversations with the police about the difficulties they face in bringing successful prosecutions. As we know, access to the police and support for victims is at an all-time low, and there is serious concern that despite all the tools the police undoubtedly now have to tackle harmful crimes such as these and crimes of domestic violence and coercive control, they do not have the resources to devote to the kind of service necessary for the support of victims and for the required level of investigation to secure a successful prosecution. The numbers of these crimes are rising year on year while prosecution rates continue to fall.

The hon. Member for Bexhill and Battle (Huw Merriman) made the important point that, with such limited resources, it is inevitable that if the police are to focus on these crimes they will deprioritise other areas. He said that the Government have a duty to ensure that resources are continuously available to enforce the legislation that we bring forward in this place. The police are constantly frustrated that we reach for a legislative response in dealing with serious issues and crimes while not ensuring that they have the resources on the ground to get the job done.

That issue was raised by several other Members, too. The hon. Member for South Suffolk (James Cartledge) raised the issues that Suffolk experiences because of the funding formula; next-door Norfolk, with very similar issues and priorities, receives significantly more funding. The issue of the pensions gap was also raised, and the £165 million of further cuts for 2019-20, which is forcing police and crime commissioners to use their precept to plug the gap. The hon. Gentleman rightly said it was indefensible to ask local people to pay more in rates to plug a gap for the Treasury when that money should only be spent in the local area on local policing priorities.

Indeed, an unusually high number of Conservative Members have raised the issue of resources today and the fact that the police simply do not have the resources that need to be devoted to investigations in order to secure prosecutions for these crimes. Despite the rise in serious crime, this Government have cut the number of police officers by over 21,000 and continue to make cuts, with below-inflation budget rises even given the precept flexibility—and now there is the £165 million pension gap. Those cuts have consequences, and they are having consequences in every community in our country.

When our officers face this much pressure, it leads to the downgrading of crimes; that has been reported on a number of times over the last four or five years. To add to that, officers have not been sufficiently trained to tackle stalking crimes. That decreases the chance of prosecution even with new legislation. Police forces

need the specialist resources required to address crimes such as stalking which touch on and concern violence against women in particular.

The measures in this Bill are vital but not sufficient. I congratulate the hon. Member for Totnes again and all who have supported the Bill's safe passage through the House, particularly the Minister and her officials. It is a privilege to support this Bill and I wish it speedy passage through its remaining stages.

11.17 am

Neil O'Brien (Harborough) (Con): I thank my hon. Friend the Member for Totnes (Dr Wollaston) for introducing this important Bill, and for her assiduous work in bringing it forward. I also thank Opposition Members, including the hon. Members for Huddersfield (Mr Sheerman) and for Liverpool, Wavertree (Luciana Berger) for contributing powerful arguments this morning and situating this Bill and this change in the context of a wider agenda to prevent violence against women. Today we are taking an important step to protect victims of stalking, but it will not, of course, be the final step.

One reason why I am keen to speak in this debate is that I have constituents who have been the victims of stalking: the family of Alice Ruggles, whom my hon. Friend the Member for Totnes has mentioned. Alice was murdered in 2016 by Trimaan Dhillon, who has now been sentenced to life imprisonment. Alice's story is a perfect example of so many of the problems that my hon. Friend's Bill seeks to solve. Alice had twice told police that Trimaan Dhillon was harassing her. He was given a police information notice, but that did not stop his obsessive behaviour. Later, it emerged that police had previously given Dhillon a restraining order for harassing another ex-girlfriend. Alice's family have established the Alice Ruggles Trust to make the case for changes to protect future victims of stalking, and I pay tribute to them for their incredible courage.

I am therefore very pleased to support this Bill today. It will fill a clear gap in the protective order regime and protect people like Alice in the future. It will enable effective action to be taken against stalkers whose actions are not yet provably over the criminal threshold. As my hon. Friend set out, the instrument being created today is highly flexible and will enable us to cover all the different new types of stalking behaviour. At present too many people who pose a real threat to life are simply being repeatedly cautioned and given PINs, or action is simply not taken against them.

My hon. Friend the Member for Totnes pointed to the fact that there has been a huge increase in the registration of stalking cases, and that is welcome. It suggests that the police are now taking this more seriously. I hope that creating this new tool for the police in the form of the stalking protection order will help to solve the problem. The sanctions that it will create will help to stop stalkers whose behaviour is escalating, and the prohibitions it creates will help victims to live without fear. My hon. Friend the Member for Cheltenham (Alex Chalk) made a powerful speech in which he talked about "murder in slow motion", and about the fact that cases can go on for years and years.

This is a hugely important new instrument, and I hope that, as well as providing these direct benefits, its introduction will be a catalyst for the police to improve

their handling of stalking cases more generally. A report published last year by Her Majesty's inspectorate of constabulary and the Crown Prosecution Service found that people who had suffered repeated harassment or stalking were frequently being let down by under-recording, by inconsistent services and by a lack of understanding in the criminal justice system.

In one of the most powerful parts of the speech made by my hon. Friend the Member for Cheltenham, he described why these cases are so hard to tackle, and how something that can start off seeming slightly unsettling can shade off into something more sinister and then become more and more worrying. At what point do the police, who are busy all the time, take action? That is why this is such an important piece of legislation, and I hope that it will trigger police forces to review how they handle stalking and to start following the best practice guidance set out by the charity Paladin. This is a hugely important piece of legislation. It is not the end of the story, by any stretch of the imagination, but the flexibility the Bill creates will allow stalking protection orders to be useful in a wide variety of circumstances. It will improve lives and I hope that it will save lives. I support it in the strongest possible way.

11.21 am

Chris Philp: It is a great pleasure, as always, to follow my hon. Friend the Member for Harborough (Neil O'Brien). Let me join other hon. and right hon. Members in extending my warm congratulations and thanks to my hon. Friend the Member for Totnes (Dr Wollaston), who has conceived the Bill and steered it so expertly through the various stages of the legislative process. She does the whole country a great service in the work that she has done, and I am sure that all Members across the House are grateful to her for her hard work and for the expertise and dexterity that she has brought to bear in bringing this legislation almost to its final stage.

Luciana Berger: I was not going to make my own contribution today, but I should like to echo what the hon. Gentleman has just said about the cross-party spirit in which the Bill has been brought forward. It is also no mean feat to get a private Member's Bill passed. We all know colleagues on both sides of the House who have secured their place through the ballot and presented a Bill to the House but who have not secured cross-party or Government support. I congratulate the hon. Member for Totnes (Dr Wollaston) on the fact that we are here today supporting this Bill, and I look forward to its making progress and being passed.

Chris Philp: I strongly agree with the hon. Lady's comments. The House of Commons is at its best when we come together and find cross-party consensus on these issues. This is often evident only on a Friday when private Members' Bills such as this are being debated. Perhaps it would be better if we could find similar common ground on other days of the week. Who knows, maybe we will do so in due course.

My hon. Friend's Bill fills a lacuna in the current legislative framework. My hon. Friend the Member for Cheltenham (Alex Chalk) laid this out with his characteristic forensic attention to detail during his speech on Report a short while ago. He made it clear, very powerfully, that the tools available are not adequate to deal with this

[Chris Philp]

particular category of emerging stalking that we are addressing today. For example, the measure of taking out an injunction in the civil court is extremely complicated and expensive, so it is unreasonable to expect a victim of stalking to have to take out their own injunction in the county court or the High Court. Restraining orders generally follow conviction, or at the very least they follow court proceedings, so that occurs only when the problem has become so serious that the threshold of criminality has clearly been crossed and, generally speaking, adjudicated on by a criminal court. Bail conditions only follow arrest. So the measures of restraining orders and bail conditions cannot be used at an early stage in the pattern of offending. That is why the measure that we are debating today is so welcome; it gives victims protection at a very early stage in the process of the offending behaviour.

In the consultation that the Government ran on this legislation, 69% of respondents felt that the current legislative arrangements were inadequate and that something more was required. There is no question but that these stalking protection orders will fill the gap identified by those respondents. The gap is powerfully illustrated by a conviction that was handed down yesterday by the Crown Court in Hove in Sussex. The defendant who was convicted was in fact a resident of my borough, Croydon, and unusually it was a female defendant. Most defendants in these cases are male. This defendant, Lina Tantash, aged 44, is a resident of Croydon and she was jailed yesterday for four years for stalking offences that had carried on over a period of 10 years. The conviction applied to three of those years. She had persistently harassed and stalked the victim by turning up unexpectedly at his place of work—even turning up at his office Christmas party—by making thousands of phone calls and by offering money to his colleagues to provide his personal mobile phone number. Eventually, the victim had to leave the country.

This was a serious pattern of behaviour that took place over many years. When the sentence was handed down yesterday, it was accompanied by a restraining order to prevent any repeat of the offence, but by then it was far too late. Had this legislation been in place some years ago, it would have been open to the victim to go to the police and ask them to seek a stalking protection order. That would have prevented the offending from getting to that serious stage and it would probably have prevented the need for a criminal conviction. It would have protected the victim, but in a sense it would also have protected the perpetrator, because they would never have reached the point of facing a four-year prison sentence. This legislation would have benefited both the victim and the stalker, because it would have prevented the stalker from ending up with a criminal conviction. One of the most powerful elements of this proposal is that it can prevent the offending from escalating in a way that is damaging to everyone.

Mr Sheerman: I have listened attentively to what the hon. Gentleman has said about that specific case. I served on the original stalking commission. Stalking is wrong, and it is women who are affected in a huge proportion of cases. Does he not think that this country should have some sort of universal Bill of Rights for women to be free of violence? We need to guarantee

that women can be free from the fear of violence, whatever their ethnicity and whatever part of the country they come from.

Chris Philp: The hon. Gentleman is quite right to point out that the vast majority of victims of these terrible crimes are women. He is also right say that we should ensure that women from all backgrounds are protected. He made reference to a Bill of Rights that was gender-specific, but I believe that rights are universal and that they should be enjoyed by people regardless of their gender or race. However, his objective—that women should be completely protected—is one that I wholeheartedly agree with.

Mr Sheerman: I made a speech in Westminster Hall in 2009 about what I knew to be going on in the gangs working across our cities who were preying on women and on children in care. At that time, the police were saying to me, “Well, guv, it’s difficult. It’s expensive. And in their culture, certain things are acceptable.” No violence against women is acceptable in my book.

Chris Philp: The hon. Gentleman is absolutely right. There can be no excuses, based on cultural background or anything else, for the mistreatment of women in any way, whether that is stalking, forced marriage or female genital mutilation. All those things, and others, are abhorrent. No woman of any age or of any ethnic background should experience them, and categorically cultural background is no excuse; it does not make it okay.

Victoria Atkins: Hear, hear.

Chris Philp: Members on both sides of the House—and I hear agreement coming from the Government Front Bench—should all make it clear that it is totally unacceptable. There can be no excuses, and there can be no tolerance for these kinds of offences on any grounds at all. I am at one with the sentiments of the hon. Member for Huddersfield (Mr Sheerman).

The hon. Gentleman also mentioned the prevalence of these offences. Indeed, there were 1,000 reported cases of stalking in London in 2017, and there may, of course, be many more that were not reported. There were a further 12,000 cases of harassment. This clearly is a wide-scale problem, and the police need to focus on it.

I am pleased to hear that the Metropolitan police—I am a London MP, so I pay particular attention to the Met—have recently set up a stalking unit, but that unit has only eight officers. Clearly, if there are 1,000 stalking offences being reported, eight officers strikes me as quite a small number. I encourage the Metropolitan police to consider increasing the size of its stalking unit, bearing in mind the scale of the problem.

This is an excellent and welcome Bill. Its provisions should in no way deter the police or the Crown Prosecution Service from pursuing prosecutions where they find evidence of criminal behaviour. This does not replace criminal sanctions; it is an additional tool that should be used at a very early stage in the pattern of behaviour.

Clause 12 provides for the Secretary of State to issue guidelines suggesting to the police how and when these powers might be exercised. It is important that the

police are proactive in this area and that, when a victim comes to the police, they respond energetically and proactively. Those guidelines are important to making sure that police forces across the country actually use these powers. This worries me sometimes. We pass legislation in this Chamber on all kinds of topics, but legislation is impotent and ineffective unless it is used and implemented by the public bodies it empowers. In this example, it is critical that the police actually use this legislation when they are approached by victims, and the House should keep a close eye on it to make sure that, once this legislation becomes active, it is used by police forces across the country.

Mr Sheerman: A chief constable told a group of us only two weeks ago that the Crown Prosecution Service is very restricted in resources at the moment in taking cases forward. That was the police saying, “We can’t get the action because the CPS is in that position.” The budgetary concerns are broader than just the police.

Chris Philp: I thank the hon. Gentleman for putting that concern on record. As we go through the comprehensive spending review next year, laying out departmental spending limits for the four or five years to come, it will be a good opportunity for Members on both sides of the House to make submissions to the Treasury on such issues to make sure that the resources are in place to enable the CPS and the police to prosecute people, as appropriate.

My last observation, in passing, is that I notice there is no formal definition of stalking in the Bill or in the interpretations at the end. When stalking is referred to, it is with a lower-case s. Stalking does not seem to be formally defined. I consulted my hon. Friend the Member for Cheltenham, who drew my attention to the Protection from Harassment Act 1997, which lists some examples of stalking behaviour, but again it does not provide a precise definition. I wonder whether at some point, in future legislation, it might be worth our creating a more formal definition of what constitutes stalking to help police forces and the CPS in their work.

This is an excellent Bill and, again, I congratulate my hon. Friend the Member for Totnes on her fantastic work, her legislative dexterity and her perseverance in getting this Bill to Third Reading. The Bill fills an important gap in our current legislative framework. I am delighted to give it my enthusiastic and vocal support and, if necessary, to support it in the Lobby.

11.34 am

Luke Graham (Ochil and South Perthshire) (Con): I congratulate my hon. Friend the Member for Totnes (Dr Wollaston) on bringing this important Bill to this advanced stage. My only disappointment is that, in its current form, it does not apply to Scotland.

In Scotland stalking is covered under the Criminal Justice and Licensing (Scotland) Act 2010, section 39 of which includes some of the measures we discussed this morning. Section 39 specifically mentions conduct, especially the different kinds and modern forms of stalking. The conduct defined in that Act includes: following someone; contacting or attempting to contact them by any means; publishing material relating to, purporting to relate to or purporting to originate from them; monitoring their use of electronic communication;

entering premises; loitering in any place; interfering with their property; watching or spying on them; or acting in another way that a reasonable person would expect to cause the victim to experience or suffer fear or alarm.

The 2010 Act has no provision for a stalking protection order, which my hon. Friend seeks to introduce today. If the Bill is successful, we can work with colleagues in the Scottish Parliament to make sure there is equality of law and equality of the protection of rights across the United Kingdom.

This truly is a British problem. In 2017-18 there were 1,376 reported cases of stalking in Scotland, up from 495 in 2011-12—a 170% increase in the incidence of stalking. I know from the personal experience of constituents coming to my office that geography is no hindrance to such crimes, and it is important that, across the United Kingdom, our citizens have the same rights and protections.

My hon. Friend the Member for Torbay (Kevin Foster) spoke on Report about the British Transport police—an issue that has been a bone of contention back home and has been debated here and elsewhere. It is particularly important that these powers include the British Transport police, because these crimes have no respect for geography. He accurately highlighted that busy commuter trains and other forms of transport are where individuals can be at the greatest risk, especially in this day and age when a mobile phone can be used to take a picture or a video of someone sitting on a train, reading a paper in a tube carriage or doing anything else on public transport. That is another realm of risk, and many years ago, or even in the 2010 Act, we would not have appreciated the current extent of that risk. Including the British Transport police and making sure we have a co-ordinated and joined-up approach across the United Kingdom are both important.

Many Members have spoken today about their experiences as Members of Parliament, and about the experiences of their constituents. A number of constituents have approached me with varying degrees of relationship and other issues, and whether they go to the civil courts or cross over to the criminal courts, it is important that such personal and individual matters are given the right expression and protection in this place.

Individuals can be affected in incredibly negative ways when what originally seems to be innocent following turns a lot more malicious. It is important to make sure that the protections are there for these individuals, which is why I started my speech by talking about the different forms of conduct. It is important that we consider the breadth of conduct.

Bob Stewart (Beckenham) (Con): I listened carefully to my hon. Friend the Member for Croydon South (Chris Philp), who talked about a definition of stalking. My hon. Friend the Member for Ochil and South Perthshire (Luke Graham) has just raised that matter again. The real problem sometimes is that what seems innocuous to most people preys on the mind of the person who is being stalked, so a little thing that we may think is nothing actually has a huge impact. That is one of the problems of defining stalking.

Luke Graham: I thank my hon. Friend, who makes, as always, a very wise contribution that is very welcome. As I was saying, it is important that we protect these individual rights and make sure that, no matter how

[*Luke Graham*]

seemingly innocent these actions are, people have the right protection so that the experience is right for them because it is about their own fear of harm and harassment.

I welcome the provisions to extend this to the British Transport Police and to make sure that the protections for individuals are there. I hope that, if my hon. Friend the Member for Totnes is successful with the Bill, she will work with colleagues in the Scottish Parliament as well to make sure that we have equal rights across our United Kingdom.

11.40 am

Eddie Hughes (Walsall North) (Con): It is a pleasure to follow my hon. Friend the Member for Ochil and South Perthshire (*Luke Graham*). Although this Bill does not apply to Scotland, it is great to see representation for Scotland in the debate—and eloquent representation it was, too.

It is a pleasure to join other Members in supporting my hon. Friend the Member for Totnes (*Dr Wollaston*). Sometimes, I feel, we do not agree on other subjects, so it is excellent to be able to contribute to a debate in which we are perfectly aligned, the alignment being not just on our side of the Chamber but on both sides.

We have heard some excellent legal minds give their insightful view on this Bill, so I want to adopt a slightly different approach and use the latitude that is sometimes afforded to us on Fridays to give a public information broadcast. First, anybody who is at risk of stalking, experiences stalking or has family members who are being stalked should contact the national stalking helpline on 0808 802 0300. That line is run by the *Suzy Lamplugh Trust*. The interesting thing about it is that it is a freephone number from landlines, but it also free from a number of mobile service providers. Also, the number will not show up on someone's phone bill if they are phoning from a BT line, which might be important for some people who are concerned about stalking and do not want information to be shown on their telephone bill.

The *Suzy Lamplugh Trust* is a great source of information on stalking. Let us just briefly remember why the trust was set up. *Suzy Lamplugh* was 25 years old in 1986 when she disappeared, and her parents, *Paul* and *Diana*, set up the trust to provide incredible support to people who are victims of the type of terrible tragedy that they have experienced and to others who are victims of stalking. The trust receives money from the tampon tax fund, from which the Government contribute approximately £15 million a year, using money taken from VAT on sanitary products to support organisations that provide support for disadvantaged women. The trust is one of a number of organisations that that supports. It is a fantastic charity. *Suzy Lamplugh* was very tragically in the news most recently because police excavated the site of *John Cannan's* mother's house to try to finally find evidence to attribute the crime to him.

The trust is not the only charity that provides support in this field. In preparation for this debate, I also came across the *Hollie Gazzard Trust*. Last night, I tried to download the *Hollie Guard* app, which I thought I might be able to utilise to offer some feedback to the House on its efficacy or otherwise. Unfortunately, it is necessary to register to use the app and I am still

awaiting notification that I can be registered as a user. However, I believe that it provides a valuable tool. If someone is walking home and feels that they might be vulnerable, the app enables them to register their start and final destination. It will track their progress and, if they do not arrive at that destination within a prescribed time, it can alert people they have predetermined from the contacts in their phone. It can also turn the phone into an alarm so that it gives out a high-pitched noise and the torch comes on as well to attract attention.

Alex Chalk: I am grateful to my hon. Friend for doing the research and finding out about that. I know *Nick* and *Mandy Gazzard*, the parents of *Hollie Gazzard*, and they will be absolutely thrilled to hear that he has, first, researched it, and secondly, accurately identified precisely what it does. Good for him—I am very grateful.

Eddie Hughes: I thank my hon. Friend for his intervention. I would like to further endorse the work of *Nick Gazzard*. In December last year, *West Midlands* police operated a Facebook page where people could type in comments if they had concerns about stalking, and *Nick* was responding to those comments with *Detective Inspector Jenny Bean* from *West Midlands* police. He is doing incredibly valuable work and supporting people, following the terribly tragic circumstances of his daughter's death in February 2014. The joint report by Her Majesty's inspectorate of constabulary and the *CPS* inspectorate identified 112 stalking cases that were not dealt with correctly, and in 60% of cases a risk assessment was not prepared. Clearly there is some work to do, but it certainly sounds as though *West Midlands* police are doing their best to make sure that they address this.

I would also like to mention *Black Country Women's Aid*, which set up a stalking support service in January this year, also funded by the tampon tax fund. I thank *Lorraine Garratley* for her support and the information that she has provided me with in preparing for this debate. The group provides support for women and young girls over the age of 13 to help them through this difficult experience.

Again, I thank my hon. Friend the Member for Totnes. I completely endorse this Bill.

11.46 am

Nigel Huddleston: I, like every Member in this House today, thank my hon. Friend the Member for Totnes (*Dr Wollaston*) for bringing forward this Bill. I pay tribute to the work done by the Ministers, officials and many people across both sides of the House in making sure that this happens. I look forward to voting in favour of the Bill in a short while.

As I said on Report, stalking is an abhorrent behaviour, and its victims often suffer devastating consequences that should not be underestimated. It has widespread ramifications for the victim. It not only severely impacts their mental state but can affect their careers, their relationships, and so many other things. The relentless nature of stalking, often over a period of many years, can leave the victims feeling absolutely helpless. This is exacerbated by the high threshold that must be met under the current regime for police to be able to intervene. There are many improvements in this Bill that will change things substantially.

Stalking is commonly misunderstood. Reporting unsolicited advances or a bombardment of messages can seem trivial if not considered as part of an overall pattern of harassing behaviour. Some victims have said that they were made to feel as though they were overreacting, or even wasting valuable police time, when trying to report their experiences. As one constituent of mine said about their own experiences of being stalked: “No one considers me seriously. There is no emergency but I am living with things that I simply should not have to live with.”

We should also remember that stalking can be a gateway to other criminal behaviour and often escalates, sometimes to the point of rape and murder. I welcome the fact that this Bill makes it clear that, where the police are empowered to apply for a stalking protection order on the basis that it is necessary to protect a person from risk, this risk can be of either physical or psychological harm. The risk element is key. Much progress has been made on the reporting of stalking offences over the past few years, but much more needs to be done. Although the number of recorded stalking offences has trebled in England and Wales since 2014, prosecution rates have significantly declined. It is clear that there is a gap in the law and the powers available to the police are not sufficient to tackle stalking in its various forms. As my hon. Friend the Member for Totnes said, an astonishing one in five women and one in 10 men have experienced stalking behaviour in their lives, and this Bill will help police effectively to address the huge volume of cases that have not become criminal but are nevertheless emotionally traumatic for the victim.

Bob Stewart: Does my hon. Friend have any idea why there has been a trebling in the amount of stalking in England and Wales?

Nigel Huddleston: I suspect that there is a problem between the stalking and the reporting of it and, in some ways, a higher level of reporting is a good thing because it means that more people are coming forward with their concerns. I do not think we will ever be able to get a fully accurate record because there will always be situations and circumstances where some people, for whatever reason, do not wish to report.

Bob Stewart: People are just coming forward more.

Nigel Huddleston: Yes, but the more willingness to report there is, the better.

Mr Sheerman: Three or four years ago, the stalking commission looked at this issue. Anonymity and social media are very much at the heart of this, as there is this wicked ability for people to insinuate themselves into someone else’s life anonymously through social media. The people who run social media have a lot to answer for.

Nigel Huddleston: The hon. Gentleman is making a valid point, and I certainly hope that the online harms White Paper, which will be coming out before the end of winter, will address some of these issues, too. I understand that the White Paper is being produced jointly by the Department for Digital, Culture, Media and Sport and the Home Office, and I am sure this will be much debated again. The social media companies have a lot of power and a lot of responsibilities, but they have to take those responsibilities seriously.

I spoke earlier about the dangers of stranger stalking and I will not repeat those comments now. I just want to say in conclusion that this Bill sends a clear message that stalking is a crime that the Government take seriously and that all of us in Parliament take seriously. It has a devastating impact on people’s lives, and I fully support all the measures in the Bill.

11.51 am

Victoria Atkins: I, too, congratulate my hon. Friend the Member for Totnes (Dr Wollaston) on successfully steering this important Bill through the House. May I also take this moment to pay tribute to my hon. Friends the Members for Cheltenham (Alex Chalk) and for Gloucester (Richard Graham), both of whom have done so much work over the past few years to ensure that those who are convicted of the terrible offence of stalking meet the justice they deserve? My thanks also go to Conservative colleagues, and to colleagues from across the House, many of whom speak to me quietly behind the scenes about cases that concern them and that their constituents have suffered. Those Members know who they are, and I thank each and every one of them for their help.

Stalking is a terrible crime that still affects literally millions of people and often makes their lives a misery. The title of last year’s inspection report, “Living in fear”, sums up well what it feels to be as a victim of stalking. I am proud of the actions that this Government and their predecessors have taken to reduce that fear, from the original Protection from Harassment Act 1997—we heard from the hon. Member for Huddersfield (Mr Sheerman) about the role he played in that—to introducing the specific stalking offences in 2012 and the funding we have given to the excellent national stalking helpline.

At this point, may I just thank my hon. Friend the Member for Walsall North (Eddie Hughes) for his speech, which was public service broadcasting at its best? He made the important point that there is help available, albeit we sometimes need to search for it, and that is something that I have very much taken away with me. That helpline has helped almost 14,000 callers since 2010, as the shadow Minister said, and 94% of those callers say that they feel better about their situation immediately after making contact with that helpline. There is clearly a need, and the helpline is playing a huge role in helping victims.

Other projects are going on across the country to deliver innovative solutions to tackle this terrible crime. The Metropolitan Police Service, in partnership with the Suzy Lamplugh Trust, has received more than £4 million from the police transformation fund for a multi-agency stalking interventions programme to share best practice and learning on developing interventions to tackle stalking. Northumbria has received more than £600,000 under the violence against women and girls service transformation fund for the Northumbria Building Capability project, which includes a specific project on cyber-stalking. Several projects to tackle stalking are funded through the tampon tax fund, including the Suzy Lamplugh Trust, which has received money to scale up its casework support service for women who are being stalked. My hon. Friend the Member for Walsall North mentioned Black Country Women’s Aid, which has received more

[Victoria Atkins]

than £200,000 to pilot the first specialist support service for victims of stalking across the Black country area and to conduct research on stalking.

Mr Sheerman: The hon. Member for Walsall North (Eddie Hughes), with whom I work on other campaigns, made a brilliant public service broadcast, but one thing he missed out was saying that when people are in trouble with stalking, MPs can help. MPs and our staff are very skilled at helping—we know about stuff—so please let us not underrate the job that MPs can do.

Victoria Atkins: I very much agree. Cross-party co-operation really can and must happen on such issues. The hon. Gentleman is absolutely right to say that Members of Parliament can do a great deal to help, and I thank him for his work on this topic.

A project called YOU Trust is another example of work to help to tackle stalking specifically. It provides a victim support service to women who experience stalking, risk assessing all cases and delivering solutions appropriate to that risk. We are working closely with the police, the Crown Prosecution Service and other partners to raise awareness of stalking and to ensure that appropriate guidance and training are in place. Colleagues have been right to express concerns about the initial response of some police forces—although not all, by any means. It is right that we focus on the training offered to the police and ensure that their conduct is examined in inspections. That is why the findings of last year's joint inspection report are so important. They are being addressed through a national oversight group chaired by my right hon. Friend the Home Secretary, and the action includes revising the legal guidance on stalking and harassment and delivering updated mandatory training for prosecutors. [Interruption.] Sorry—would somebody like to intervene?

Mr Sheerman *rose*—

Madam Deputy Speaker (Dame Rosie Winterton): Order. I do not think there was an intervention.

Mr Sheerman: May I apologise to the Minister? A very good friend and colleague, my hon. Friend the Member for Cardiff West (Kevin Brennan), was just passing and said, “You're the first man to wear a roll-neck sweater in the Chamber.” It was a terrible diversion from the Minister's good speech.

Victoria Atkins: I do not know quite how to respond to that, so I shall move on quickly.

The 2017-18 performance data indicated that joint police and CPS work to take forward more prosecutions for stalking rather than harassment, when that is the right course, had a positive impact. I listened carefully to the observations of my hon. Friend the Member for Croydon South (Chris Philp), who quite rightly made the point that stalking protection orders are in addition to the ability to prosecute, not instead of it. He asked about putting a definition of stalking into the Bill or the underlying 1997 Act. As he rightly said, there is a checklist of behaviours in that Act, but we are conscious that types of stalking behaviour can change. Indeed, in 1997, when that Act was passed, cyber-stalking was unheard of—it simply did not happen. Sadly, time has

shown that nowadays it can and does happen. I hope that the list of examples helps not only my hon. Friend but practitioners on the ground to understand what can fall into the category of stalking behaviour.

I acknowledge the observations of my hon. Friends the Members for Ochil and South Perthshire (Luke Graham) and for Torbay (Kevin Foster), who both referred to the breadth of practices in stalking behaviour. Indeed, my hon. Friend the Member for Torbay mentioned specifically conduct against people's political and religious beliefs, which was of course a very valid point.

At this point, may I also thank the hon. Member for Liverpool, Wavertree (Luciana Berger), who is no longer in the Chamber? I look forward to joining her on Monday in this place for a day of commemoration and solidarity against those who continue to behave disgracefully towards Jewish people and to give support to the Jewish community.

Bambos Charalambous (Enfield, Southgate) (Lab): I just want to put it on record that there is cross-party support for this excellent Bill. I also congratulate the hon. Member for Totnes (Dr Wollaston) on introducing it.

The Minister mentioned behaviour. Surely one thing that we should be looking at is educating people about the behaviour that leads to stalking. Does she have any thoughts about what can be done to educate people to stop them stalking in the first place?

Victoria Atkins: Very much so, and I am grateful to the hon. Gentleman for his intervention. Again, I am happy to acknowledge the work, co-operation and collaboration on the Bill of Members across the House, for which I thank them. There are a number of projects, some of which I have already referred to, including in London with the Suzy Lampugh Trust, to help to intervene with perpetrators as well as to support victims. I hope that one of the most exciting aspects of the Bill is the potential for positive as well as negative requirements under the orders, such as requiring the perpetrator to seek mental health treatment if that is appropriate. I hope that the orders will bring about innovative thinking that is very specific to the person against whom the order is applied to help them to tackle their behaviour so that they do not continue to offend.

We all acknowledge that there has been a gap in the system, as was revealed in the public consultation in 2016, particularly around how to bring security to victims in the early stages of so-called stranger stalking. Early intervention is always important when tackling crime, but it is fundamentally so in the case of stalking, when apparently innocuous behaviour can often escalate into something more sinister, as hon. Members have been very good at describing today. I am delighted that this Bill will plug that gap and provide additional security to victims.

These orders will be a vital tool that the police can use to protect victims and to control the behaviour of perpetrators. As has been noted, one of their greatest virtues is their flexibility, permitting positive and negative requirements that will help to stop perpetrators from behaving as they have been. Of course, the ultimate sanction is available through criminal sanctions should people breach the terms of these orders.

Stalking can have devastating effects for women and girls; indeed, it can for men and boys as well, but we know from the evidence that the vast majority of victims

are female. This measure will, I hope, be passed by the House just two days before the International Day for the Elimination of Violence against Women, which is on Sunday.

The Government are carrying out a whole raft of work on tackling violence against women and girls, not least by refreshing the VAWG strategy alongside introducing the draft Domestic Abuse Bill, which I hope to bring to this House before not too long.

I must finish by thanking my hon. Friend the Member for Totnes for introducing the Bill, the officials who have advised me and who have worked so hard on the Bill, and hon. Members across the House for their help with the Bill, including those who served on the Bill Committee.

I finish by reflecting on the people whom this Bill seeks to protect: the victims of stalking and their families. My hon. Friends the Members for Totnes, for Harborough (Neil O'Brien), for Cheltenham and for Walsall North, as well as other Members, referred to families who have lost loved ones as a result of stalking. I have had the privilege of meeting Mr and Mrs Ruggles, Mr Gazzard and others during the passage of the Bill and through our work more generally on stalking and harassment in the Home Office. This Bill is for them. It is to protect their families, their friends, their work colleagues and so on, and it is about trying to ensure that the terrible, terrible cases of stalking that we have heard just a little about today do not happen in future, and that we keep the victims of stalking safe.

12.4 pm

Dr Wollaston: I thank the Minister, her officials and Members on both sides of the House. This debate has shown Parliament at its best. I look forward to the Bill making progress in the other place, and I thank Baroness Bertin for taking it forward.

Question put and agreed to.

Bill accordingly read the Third time and passed.

Parking (Code of Practice) Bill

Consideration of Bill, not amended in the Public Bill Committee

Madam Deputy Speaker (Dame Rosie Winterton): I inform the House that the Scottish Parliament has approved a legislative consent resolution relating to the Bill, which is available in the Vote Office.

New Clause 1

APPEALS AGAINST PARKING CHARGES

(1) This section applies if the parking code contains guidance recommending that all parking appeals are dealt with by a single person who is independent of persons providing private parking facilities.

(2) The Secretary of State may, for the purpose of enabling or facilitating persons to act in accordance with that guidance, enter into an agreement with any person who appears to the Secretary of State to be so independent for that person to deal with parking appeals.

(3) An agreement under this section may provide—

- (a) for payments to be made by the Secretary of State in respect of dealing with parking appeals;
- (b) for the person to have power to charge fees, payable by persons providing private parking facilities, for dealing with parking appeals;
- (c) for the maximum amount of any fee chargeable by virtue of paragraph (b).

(4) A person authorised by an agreement under this section to deal with parking appeals may not authorise any other person to perform that function.

(5) In this section “parking appeals” means appeals against parking charges imposed by, or on behalf of, persons providing private parking facilities.—(*Sir Greg Knight.*)

The new clause provides that, if the parking code recommends that all appeals against parking charges are dealt with by a single independent person, the Secretary of State may enter into an agreement with such a person for that person to deal with appeals against parking charges.

12.5 pm

Brought up, and read the First time.

Sir Greg Knight (East Yorkshire) (Con): I beg to move, That the clause be read a Second time.

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

Amendment 7, in clause 1, page 1, line 3, after “State” insert “within twelve months of the day on which this Act is passed.”

Amendment 8, page 1, line 3, after “must” insert “use his best endeavour to.”

Amendment 1, in clause 6, page 3, line 14, leave out from “may” to “functions” in line 20 and insert “—

- (a) enter into an agreement with a public authority authorising the authority to perform any functions of the Secretary of State under sections 1 to 4 (other than the function of laying a code or alteration before Parliament);
- (b) enter into an agreement with a person authorising that person to perform any”

This amendment enables the Secretary of State to delegate functions relating to the investigation of breaches of the parking code to bodies that are not public authorities.

[Madam Deputy Speaker]

Amendment 2, page 3, line 28, leave out “public authority which is” and insert “person”

This amendment is consequential on Amendment 1.

Amendment 3, page 3, line 34, leave out “the final version of”

See the explanatory statement for Amendment 5.

Amendment 4, page 3, line 35, at end insert “for approval”

See the explanatory statement for Amendment 5.

Amendment 5, page 3, line 36, leave out “The” and insert “Once the Secretary of State has approved the code or alteration, the”

Amendments 3 to 5 make clear that, where the Secretary of State has delegated the function of preparing the parking code, the Secretary of State must approve the final version of the parking code (or any alteration to it) before it is laid before Parliament.

Amendment 6, in clause 7, page 4, line 3, at end insert—

“(o) where the Secretary of State has entered into an agreement with a person under section (Appeals against parking charges) (appeals against parking charges), the establishment and maintenance by the person of a service for dealing with parking appeals (within the meaning of that section).”

The effect of this amendment is that, where the Secretary of State enters into an agreement with a person for the person to deal with appeals against parking charges (see NCI), the costs of establishing and maintaining that parking appeals service may be defrayed out of the proceeds of the levy imposed on accredited parking associations.

Amendment 9, in clause 11, page 6, line 29, leave out from “force” to the end of line 30 and insert “two months after the day on which this Act is passed.”

Amendment 10, page 6, line 31, leave out subsection (3).

Sir Greg Knight: Following previous stages of our consideration of the Bill, and having received a number of representations, it is apparent to me that it can and should be strengthened further. One point of concern that has been raised, including by the hon. Member for Cardiff South and Penarth (Stephen Doughty) and my hon. Friend the hon. Member for Dudley South (Mike Wood), relates to the appeals services available to motorists. Currently, when a motorist receives a ticket, they must first go to the parking operator to challenge it. If the challenge is rejected, they may go on to an appeals service provided by whichever accredited trade association the parking operator is a member of. Parking on Private Land Appeals and the Independent Appeals Service are the appeals services of the British Parking Association and the International Parking Community respectively. However, POPLA does not operate in Scotland, so motorists who receive parking tickets from British Parking Association operators in Scotland are denied an independent appeals service entirely, which I do not think is right.

The Bill provides an opportunity to raise the standards of the private parking industry and create more consistency in the process. My amendments would expand that opportunity, providing the Secretary of State with the power to appoint a single appeals service for the whole industry, providing greater consistency for motorists in

England, Scotland and Wales, as they would know exactly where to go when they want to appeal a private parking ticket.

Michael Tomlinson (Mid Dorset and North Poole) (Con): May I be the first to congratulate my right hon. Friend on piloting his Bill thus far? Many of our constituents who are caught up in these schemes are among the most vulnerable. Will he reassure my constituents who have been caught up in the past that in future they will be able to go through a much clearer and more straightforward process?

Sir Greg Knight: I am happy to give that assurance and to confirm that the appeals process will be free of charge.

The new clause and amendment 6 are the substantive amendments and would allow the Secretary of State to appoint a single appeals service for the private parking industry. They would also amend the proposed levy powers in order to use the levy to cover the costs of establishing and maintaining such an appeals service. Amendments 1 to 5, which also stand in my name, are largely technical and would amend the Bill to allow the Government flexibility to delegate their functions for investigating breaches of the code. They would also ensure that, where the Secretary of State has delegated the function of preparing the code of practice, they must still approve the final version of the parking code.

The current provisions mean that the Minister can delegate only to a public authority, but my amendments would allow the delegation of the investigatory function to private bodies. That would allow subject matter experts from private industry to conduct the function, thus offering a greater range of options and value for money. Lastly, my final amendments cover where the Secretary of State has delegated the code of practice, as I have said, but is still required to give final approval to it. I commend my new clause and amendments to the House.

Andrew Gwynne (Denton and Reddish) (Lab): I commend the right hon. Member for East Yorkshire (Sir Greg Knight) for his Bill and for the very sensible amendments that he has brought before the House. I assure him that I am not going to speak at length. I rise at this stage just to congratulate him and to assure him that he has the full support of Her Majesty’s Opposition.

Sir Christopher Chope (Christchurch) (Con): May I address some remarks to the amendments in my name, particularly amendments 7 and 8 to clause 1? Like everybody else in the Chamber, I think this is a really good piece of legislation, but it is dependent on the good will of the Government to ensure that something actually happens.

Too often, we pass legislation in this House, and months or years later we find that nothing much has happened as far as the Government are concerned. I give as an example the primary legislation passed in this House to limit public sector exit payments to £95,000. That was contained in the Enterprise Act 2016. The Government have still not implemented that provision. Despite promises more than a year ago that they were about to bring forward regulations, they have not even fulfilled those promises. The most recent information I

have is that there will be a write-round before Christmas, and then they may have a consultation on the regulations next year. When the Government say, “Yes, we’re definitely going to do something about this”, as they did when that law was passed, there is quite often a gap between what is said and the reality.

It is against that background that I am seeking, in amendments 7 and 8, to tighten up the requirements on the Government to bring forward the code of practice. Currently, all the Bill says is:

“The Secretary of State must prepare a code of practice containing guidance”.

However, he may not prepare that code of practice for many months or many years, and we should learn from past mistakes.

Sir Greg Knight: May I just say to my hon. Friend that so far, throughout this whole process, I have found the Government very helpful, with no sign of procrastination? Indeed, they have been very astute in already seeking views and starting the consultation process, with a working group looking at some of these aspects. I am certain his fears are unfounded.

Sir Christopher Chope: I hope that is so. One way of establishing that my right hon. Friend is right would be if the Government readily accept amendments 7 and 8. Doing so would reinforce the good will of the Government in ensuring that they will bring forward their parking code in good time.

Bob Stewart (Beckenham) (Con): A time limit could be put into the legislation so that by such a time this should be done.

Sir Christopher Chope: That is exactly the purpose of my amendments.

Amendment 7 would insert, in the first line of clause 1, that the Secretary of State, “within twelve months of the day on which this Act is passed”, must prepare a code of practice. That is pretty clear in bringing in a time limit and a requirement. I hope the Minister will be able to give an undertaking that the Government will bring forward a code of practice within 12 months. Some people may be impatient and say that they want it sooner, but under the terms of the Bill the Government have to consult before producing a code of practice, so I think it is reasonable to allow a period for the code of practice to be drawn up and consulted on.

If that amendment goes too far and is too extreme for the Government, amendment 8 is a modification as it would mean that the Secretary of State must “use his best endeavour” to prepare a code of practice. I do not know whether the Minister will say that those words are a meaningless addition, or that they would impose too tight a legal requirement on the Secretary of State.

12.15 pm

Michael Tomlinson: As always, my hon. Friend and neighbour considers these matters carefully, and I am listening carefully to his proposals. Given that the Bill’s sponsor has received reassurance on this point, surely the phrase “best endeavour” would be otiose, because the Government and the excellent Minister have said that these things will be brought forward. We simply do not need those words.

Sir Christopher Chope: My hon. Friend makes a perfectly fair point, and I have tabled the amendment as a fall-back position—[*Interruption.*] Not a backstop, no. The amendment is a fall-back in case the Government do not accept amendment 7.

Sir Greg Knight: May I say gently to my hon. Friend that if his amendments are accepted, they may cause some difficulty? If the Bill becomes law, the Government will need to go through a procurement process, which will take several months. The arbitrary time limit that he seeks to impose might mean that that procurement process could not properly take place.

Sir Christopher Chope: With the greatest respect, perhaps my right hon. Friend’s point is relevant to my other amendments that relate to the time the Act must be passed. I do not see how having to go through a procurement process will interfere with the code of practice, unless the Government propose to delegate the drawing up of that code to some consultant—[*Interruption.*] My right hon. Friend says that the Government might want to do that. They might also feel the need to comply with the European Union procurement directive on this matter, but that is speculation.

My right hon. Friend has been, not obsessed, but very concerned about the abuse of private parking facilities for a long time, and this is a great opportunity to get legislation on the statute book and get something done. However, I say to my right hon. and hon. Friends who have great trust in the Government, that even if the Minister does not obstruct the Bill and exercises good will, as we have seen with public sector exit payments, there can be a big gap with those good intentions. I think the whole House supported the idea of a £95,000 cap on exit payments, yet two and a half years later there is no sign of that coming into effect, and the latest projection is that it will be sometime next year.

Kevin Brennan (Cardiff West) (Lab): On amendment 7, how will the Secretary of State be judged on the requirement to “use his best endeavour” to carry this out within 12 months?

Sir Christopher Chope: That very challenging question is not dissimilar to the questions that I asked the Government and Prime Minister about what enforcement mechanism there will be to ensure that “best endeavours” as referred to in the withdrawal agreement will be implemented. In answer to a parliamentary question from me, the Minister replied on 22 November:

“The reference to best endeavours in Article 184 of the Withdrawal Agreement is a legally binding commitment that requires the United Kingdom and the EU to conduct themselves so that the negotiations on the future relationship are meaningful. It prohibits inflexible or obstructive behaviour and obliges the parties to pay reasonable regard to the interests of the other party.”

So in answer to the hon. Gentleman, that is the precedent that would be established. If he thinks that that is full of clarity, then I am sure he will be eager to support my amendment.

James Cartlidge (South Suffolk) (Con): Presumably, whether best endeavours have been followed in the Brexit negotiations is likely to capture slightly more

[James Cartlidge]

media coverage than whether best endeavours have been used in the introduction of the civil car parking code of practice.

Sir Christopher Chope: With the greatest respect, I do not understand why my hon. Friend says that. According to the Government, “best endeavours” is a legal term, so why can we not incorporate it in the Bill in the same way that it has been proposed that it should be incorporated in the EU withdrawal legislation?

Kevin Brennan: My point is that in this instance best endeavours would always be in the eye of the beholder. The hon. Gentleman does not explain, in his amendments, how Ministers could be judged on whether they had used their best endeavours and what the consequences of any such judgment would be. Therefore, as an amendment—I know he is very careful about these sorts of things—it does not survive minimal scrutiny.

Sir Christopher Chope: In my submission, if an aggrieved member of the public felt that the Government had not been using their best endeavours to bring forward the code of practice and were thereby delaying the implementation of the will of Parliament, it would be open to that person to raise the matter by way of a judicial review, so there would be an enforcement mechanism.

Alex Chalk (Cheltenham) (Con): Is this amendment not a licence to take power away from this House and put it into the courts? This House should be responsible for its own legislation. If there had been a failure of a dilatory nature from the Government, then my hon. Friend could no doubt call them to account in this House. However, ceding power to the courts to make a decision on whether best endeavours have been used seems to me to be a complete abdication of responsibility.

Sir Christopher Chope: What my hon. Friend says is interesting if one applies the analogy of best endeavours to what is being discussed in the context of article 184 of the EU withdrawal agreement. In answer to another parliamentary question, the Under-Secretary of State for Exiting the European Union, my hon. Friend the Member for Daventry (Chris Heaton-Harris) the Minister with responsibility for exiting the European Union stated: “the primary remedy would be that the party in default would be obliged to return to the negotiating table and modify its position. In the event that there was further non-compliance, remedies may be imposed under the processes established by the withdrawal agreement.”

It may be that my amendment is just as weak as article 184 of the proposed EU withdrawal agreement seems to be.

Kevin Brennan *indicated assent.*

Sir Christopher Chope: I see the hon. Gentleman is expressing his strong agreement.

Sir Greg Knight: I think my hon. Friend is seeing shadows on the wall where they do not exist. The Government have made it quite clear that they are very supportive of the Bill. If I give him an undertaking to harass the Minister and make his life a misery if I think he is dragging his feet, will my hon. Friend agree not to press his amendments?

Sir Christopher Chope: Is my right hon. Friend saying that he himself will undertake to harass the Minister? I am afraid that in the past my efforts at harassing the Government have proved manifestly unsuccessful. Of course, my right hon. Friend carries with him the distinction of being a former Deputy Chief Whip, so perhaps he has more influence than I have.

Kevin Foster (Torbay) (Con): My hon. Friend should not be so dismissive of his own impact. As he will know, I was a sponsor of the Middle Level Bill, which is now the Middle Level Act 2018. His dutiful use of the procedures of the House ensured that it was a changed Bill. We do not necessarily need this at the moment, because we can rely on him being a dutiful parliamentarian, scrutinising constantly and ensuring that the House holds the Government to account for implementing the law that is passed.

Sir Christopher Chope: Gosh, Madam Deputy Speaker, I am being flattered into submission. Perhaps this is an appropriate moment to say that the Government have also conceded on the amendment that my hon. Friend the Member for Wellingborough (Mr Bone) and I tabled saying that we need more Fridays on which to consider private Members’ Bills. That amendment has been accepted by the Government, and I understand that they are going to put forward a motion for debate on Monday that incorporates it. I can accept—

Madam Deputy Speaker (Dame Rosie Winterton): Order. It is important that we stick to the amendments in front of us rather than what might be amendments elsewhere in future debates.

Sir Christopher Chope: I shall use my best endeavours to comply with your ruling, Madam Deputy Speaker.

I think that was a useful walk around amendments 7 and 8. Let me refer briefly to the other amendments in my name, which deal with when the Bill has to be enacted. At the moment, clause 11, on the commencement, extent and short title, says that “section 8” and “any power to make regulations” will come in

“on the day on which this Act is passed”.

However, the clause also states that the

“remaining provisions of this Act come into force on such day as the Secretary of State may by regulations appoint.”

My amendment suggests that that should be two months after the day on which the Act is passed, again to ensure that the pressure is kept on the Government to bring the measures forward as quickly as possible. There is massive public demand for them, and I fear that if we do not tie the Government’s hands a bit more than the Bill does currently, we may have to rely, to a very great extent, on the muscle power of my right hon. Friend the Member for East Yorkshire. I do not really think we want to have to do that, which is why I tabled the amendments. I look forward to hearing what the Minister has to say.

Pete Wishart (Perth and North Perthshire) (SNP): I congratulate the right hon. Member for East Yorkshire (Sir Greg Knight) on his commitment to ensuring that we have parity and fairness in private parking—it is matched only by his dexterity on the drum kit and his ability to keep time in the parliamentary rock band, MP4.

This is a very fine Bill, and I will come to the code of practice on Third Reading, because it is really important that we get a better understanding of the Government's intentions on the code of practice, which is a most important feature.

I support the right hon. Gentleman on new clause 1 and the subsequent amendment. It is very important to ensure that we get clarity on the appeals process. He is right that we are not covered by POPLA in Scotland. If a car parking operator is part of the independent parking community, we can appeal to the Independent Appeals Service, but that leaves a rather big gap in the opportunities in Scotland to appeal against some of these parking restrictions.

The right hon. Gentleman will know my interest in all this. The city of Perth is totally plagued by private parking companies, making life a misery for my constituents and the many people who come to visit that beautiful city. It is important that we get the Bill done and address this issue. On appeals, a member of staff who works in my office in Perth spends a good part of his day having to deal with complaints and assist people with appeals about the operation of parking companies in my constituency. Something has to be done. The procedure is that someone can appeal against private parking operators, but they are self-regulating. It is up to them whether they take it seriously and to make a ruling and a judgment if they think it is fair—if they think the appeal should be progressed—and then to make a response to the complainant. Clearly, that course of action is unsatisfactory.

This comes down to the British Parking Association's set of regulations. It introduced POPLA in England and Wales several years ago, which, as I have said, does not cover Scotland. People can appeal to POPLA only if they have failed to secure a successful outcome in appealing to the private parking operator in the first place, and there is a £20 charge. I am glad that the right hon. Gentleman made it clear that the new independent appeals process that he outlines in the new clause will be free of charge. That is important, because I have seen some of these fines range to over £100—I think the top one I have seen, at the end of one of the very many threatening letters that are used by debt collection companies, was in the region of £140 to £160. The added cost of the appeal is another burden and feature that has to be endured by the hard-pressed motorist.

12.30 pm

Bob Stewart (Beckenham) (Con): I think 50% of MP4—[*Interruption*—]sorry, 75% of them are in the Chamber. Perhaps they will give a rendition before the end of the debate. Can I check, whatever we agree, that the measure will apply in Scotland, and the Scottish Parliament will back it?

Pete Wishart: Absolutely; it is important that that happens. At the beginning of his speech, the right hon. Member for East Yorkshire mentioned that a legislative consent motion has been passed in the Scottish Parliament to ensure that this Bill covers Scotland and that those aspects that require this House to legislate on behalf of the Scottish Parliament are secure. Every part of the Bill applies to Scotland, so it will be national, which is important for many of the fine English visitors who come to my constituency and enjoy the delights of

Perthshire. They will be protected if they park in my constituency, and will have the same rights of appeal and process as everyone else.

Paul Masterton (East Renfrewshire) (Con): The hon. Gentleman has set out very clearly the concerns in his constituency. He has been an MP slightly longer than I have, but is he shocked by the sheer amount of correspondence in his inbox and postbag on parking charges? The Bill gives us a chance, particularly in Scotland, where the appeals process is slightly more iffy, to achieve clarity and fairness for our constituents against many of those—as he rightly says—rogue independent parking operators.

Pete Wishart: Absolutely. It is not just my city of Perth—I understand that there are issues across Scotland, where we have particular difficulties. I will come on to rogue operators on Third Reading, as it is important that they are identified and sharp practice is outlined to the House. What has happened is clearly a problem, and the hon. Gentleman is right that we require these measures. That is why I am proud to sponsor the Bill introduced by my right hon. Friend the Member for East Yorkshire, and it is really important that we get it through the House today. I am pleased that we are here to ensure that a thoroughly good Bill gets through the House.

Michael Tomlinson: As ever, the hon. Gentleman is making an eloquent and passionate defence of the Bill, which is excellent. A few moments ago, he mentioned the threatening letters that were sent. Does he agree that, like my constituents, his more robust constituents can shrug them off, but the more vulnerable are caught up, and for them the charges, when set out in detail, are more worrying and impactful if they end up having to pay them?

Pete Wishart: Absolutely. I have seen examples of correspondence from debt collection agencies, and the increasingly aggressive and intimidating tone that is taken in subsequent letters. It gets to a stage where some of my constituents and visitors to my constituency feel that they may be taken out and shot at dawn because they tried to park a car in a parking space. I wish to return to this, because the Minister will probably have hopeful things to say about debt collection. I understand that that is one of the areas he is looking at, and I hope to secure good news from him on Third Reading about how that will be incorporated in the code of practice so that we can end the more intimidating features of debt collection agencies.

I do not want to say anything else other than to totally support the right hon. Member for East Yorkshire in what he is trying to achieve in his amendments. May I tell the hon. Member for Christchurch (Sir Christopher Chope), who is engaged in a conversation with his Whip, that I do not think that I can support him? That is a shame, because we have both served on the Select Committee on Scottish Affairs. He was a doughty and—I shall use the term—challenging Member to the Chair, as I was at that point. I very much enjoyed his contribution, as he scrutinises things personally and ensures that he tries to test things to the absolute limit, but I do not think that I can support him, given all the concerns about procurement raised by the right hon. Member for East Yorkshire. I understand that that is not decided

[Pete Wishart]

yet, and there might be a need for such measures, but I cannot support anything that might get in the way of the Bill taking effect.

Reflecting the comments made by the right hon. Member for East Yorkshire, the Minister has been nothing other than totally efficient and effective in dealing with the Bill. He has responded generously, which is an example to other Departments and Ministers when we try to get such legislation through the House. If he is prepared to say that this is happening within the timescale allocated in the Bill, I would be more than happy and satisfied, having worked with him and seen the way in which he approaches these issues. I encourage the hon. Member for Christchurch not to press his amendments, as they would not have the support of practically anyone in the House, but I am more than happy to support the amendment tabled by the right hon. Member for East Yorkshire.

Mike Wood (Dudley South) (Con): I want to speak, very briefly, about new clause 1 and amendment 6. I congratulate my right hon. Friend the Member for East Yorkshire (Sir Greg Knight) on the progress that his Bill has made, and particularly congratulate him on the new clause and amendment, which clarify the possibilities for a truly independent appeals procedure.

Landowners clearly have a right to decide on reasonable and fair terms for the way in which their land is used, but, as we know from our constituency postbags and email inboxes, in too many cases those terms do not seem fair. The processes for contesting unfairly issued parking tickets are expensive and drawn out, and motorists who are willing to contest a ticket through the courts take a disproportionate risk in the form of a dramatic escalation from the original fine as well as, of course, the legal costs. While we would not wish to prejudge the outcome of the parking code, one possibility that should be considered is the handling of appeals by a single independent person, and the measures allowing that person to be appointed and the funds to come from fees collected from the private operators covered by the scheme are therefore sensible.

Sir Greg Knight: Will my hon. Friend also give himself credit? It was partly as a result of the representations that he and others made that I decided to table the new clause and amendments.

Mike Wood: I thank my right hon. Friend for that generous intervention, but I fear that it may be a little too generous. The work that he and his team, and Ministers, have done has been key to the Bill.

I will certainly support both my right hon. Friend's amendments and the Bill's Third Reading, but I am afraid that I do not find myself able to support amendment 8, tabled by my hon. Friend the Member for Christchurch (Sir Christopher Chope). I think that we have a responsibility to ensure as far as possible that the provisions in our legislation are enforceable, and I therefore question the wisdom of legislative provisions requiring best endeavours on the part of the Government, although I have no doubt whatsoever that Ministers will at all times exercise such best endeavours. I am particularly reassured by the undertakings given by my right hon. Friend

to harry Ministers if that becomes necessary, and I am in absolutely no doubt that he is perfectly capable of making Ministers' lives a misery, just as he has promised.

Faisal Rashid (Warrington South) (Lab): I am grateful for the opportunity to speak in support of this important Bill, and I commend the right hon. Member for East Yorkshire (Sir Greg Knight) for his hard work in championing it and enabling it to reach this stage. I also congratulate all the Members who have worked on it with him.

The Bill will, I hope, lead to long overdue change in the car parking industry. It is alarming to hear from Citizens Advice that parking companies are issuing 13 times more tickets than were issued a decade ago. This is a business model that is designed to exploit motorists rather than fulfilling its purpose. It is a case of several cowboy parking companies treating motorists in the most unfair terms, and it cannot be allowed to continue. Throughout our debates we have heard of a range of problems that motorists have faced, from poor signage and broken machines to appeal systems that lack transparency and fail to apply any common sense. Today we have the opportunity to ensure fairness for British motorists.

Mark Tami (Alyn and Deeside) (Lab): I support the Bill. Does my hon. Friend agree that some of these car parks are set up to trap motorists and lure them in? Their real aim is to get motorists not to pay the parking fee, but to pay the fine.

Faisal Rashid: I totally agree. It can be difficult for the general public to understand these machines; they are set up to be confusing and then people get trapped. We are passing a Bill that will oblige the Government to introduce a new statutory code of practice to spell out what behaviours can be reasonably expected from private car parking operators.

As the right hon. Member for East Yorkshire, who is in charge of this Bill, highlighted on Second Reading, there are almost 19 million journeys a day that end at a parking space. This is truly a Bill that will affect almost every person in this country in some way; it is an issue that hugely affects my constituents in Warrington South, as it affects the constituents of many other Members here. I have been contacted by a number of people who have told me of issues they have faced with parking companies. In most of these cases, my constituents are being penalised for breaking an obscure term of the car park, or they are being falsely accused of not purchasing a parking ticket.

One constituent told me that she had purchased a ticket but made a genuine mistake and failed to enter her vehicle registration number correctly. As a result, my constituent was sent a number of letters threatening court action if she did not pay a substantial fine. Despite the innocence of her mistake, the letters scared my constituent into offering up the money.

Such threatening and exploitative behaviour is totally unacceptable and cannot be allowed to continue, and this is far from a one-off incident. I have been contacted by several constituents who made similar mistakes, often entering a single digit or character of their vehicle registration incorrectly, and have then been faced with

finances and threatening letters. That is wholly unacceptable, especially as these mistakes are often made because of parking companies' deliberately misleading signage and complicated machines.

Henry Smith (Crawley) (Con): I congratulate my right hon. Friend the Member for East Yorkshire (Sir Greg Knight) on introducing this timely Bill.

The hon. Gentleman is talking about parking companies that almost set motorists up to fail to be able to meet their terms, but it is not just the small operators who do this. It is alleged that NCP—National Car Parks—in the centre of Crawley has been charging motorists for illegal parking when it does not even have planning permission for the CCTV to monitor those cars. Does the hon. Gentleman agree that the large companies must also comply with best practice?

Faisal Rashid: I totally agree: all operators, whether large, medium-sized or small, should be part of this code of practice.

Some of my constituents are being targeted with letters demanding money and threatening court action. Indeed, some people have contacted me to tell me that the situation has become so bad that motorists are being discouraged from visiting some of the town centres for fear of being targeted by rogue parking companies. This is a deeply sorry state of affairs; it is bad for my constituents and bad for our local economy, especially in the run-up to the festive season. High streets and town centres are already struggling. Rather than coming into town to spend money on the high street, people are choosing to stay at home and shop online.

The regulation of private parking companies that this Bill proposes is long overdue, and I am pleased that it has secured cross-party support. If this Bill is passed today, it will be welcomed not only across this House, but across the country. It is good to see that in a time of much division in this place there are still opportunities for colleagues to put aside their differences and work together to improve the lives of their constituents.

12.45 pm

Alex Chalk (Cheltenham) (Con): What a pleasure it is to follow the hon. Member for Warrington South (Faisal Rashid) and his excellent contribution. I could not agree more with the points that he has made, and I entirely endorse this Bill. I just want to make a few additional remarks. The overarching point—it has been indicated before but it bears emphasis—is that so many of these companies are a law unto themselves, and it is important to iterate the distress and concern that their actions can cause. When someone is faced with what looks like an official letter demanding considerable sums of money, they can become enormously distressed by that. The concern is that these individuals are making these demands on an entirely specious basis, and I want to give the House two examples—

Pete Wishart: I am sure that the hon. Gentleman is about to come to the amendments. We are now discussing the amendments that have been tabled by the right hon. Member for East Yorkshire (Sir Greg Knight) and the hon. Member for Christchurch (Sir Christopher Chope), and we are all desperate to make our Third Reading

speeches, which will deal with some of the finer features of the Bill. I want to know what the hon. Member for Cheltenham (Alex Chalk) thinks about the right hon. Member for East Yorkshire's fine amendment about the appeals process.

Alex Chalk: I will be getting to that point, but it is important to set the context as well.

My first example affects one of my own constituents. I was making a point about the distress that can be caused by these demands, many of which are being issued on a specious basis. I had a constituent in Cheltenham, in a road near Montpellier Terrace, who received a letter demanding that a fine be paid. However, it turned out that the company demanding the money was seeking to claim a parking ticket in respect of land that belonged to the person receiving the ticket. That was an extraordinary situation. In other words, the company had not bothered to check with the Land Registry to find out who owned the land. When I looked into it, it turned out that the parking company had been called in because of a vexatious neighbour dispute. The neighbour had called in the parking company to try to get at his own neighbour. This is a prime example of why we need a sensible system of regulation, to ensure that the system is not misused in that way.

The second example that I want to give, before turning expeditiously to the amendments that the hon. Member for Perth and North Perthshire (Pete Wishart) has mentioned, relates to my own situation. Seven years after the event, a parking company wrote to me to suggest that my car, which had long since been sold on, had been wrongly parked. I knew that this area of law was covered by contract law, and that this was way out of time in any event, even if the underlying suggestion was correct. The truth is, I could not remember, because it had happened seven years previously. However, such an episode would be upsetting for people who did not have that knowledge and who would not realise that such a demand was time-barred.

I shall now turn to the new clause and the amendments tabled by my right hon. Friend the Member for East Yorkshire (Sir Greg Knight), whom I congratulate on bringing forward this brilliant Bill. He is right to have a single point of appeal; that is enormously sensible. There is not a great deal that I want to add to that, other than to say that I hope that the clause will be flexible enough to ensure that there are sufficient resources to deal with these points. The reason I say that is that new clause 1(1) states:

“This section applies if the parking code contains guidance recommending that all parking appeals are dealt with by a single person who is independent of persons providing private parking facilities.”

All I can say is that I hope there will be more than one person, because there are likely to be a great number of appeals. I hope that it will be appropriate for the singular to include the plural. I am sure that that point will be dealt with, but there needs to be more than one person.

I also want to deal with the proposal from my hon. Friend the Member for Christchurch about the use by the Secretary of State of “his best endeavour”. I understand the logic behind his proposal, but I respectfully suggest that it is unnecessary in this case. The point has been made that there is a danger of seeing ghosts where none exists, so to speak. The wider point, however, is that,

[Alex Chalk]

were this provision to be required, it would surely be required in every piece of legislation that this House passes. That would transfer power from this House, where hon. Members can properly hold the Executive to account for allegedly dilatory behaviour, to outside the House because, as my hon. Friend rightly acknowledges, the issue would become justiciable. We could then have a situation where a person could serve a writ suggesting that the Government had not used best endeavours to bring legislation into effect, which would cost a huge amount of time, expense and inconvenience. More importantly, this House would effectively be precluded from discussing it, because it would then be a matter under discussion by the High Court, which would be an unsatisfactory state of affairs.

Michael Tomlinson: As ever, my hon. Friend is using his forensic intellect to consider these matters, but is not the situation worse than that? Even if it were justiciable, the phrase “best endeavour” is simply too vague. It would be impossible to judge, as the hon. Member for Cardiff West (Kevin Brennan) pointed out in an earlier exchange, whether a Minister had or had not used best endeavour.

Alex Chalk: Absolutely right. The Court would not thank this House at all for requiring it to make that kind of assessment. One could imagine how the evidence would have to be provided on both sides. The Minister would provide timelines, and then the Court might have to consider what the Opposition had to say. How on earth would the Court be meant to make a judgment?

Kevin Brennan: Does the hon. Gentleman suspect, as I do, that the hon. Member for Christchurch (Sir Christopher Chope) has tabled his amendments to make a point about Brexit, rather than about this Bill? We would therefore forgive him if, at this stage, he chose not to press his amendments, having made that point so well in his contribution today.

Alex Chalk: The hon. Gentleman recognises that my hon. Friend the Member for Christchurch is a Member of great distinction and resourcefulness. It may just be possible that that is his intention. If it is his intention, he has certainly made the point with his customary eloquence and effectiveness. Yes, I think this would be an excellent moment for him to recognise that the point is made, and he could therefore graciously not press his amendments.

Sir Christopher Chope: My amendment 8, which seeks to incorporate the phrase “best endeavour”, is completely nugatory in terms of legality or enforceability, and I take the point made by the hon. Member for Cardiff West (Kevin Brennan) and by my hon. Friend the Member for Mid Dorset and North Poole (Michael Tomlinson) that “best endeavour” is a meaningless phrase. I therefore will not press the amendment. We would not want to litter our statute book with meaningless phrases, whether it be in the withdrawal Act or in this Bill.

Alex Chalk: That was elegantly done. Well, on that basis, I do not have much more to say. I have made the points I wanted to make.

With the Bill being improved in the way that has been proposed, I end by congratulating my right hon. Friend the Member for East Yorkshire. This is past time, and the Bill will be welcomed in my constituency, by the constituent I mentioned, by me and, I am sure, by Members on both sides of the House.

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Rishi Sunak): It is wonderful when both sides of the House come together to support and put in place legislation that will make a practical difference to the day-to-day lives of the millions of people we represent. In that vein, I wholeheartedly congratulate my right hon. Friend the Member for East Yorkshire (Sir Greg Knight) on highlighting this issue, and on the tenacity and diligence with which he has brought the issue to the Floor of the House and to Committee. I pay tribute to him, and many people will be grateful for his efforts.

I will speak briefly now, and perhaps respond to hon. Members’ comments more generally on Third Reading. For now, I will limit my remarks to the various new clauses and amendments.

New clause 1 will appoint a single appeals service to create further clarity for consumers, giving a well-signposted route to appeal a private parking ticket. I am delighted on behalf of the Government to support the new clause. It and the associated amendments will ensure that there is a fair, transparent and consistent appeals service for motorists. This has been warmly welcomed by consumer groups and the parking industry alike.

I am pleased to tell the House that Steve Gooding, the director of the RAC Foundation, has said:

“we particularly welcome the proposal for a single, independent appeals service, which, together with a single, clear code of practice should establish a better, clearer framework and a level playing field that is fairer for all”.

The foundation has challenged the effectiveness of self-regulation in the parking industry. Only this week, it drew attention to the fact that in the second quarter of the financial year, private parking companies sought yet another record number of vehicle keeper details from the DVLA with which to pursue ordinary drivers and motorists.

The chief executive of one of the industry’s leading trade associations, the British Parking Association, has said that the association welcomes the amendments tabled by my right hon. Friend the Member for East Yorkshire, commenting that they

“chime with our call for a single standard body, single code of practice and a single independent appeals service. This framework provides a unique opportunity to deliver greater consistency and consumer confidence”.

The BPA looks forward to pushing

“for a positive outcome for all.”

It is therefore with pleasure that the Government can support new clause 1.

I am also pleased to support, on behalf of the Government, amendments 1 to 6, which are pragmatic alterations that will support the Bill’s delivery through secondary legislation. They will give the Secretary of State the ability to delegate functions to non-public bodies, such as experts in auditing, as seems eminently sensible. They will clarify the role of the Secretary of State, in that he or she will have final approval of the

code of practice and any subsequent alterations that will be submitted to Parliament. Finally, as my right hon. Friend stated, the amendments will expand the existing levy under the Bill to cover the cost of appointing and maintaining a single appeals service. The Government support all the amendments.

Let me turn briefly to the amendments tabled by my hon. Friend the Member for Christchurch (Sir Christopher Chope). I welcome his broad support for the Bill's measures, and share his commitment to, and enthusiasm for, ensuring that the measures start making a practical difference to people as soon as possible. However, following the arguments that have already been made by various Members on both sides of the House, I, too, do not believe that the amendments are necessary. I can personally assure my hon. Friend that the Government and I are committed to creating and publishing a code of practice for the private parking industry as soon as is practically possible. I can confirm that considerable work has already gone into this, and I will happily walk the House through that in a second.

More generally, placing an arbitrary timeline on the process of developing a code and implementing the Bill would compromise our ability to make sure that the Bill comes into force in the way that we want it to, and with the impact that we all desire it to have. For example, a consultation with the public is necessary. Given the scale and volume of the correspondence to our postbags and email inboxes, which are already full regarding this topic, one can imagine that that consultation will be of extreme importance to many people whom we represent. They will want time to have their say, and we should make sure that that is possible. Furthermore, as has already been outlined, procurement practices might be required, and if they should be required, they will be subject to statutory timelines that need to be obeyed. Lastly, if the code of practice was going to put in place new provisions around such things as standard signage, standard forms of parking tickets or standard language, it would be appropriate for a suitable transition period to be put in place to allow companies to adjust to the new, fairer measures.

Sir Christopher Chope: Taking all that the Minister is saying into account, what is his best estimate as to when these measures will actually be effective in law?

Rishi Sunak: I cannot give my hon. Friend a precise answer to that question, simply because, in the first instance, I am not in control of the parliamentary process in the other place, as he will be aware.

However, what I can do for my hon. Friend and the House is to give some evidence as to the pace and commitment with which I and my team are working on this issue. My predecessor, my hon. Friend the Member for Nuneaton (Mr Jones), had already, even before the Bill's Second Reading, asked the director of the RAC Foundation to form a working group to start developing an outline code of practice. That working group contains multiple stakeholders from across the industry, including the two main trade associations—the BPA and the International Parking Community—the Welsh and Scottish Governments, and bodies such as People's Parking, the RAC Foundation, the traffic penalty consortium, the British Retail Consortium, and the DVLA. The body has already met four times—each time extensively, for over two hours—to debate all the issues. I personally

have spent time with the director of the RAC Foundation and the BPA, and I am shortly to meet the IPC. My officials have had more than 30 bilateral meetings with members of the working group. At my instigation, my officials have hosted a parking operator roundtable in the Department to fully engage the industry to help to develop the code of practice.

All that work has not been in vain. It has informed a draft code of practice, which has already been published and shared with the Public Bill Committee, and I would be delighted to place a copy of it in the Library for hon. Members to see. I hope that, collectively, this will give all hon. Members the reassurance they need that the Government and I are firmly committed to developing this code of practice, and ensuring that the legislation is enacted as quickly and practically as is possible.

1 pm

I thank all Members who have contributed today, in Committee and on Second Reading. That has helped to inform the draft code of practice. Every conversation I have had about this issue, every piece of correspondence and any example that I have heard about has fed into how we will develop the code. We can discuss this on Third Reading, but I am pleased to say that almost all the examples I have heard about today will be dealt with in the code of practice, whether we are talking about poor signage, grace periods, threatening letters purporting to be from solicitors, or indeed the relationship with debt collectors and bailiffs. The new code of practice can solve those practical problems.

I pay tribute again to my right hon. Friend the Member for East Yorkshire for all his work. I thank hon. Members on both sides of the House. I am delighted the Government can support the amendments tabled by my right hon. Friend, and I hope that my hon. Friend the Member for Christchurch will not wish to press his amendments to a Division, in view of the reassurances I have given.

Sir Greg Knight: May I just echo the Minister's final comment? I, too, hope that my hon. Friend the Member for Christchurch (Sir Christopher Chope), having heard the pledges of support for the Bill and the clear expressions of good will, particularly from Front Benchers, will not press his amendments to a vote.

Sir Christopher Chope: I am not going to do so.

Madam Deputy Speaker (Dame Eleanor Laing): Thank you. It is very good to have clarity for the Chair.

Question put and agreed to.

New clause 1 accordingly read a Second time, and added to the Bill.

Clause 6

DELEGATION OF FUNCTIONS

Amendments made: 1, page 3, line 14, leave out from “may” to “functions” in line 20 and insert “—

- (a) enter into an agreement with a public authority authorising the authority to perform any functions of the Secretary of State under sections 1 to 4 (other than the function of laying a code or alteration before Parliament);
- (b) enter into an agreement with a person authorising that person to perform any”.

This amendment enables the Secretary of State to delegate functions relating to the investigation of breaches of the parking code to bodies that are not public authorities.

Amendment 2, page 3, line 28, leave out “public authority which is” and insert “person”.

This amendment is consequential on Amendment 1.

Amendment 3, page 3, line 34, leave out “the final version of”.

See the explanatory statement for Amendment 5.

Amendment 4, page 3, line 35, at end insert “for approval”.

See the explanatory statement for Amendment 5.

Amendment 5, page 3, line 36, leave out “The” and insert

“Once the Secretary of State has approved the code or alteration, the”.—(*Sir Greg Knight.*)

Amendments 3 to 5 make clear that, where the Secretary of State has delegated the function of preparing the parking code, the Secretary of State must approve the final version of the parking code (or any alteration to it) before it is laid before Parliament.

Clause 7

LEVY FOR RECOVERY OF ADMINISTRATIVE AND INVESTIGATION COSTS

Amendment made: 6, page 4, line 3, at end insert—

“() where the Secretary of State has entered into an agreement with a person under section (Appeals against parking charges) (appeals against parking charges), the establishment and maintenance by the person of a service for dealing with parking appeals (within the meaning of that section).”—(*Sir Greg Knight.*)

The effect of this amendment is that, where the Secretary of State enters into an agreement with a person for the person to deal with appeals against parking charges (see NCI), the costs of establishing and maintaining that parking appeals service may be defrayed out of the proceeds of the levy imposed on accredited parking associations.

Third Reading

Queen’s consent signified.

1.2 pm

Sir Greg Knight: I beg to move, That the Bill be now read the Third time.

We have had a good-natured and constructive debate throughout our proceedings, and I wish to thank everyone who has taken part. In particular, but not exclusively, I would thank the Under-Secretary of State for Housing, Communities and Local Government, my hon. Friend the Member for Richmond (Yorks) (Rishi Sunak), and his predecessor, who first indicated to me that the Government were willing to support this measure. I also wish to thank Sarah McLean and Phillip Dunkley, her predecessor, who managed the Bill in the Department and have been very helpful to me. There are many other people I wish to thank: Steve Gooding of the RAC Foundation; my parliamentary colleagues who served on the Committee; members of the advisory group, which I have also attended and played a part in, who have discussed these matters; and, last, but certainly not least, the official Opposition for their support for this measure, the Scottish National party and my hon. Friend the Member for Perth and North Perthshire (Pete Wishart)—and he is my hon. Friend—who pledged his support, and my hon. Friend the Member for Cardiff West (Kevin Brennan), who is also my hon. Friend and is a sponsor of the Bill. I am also grateful to the many people throughout the country who have contacted me with stories of how they have been unfairly treated by parking operators under the current voluntary regime.

As I have said, parking is an indispensable part of motoring, as if someone undertakes a journey in a vehicle, they will need to park it. According to the DVLA, there are 38 million vehicles on our roads, approximately 19 million of which will be driven each day and will then undertake at least one parking transaction. The number of penalty notices issued every year from private car parks continues rise, so it is essential that the Bill makes further progress. It is essential that those who park on private land are treated fairly and uniformly.

Motorists should have certainty that when they enter a car park, they are entering into a contract that is reasonable and transparent, and that involves a consistent process. That is not just my view: in 2015, some 78% of respondents to the Department’s discussion paper on private sector off-street parking stated that there were significant problems with how the sector conducts its business. Poor signage, unreasonable terms, exorbitant so-called fines, aggressive demands for payment and opaque appeals processes need properly to be outlawed.

Some private parking operators still deploy tactics that are clearly unacceptable. I have previously referred to an appalling case involving a pensioner called Angela, whose car was ticketed for £70 for exceeding the time permitted in the car park. Angela is 5 feet tall and although she had not initially noticed the parking sign, when she came back to her car she looked for it. It was mounted so high up on a pole that she could not read what it said. That is clearly unacceptable.

Another motorist, Mr O’Keefe, whose case I have also mentioned before, was driving on a private industrial estate, searching for a particular business that he was having difficulty finding. He stopped in an empty lay-by for around 15 seconds to reset his satellite navigation system and was filmed by a passing security van equipped with a video camera. One week later, he received a penalty invoice for £100 for stopping in breach of a sign that was situated not in the lay-by itself, but some distance further along the road. He realised that he had passed it at 30 mph. The parking company accepts that he was parked for only around 15 seconds, but when he used its appeals procedure, he still received threatening letters.

The hon. Member for Warrington South (Faisal Rashid) mentioned one of many cases in which usually pensioners, although not always—some of the cases that have come to my attention have involved pensioners—type one digit of their registration number into the machine incorrectly and the machine does not allow for any correction of the details already entered. The fee is nevertheless paid, but a ticket is issued. So, for many people, parking on private land can be a traumatic and expensive business.

One of the reasons why we need a mandatory code now is that technology is being used to provide evidence. The growing misuse of automatic number plate recognition cameras is a particular worry to me. Cameras ostensibly enable private parking companies to keep a record of exactly how long a motorist has remained in a car park and provide photographic evidence if they exceed the time they have paid for. They say that the camera never lies, but things are not always as they seem.

In one car park at a fast food restaurant in Nottinghamshire that is policed by CCTV, drivers are told they must not enter the car park when the restaurant is closed. However, the signage telling them that is

located inside the carpark itself, along with the details of the opening times of the restaurant, making it impossible for a motorist to know before they enter the car park whether they will receive a private parking notice.

At another private car park at a fast food outlet in Enfield, a driver was recently issued with a parking charge notice for overstaying. In this case, the motorist visited the restaurant twice in one day. The ANPR cameras recorded her leaving the car park on the first visit and returning for the second. By using the photos the wrong way around, the car park operators tried to charge her a penalty for a period when she was not even in the car park.

Henry Smith: My right hon. Friend is continuing to make a powerful argument. One of my constituents recently parked at a McDonald's so that he could go in and complain that his drive-thru order was incorrect, and he received a penalty notice. It is not only the small rogue operators that abuse the system; some large companies are also sailing extremely close to the wind.

Sir Greg Knight: I am grateful to my hon. Friend for his intervention. These examples are all, clearly, very distressing for the motorist concerned, as are the language and the threats that are often used—a point made by my hon. Friend the Member for Cheltenham (Alex Chalk). It is, however, important to remember that these companies have no legal power to fine motorists. That is something only the police, local councils and those enforcing railway byelaws can do. As a result, some private parking companies deliberately make their parking charges look very similar to official penalty charge notices. When the police or the local authority issue a fine, it will often be labelled as a "PCN"—a penalty charge notice—and may come in an official yellow cellophane wrapper. Some private companies are now using similar packaging and are even labelling their notices with the word, "PCN", but this time it stands for parking charge notice. Often the term enforcement is used, but these companies do not have any enforcement powers.

Sir Christopher Chope: None of these companies would be able to operate in this way if they were not able to get access to the DVLA database. Why is nothing being done about that?

Sir Greg Knight: My hon. Friend will be pleased to know that, when this Bill becomes law, as I hope it will, that is precisely what it will do: it will take away the right of a rogue company to seek vehicle keeper details, thereby putting it out of business.

Kevin Foster: Does my right hon. Friend agree that the whole purpose of this Bill—I will come on to this in my own speech in a minute—is to create a clear and single source for the code of practice and regulation so that the rogue operators cannot shop around, and also if those operators are not approved, they cannot approach the DVLA? What is at the absolute core of this Bill is stopping this flagrant abuse that is going on.

Sir Greg Knight: Indeed that is the case. In reality, these private parking notices are not fines, but invoices. It is the law of contract that governs the relationship between the parking company and the customer, as has

previously been said. In other words, they are a demand for payment, because the car parking company says that a driver has breached their terms and conditions. They are private parking notices, and the code should require them to be described as such in future, and I am sure that the Minister will do that and that those companies will not be able to use threatening language or imitate or copy a ticket received from the police.

My Bill is designed to bring these bad practices and bad behaviour to an end. It requires the Government to create a mandatory code of practice across the parking sector to end inconsistent practices and unfair treatment of motorists. It will ensure that the terms on which private parking is provided, including the rights and obligations of each party, are fair, clear and unambiguous. The mandatory code will assure drivers that private car park operators will in future treat them in a reasonable and proportionate manner. If they do not, motorists will have access to a robust and independent appeal service. As I have said to my hon. Friend the Member for Christchurch (Sir Christopher Chope), erring car park operators will be put out of business by being denied access to the DVLA database. May I repeat again that I am most grateful to have the support not only of the Government, but of the Official Opposition and the Scottish National party? I say to the House that, today, we can take a big step towards making private parking a fairer and more predictable experience for us all. I commend my Bill to the House.

1.13 pm

Pete Wishart: Once again—this is now getting to become a feature—I congratulate the right hon. Member for East Yorkshire (Sir Greg Knight) on progressing this Bill through the House with such dexterity, skill and consensus. I welcome the fact that, after today, this will soon become law. I also extend my congratulations to everyone involved, particularly to the Minister, who, as I mentioned in my earlier remarks, has been nothing other than consensual, effective and efficient in ensuring that this Bill has got through the House, and to everyone else who was on the Bill Committee with the right hon. Gentleman.

For me, this Bill cannot come soon enough. We need a firm of code of practice that will constrain the worst excesses of these private parking companies. I do not know what Perth has done to deserve the attention of some of the more sharper practices of the parking operators, but for far too long we have been blighted by some of the worst excesses of these parking operators. They almost act, until this Bill, as a law unto themselves. I refer to them as parking cowboys, because that is exactly what they are. They harass and frustrate our constituents and drive tourists away from our town and city centres.

I am sick and tired of receiving emails from people complaining about the behaviour of parking companies, telling me that they will never again visit Perth city centre because of the negative experience they had when they had the misfortune to end up in a car park operated by one of these companies. I have received more complaints about one car park in the city of Perth than about any other issue. That car park is operated by the lone ranger of the parking cowboys: the hated and appalling Smart Parking—I see that many other Members are unfortunate enough to have Smart Parking operating

[Pete Wishart]

in their constituencies. It has reached the stage where one member of my staff now spends a good part of each day just helping my constituents and visitors to my constituency to navigate the appeals process.

Luke Graham (Ochil and South Perthshire) (Con) *rose—*

Pete Wishart: I will of course give way to my constituency neighbour.

Luke Graham: I am indeed the hon. Gentleman's neighbour, and I can confirm that I, too, receive many complaints about that same operator, from constituents in South Perthshire and from people in Clackmannanshire who visit Perth. I therefore want to say how much I support the Bill. Hopefully our staff will soon be able to focus more on the things that really matter to our constituents, rather than having to deal with car parking complaints, which really are the companies' responsibility to fix.

Pete Wishart: I understand totally the frustration felt by the hon. Gentleman's constituents who have to park in Perth city centre. I hope that we will both see the amount of correspondence we receive in our mailbags on this issue decrease significantly as a result of the Bill.

Another frustration is that Smart Parking is singularly unresponsive. It does not reply to representations from Members of Parliament or have meetings with us. It does not even start to engage with some of the difficulties we identify with its operation. I wish to commend *The Courier* newspaper in Perthshire for the campaign it has mounted about the situation. One of the reasons I am down here today as the Member of Parliament is the very fine work that *The Courier* has done on the situation right across Perthshire. I congratulate it on that.

The Bill means that these companies will no longer be able to get away with that type of behaviour. The days when they could distribute fines like confetti, and when they could confuse and frustrate our constituents with their so-called smart technology and poor signage in order to harvest fines, are coming to an end. The Bill is evidently necessary, because self-regulation has been a resolute failure. The toothless regulators, such as the British Parking Association, are singularly incapable of dealing with the sharper practices of the rogue operators.

The British Parking Association actually lists some of the operators as its members. I had a meeting with it this week, and it gave me a copy of its magazine, which includes a list of all its members, and who should be listed there, in bold letters? It was Smart Parking. The BPA does not have the ability to regulate these companies and has shown no sign whatsoever that it is trying to get on top of some of the sharper practices. The BPA gives a veneer of legitimacy to some of the more outlandish rogue operators by including them in their membership, allowing them to continue to operate. The Bill will oblige operators such as Smart Parking to amend their practices.

I want to mention another practice that I have observed in a retail park in my constituency—this is actually worse than Smart Parking. Two private parking companies operate one huge car park at St Catherine's retail park in Perth. One company circled the car park with signs

telling motorists that, if they had the temerity to leave the part of the retail park where they had used a parking space to access shops in other parts of it, they would be fined. It did that, and it actually took photographs of people leaving their car and going into other parts of the retail park where the facilities are covered by another parking operator. That is what it did, and this is the extent to which some of these private parking operators work. It is not good enough, and it has to end.

I want to say to the Minister that I think what he is doing is fantastic. I have seen some of the details he is going to put into the code of practice and I think they are fantastic. I congratulate him on taking the maximalist approach. I think the Government will approach this by ensuring they will do the utmost they can to protect the motorist from this type of practice. They will put in place a set of regulations that will ensure the best result we can get when it comes to these things.

Among the things I want to make a plea for including in the code of practice—given what I have heard from the Minister, I am pretty certain that he will be looking at them—are equipment and technology. We have to make sure that we get the signage absolutely right and that surface markings are clearly identified and regulated properly. There should be clear and accessible displays of the terms and conditions of the car park. We have already heard examples of when that does not actually work. I know that the Government are looking at consideration periods to allow motorists sufficient time to decide whether they would like to park, and grace periods to allow motorists time to pay and leave the car park. All of this would make a real difference to the parking arrangements in our cities and town.

I believe these parking companies intentionally deploy poor signage. The fact that motorists can be fined simply for entering a car park to look for a space is simply and clearly unacceptable. One of the car parking operators in my constituency actually fines people for entering a zero instead of the letter o. Apparently, the smart technology cannot cater for that, but the operator takes no recognition of that when people appeal on such a basis.

Another of my pleas to be included in the code—the Minister may be able to help us with this one—is capping fines, a feature that I think we all agree must happen. The fact that someone can be fined £140, £160 or £180 for parking a car is simply and utterly absurd. I think, and I hope, that this will be addressed. My suggestion is that fines or parking charge notices in private car parks should be no more than those of the local authority. I think it is fair that there is a uniform cost that people pay in any city or town across the country, and I am pretty certain that we will get to such a place.

I know the Government's intention is to ensure that what are called PCNs will no longer be able to look like fines from the local authority, and that is really important. Will the Minister tell us how this will be done and how he intends to ensure that that happens? Parking companies have to get away from this confusion with local authority penalty charge notices, and they must do so without using the threatening and intimidating language on these tickets.

What I would like to see on such tickets is the full legal basis on which they can be distributed. As the right hon. Member for East Yorkshire said, this is a

contractual arrangement, so they are not fines. If the private parking company is to pursue such a case, it has to take it to the civil court to demonstrate clearly that the motorist has breached the terms and conditions of using the private car park. That should be mentioned on the parking ticket, as issued by the private operator. I think that would be fair.

Sir Greg Knight: I would argue that if the parking operator takes an erring motorist to a civil court and it is shown in court that the form of private parking notice was not as laid down in the mandatory code of practice, that should be a case for dismissing the claim.

Pete Wishart: I totally and utterly agree. I will come back to access to the DVLA register later in my speech. The key to all this is the DVLA register and ensuring that access to it is predicated on good behaviour. If there are any examples of any of these companies going back to such sharp practices, they should be dealt with effectively and not given access to the DVLA register.

I am particularly delighted that the Government are looking at debt collection issues. I hope the Minister will confirm that the Government will state explicitly that operators cannot sell or assign debt to a third party, as that has to happen. The use of aggressive debt collection companies is probably the most grotesque, threatening and intimidating feature of parking companies' behaviour, and the part of their operation that concerns me most. I cannot remember which hon. Member mentioned vulnerable customers who receive some of these letters, and what it must do if they receive a letter that tells them that the charge will impact on their credit rating. I think that is illegal—perhaps one of the greater legal minds here will clarify that for me—but that is the sort of thing that those letters include.

Debt collection companies increase the tempo and rate of intimidation and threat. One of my constituents received 10 letters from a range of different companies, with an increasing tone of belligerence and threat. It is right for private parking companies to expect settlement, and to deploy reasonable steps to recover it, but we cannot continue to allow threatening and aggressive letters that demand payment simply for parking a car.

Access to the DVLA is the prize that parking companies require to ensure they can continue to operate. The Government will introduce conditions for access to the DVLA database—perhaps the right hon. Member for East Yorkshire will confirm that—so that proper auditing must be conducted before an operator can join a parking association, and that compliance must be demonstrated. I believe it should be incumbent on parking operators to demonstrate fully that they are a responsible operator in order to get DVLA access, and if there are examples of bad practice, that access must be removed.

I am grateful that the entire Bill covers the whole UK and will be applicable in Scotland. We have agreed a legislative consent memorandum in the Scottish Parliament to ensure that the Bill will apply across Scotland, and it is right that we have uniform measures such as this. I travel down to London and park my car here, just as hon. Members come to beautiful Perthshire to enjoy the fantastic features of my constituency, and it is right for everyone to expect the same level of service and regulation throughout the United Kingdom.

We have seen what this issue does to towns and cities. Parking is an essential requirement for any town or city centre, and the right hon. Gentleman was right to highlight how many trips are made and how many parking experiences are involved as we go from A to B. It can have a devastating effect on local economies if we do not get the issue right, so parking is an important ingredient in our community and the local economy.

In my experience, people are happy to pay for parking—I have never seen anybody suggest that we should get parking for free, and any place where free parking has operated has become a disaster and a free-for-all. We need efficient and effective parking in our towns and cities. People are even happy to pay parking fines if they know they have been wrong and perhaps overstayed, or something happened and they received a fine. What they cannot stand, however, and why we receive so much correspondence and so many complaints in our inboxes, is when the fines are unfair and imposed disproportionately, or when people are pursued by parking companies. Ultimately, it is not beyond our wit to design an arrangement where someone parks a car, makes a payment, and is assured that that is the end of the matter. Needing to ensure a code of practice shows how bad things have become, which is why we must address this issue.

I hope that this is high noon for the parking cowboys. I hope they are brought under control and that I will not have continually to respond to constituents and visitors to my constituency about the behaviour of a certain company. This is a good Bill, and we must now see the code of practice. I know the Minister will ensure that we are involved in designing that code, and when he responds to the debate I look forward to hearing some of the features that will be included. Finally, I congratulate once again my good friend, the right hon. Member for East Yorkshire, on sponsoring this Bill, which I am sure will be successful today.

1.29 pm

Huw Merriman (Bexhill and Battle) (Con): It is an absolute pleasure to follow the hon. Member for Perth and North Perthshire (Pete Wishart). I congratulate my right hon. Friend the Member for East Yorkshire (Sir Greg Knight) on finally bringing this madness, quite frankly, to an end with this Bill.

Many right hon. and hon. Members have talked about their constituents' experiences of receiving unfair parking enforcement notices. I declare an interest because I have experienced the exact same situation. I drove into an underground hotel car park, got my bag out and went into the hotel. A member of the hotel's staff then told me how much the parking charge was—it was more expensive than the hotel room—but that there was a really good local authority car park around the corner. I took that advice. I got back in my car, drove out and parked in the local authority car park without any problem. However, I received a fine from a parking operator because I had driven in and driven out of the hotel car park five minutes later. I won my appeal, but the hotel company said that it would discipline its member of staff for advising me to park elsewhere. Perhaps that is a private Member's Bill for another day.

On the border of my constituency, there is a local authority car park. Bizarrely, part of the land is privately owned. People park there because they think they can

[*Huw Merriman*]

park for free, just as they can for the local authority part. There is no signage on the part that is privately owned and people do get charged. It is an absolute sting.

Sir Greg Knight: My hon. Friend is making a very good point. That is why it is essential that the code of practice has a transaction period that is free. In other words, it would give motorists thinking time between entering a car park and deciding whether or not to stay. In some parts of the country, car parks are situated in conservation areas where, for planning reasons, signage is inside. We need to give motorists time to go in and think, so they can say, “No, this is not for me” and leave without facing a penalty.

Huw Merriman: My right hon. Friend is absolutely right. We are talking about contract law. If people pick up an item in Boots priced £5 but at the till they are charged £10, many people think they can actually get the item for £5. In fact, under the offer and acceptance of contract law, the contract is formed only at the time of execution. Yet when one goes into a car park, one can be charged before executing the transaction. That has to be a breach of contract law.

On the charging mechanism, there is no proper definition for what is a reasonable and proportionate charge. That is of particular interest, because my former chambers sought a legal opinion from the Royal Automobile Club. The feeling was that the legal definition of reasonable and proportionate would be the cost of administering the charge. What was unusual was that the Supreme Court was asked to decide and found that £85 was reasonable and proportionate. The QC, however, felt that it was several times higher.

Perhaps the Minister could commit to guidance on what the charge should be. If that were to follow local authority charging, which outside London would be £60, I would perhaps stray into another area and say that I do not believe £60 is reasonable and proportionate. Local authorities will say that that is the cost because they do not make any profits, but I believe that they do. I believe that local authorities, time and again, use the money they raise from parking to pay for other areas of their spending. They are not supposed to do that. Barnet Borough Council, which was taken to court and lost, freely admitted that it was levying excessive charges to raise money for other services. No other local authority will ever admit that. There is a permitted amount they can spend from parking revenues on measures that enhance the environment. However, that is so wide and woolly that local authorities can effectively charge in any way they want.

James Cartledge: Has my hon. Friend considered the position of rail companies? Under the Greater Anglia franchise, the rail company owns the car parks. The increase in its charges—I refer not to the fines, but to the cost of parking—is very substantial each year. They are unregulated, and the company has a monopoly. It seems to me that we should at least be considering those who probably have no choice but to pay the cost of parking—not just the fines.

Huw Merriman: My hon. Friend is absolutely right. His link to railways reminds me of another charge that I managed to land myself with—I have an unfortunate

habit of doing that. In fact, I recently chaired an event with Gyles Brandreth at which a local authority won an award for its great parking policies, so I threw all my offences in—not in the hope that they would be rescinded. Season tickets are another issue for many. Someone buys a season ticket—so a company that has the machines knows that they have bought the season ticket—but if that person is unfortunate and the ticket falls down and is not on display when they close the car door, they will be charged because the ticket was not displayed, despite the fact that they have already purchased it. Again, there is the principle that someone cannot pay twice for the same transaction, but it is not being properly enforced. If my right hon. Friend the Member for East Yorkshire comes up with a private Member’s Bill again, there would still be much more to do. We are getting there on the private side of things, but I am afraid that our constituents do not necessarily see the differentiation. Many local authority practices are not working, too.

I will leave time for others to speak, but I could not stand up and talk about parking without mentioning my own parochial issues. There are only 12 local authorities left in the United Kingdom that still require the police to deal with parking matters on their high streets. I have two of those local authorities in my constituency. We have talked about police funding issues and that the police perhaps do not have the resources that they need to do everything, and rightly we have added another thing to their priorities this morning. The police in my constituency have turned around and said, “We are not going to carry on doing this.” Effectively, if someone overstays in a two-hour parking bay, it is a criminal offence and the police are required to take action. All the money raised goes straight to the Home Office, so there is no local incentive, and the police take the view that they should be doing other things, and I absolutely support them. The local authorities, however, do not want to take this on, so in my constituency there is a parking free-for-all on our high streets. It is so bad that I got Guide Dogs to come down and I walked around, first, blindfolded while being led, then with a cane, and then with a dog. It is absolute chaos for people; motorists are parking on dropped kerbs and on kerbs. Those are criminal offences, of course, but the police are not doing anything at all, not even in areas where local authorities have traffic wardens.

I mention this point even though I know that it will not be this Minister’s responsibility—it will be more for the Department for Transport. The Government have had very successful policies on our environmental causes—small measures that go down incredibly well with the public—but I feel that we are not doing the same with transport. People are absolutely sick and tired of the way that their high streets are being cluttered up. People are acting in an antisocial manner and getting away with it. In my constituency it has got so bad that I find myself taking photos and putting them on social media, which I probably should not do and is probably an offence of some type, but we have got to a point where we really need action.

The frustration for me as an MP is that when I make this point to local authorities, they do not necessarily want to take it on. When I make it to the police, they say they do not have the resources. I make the point about enforcement to the Department for Transport, but enforcement is not occurring either. It is not fair that

my constituents, just because of where they reside, are under a regime that is completely old hat and which most other authorities have moved on from, and are stuck in this situation.

I congratulate my right hon. Friend the Member for East Yorkshire. I am sorry to have wandered off into the other spheres of parking, but we should not kid ourselves as a House that this is solved just with regard to the private side of things. On the public and high street side, there is more to do, and our constituents would thank us if we did so.

1.38 pm

Andrew Gwynne (Denton and Reddish) (Lab): I congratulate the right hon. Member for East Yorkshire (Sir Greg Knight) on the progress of this much needed Bill, which I am pleased to support on behalf of Her Majesty's Opposition. It is long overdue, as we have heard today, and I thank him personally for his tenacity on this issue. He will be the champion of drivers across the land, because we all know and can all tell very similar tales of constituents who have been clobbered by these sharp practices.

Today we have seen the Commons at its best. We often hear—and our constituents are the first to point this out—“Why can't you ever agree on any measures? Why can't you come together in the national interest over X, Y and Z and just come to a common-sense view and get it done?” Today, we have done precisely that, and I genuinely thank the right hon. Member for East Yorkshire, the Minister and the Scottish National party spokesperson, because this is the Commons at its best. We are getting things done for our constituents in every part of the United Kingdom.

There is a need for landowners and private car-park operators to have some control over those who park—no one would disagree with that—but enforcement must be fair, reasonable and proportionate. While many operators act properly—we should always remember that; we only hear about the nightmare cases, but there are operators who operate reasonably—the bad practices that we have discussed today colour people's views of all parking operators, which is why the Bill is important, as it will provide uniformity in the code of practice and give people certainty about the rules across all private car parks. I have dealt with similar cases to those dealt with by the hon. Member for Perth and North Perthshire (Pete Wishart). I have a cross-borough constituency, and will give two examples, one from each borough.

First, there is a small private car park in Denton, the main town in my constituency. It is next to a building that until recently was a bank. A bank customer parked in the car park next to the bank, which she was visiting, only to receive forceful letters and parking charge notices that looked like penalty charge notices a few days later. She had not realised that the car park next to the bank was not linked to it, as there was no signage. She successfully appealed against the charges with the help of my constituency office, but how many people would have been frightened into paying the charge because of the official-looking notice that they received?

Secondly, there is a large retail car park in Stockport. Until recently, it did not charge disabled people who displayed a blue badge. The car park is designed so that the disabled parking bays are closest to the retail units. Unfortunately, the pay-and-display machines are at the

far end of the car park—it is not possible for the machines to be any further away from the retail facilities, which are near the disabled parking bays. Two minuscule signs were erected at the entrance to the car park. When people drive in they do not see signs that are about the size of the Dispatch Box. Disabled constituents of mine parked, as they always have done, in the disabled bay, did their shopping and drove away, only to receive a parking charge notice a few days later. Again, it is wrong that there was not even a sign on the disabled parking bays, let alone a pay-and-display machine close to those bays. That probably contravenes the Equality Act 2010, along with several other laws.

That is wrong, and that is why I am grateful to the right hon. Member for East Yorkshire for introducing the Bill. I hope that it will be seen by the sector as an opportunity to rebuild the shattered trust between car-park operators and the motoring public. Poor signage and sometimes no signage at all, unreasonable rules, exorbitant so-called fines, aggressive and excessive demand for payment and an appeals process that does not work in the interests of consumers constitutes behaviour that needs to be stopped. Having listened to the Minister, for whom I have great respect, I hope that the Secretary of State will take action once he is empowered by the Bill to do so, and, given the assurances from the Minister on Report, I expect that he will.

Similarly, action must be taken to ensure that parking companies are not able to raise the level of fines to mitigate the effects of the levy that will facilitate the scheme. We need to crack down on the bogus procedure whereby they are able to make their fines look official. These are not penalty charge notices; they are nothing of the sort. To frighten vulnerable and elderly people, in particular, into paying unreasonable charges when they do not have to do so is wrong, and something that the Bill seeks to address.

As others have already said, we need to ensure that there is a cap on fines, and that they are appropriate. I strongly agree with the hon. Member for Perth and North Perthshire that they should be at a level similar to the level of fines imposed by the local authority in whose area the car park is located.

It is absolutely right ultimately to deny access to DVLA records to companies that do not properly adhere to the code, and I thank the right hon. Member for East Yorkshire for making it clear to the hon. Member for Christchurch (Sir Christopher Chope) on Report that the Bill would provide for that. So many of my constituents cannot believe it is right for the DVLA to supply that information to cowboy operators, and it is most welcome that the loophole is to be closed.

As I have said, the right hon. Gentleman will be a hero among the long-suffering driving public. The Bill offers the prospect of a single set of standards that will help to end the confusion created by multiple codes of practice and appeals systems—and in many cases none—and will ultimately be fairer to all drivers. We wish it Godspeed in the other place, and look forward to its becoming law and saving so many drivers throughout the United Kingdom so much heartbreak.

1.47 pm

Rachel Maclean (Redditch) (Con): Thank you for calling me, Madam Deputy Speaker. I apologise for that slight note of surprise.

[Rachel Maclean]

It is a real pleasure to follow the hon. Member for Denton and Reddish (Andrew Gwynne). He is absolutely right: this is a fantastic opportunity for us all to agree on something. I am sometimes confused with the hon. Gentleman because our constituencies sound rather the same. We are, of course, on different sides of the House, but it is nice to be together on this occasion.

It is a pleasure to speak in the debate and to give my support to this welcome and timely Bill, which I am pleased to see continuing its passage through the House. I am also pleased that it has the support of the British Parking Association and the RAC Foundation. There is clearly consensus on the need for a parking code of practice for private parking providers in an industry that currently lacks regulatory rigour. Sadly, there are three separate codes of practice among the accredited trade associations, with the British Parking Association code stipulating one set of requirements and the International Parking Community another. That inconsistency is inappropriate, and I am delighted that the Bill seeks to address it so comprehensively. That is why it has already sailed through Committee and Report, and why all the clauses were agreed to without Divisions. I am sure that that is testament to the amazingly hard work that my right hon. Friend the Member for East Yorkshire (Sir Greg Knight) has put into this extremely well-drafted Bill.

Like other Members across the House, I have received letters and complaints, although I am pleased to say they are not in the same league as the notorious car park in Perth, which I will bear in mind if I ever travel to Perth. My own such parking experience took place in Redditch a long time ago, before I was the MP. I went to Redditch and was caught out by a dodgy parking operator. Hopefully, my constituents in Redditch will be delighted that the Bill will be passed today.

The RAC Foundation expects 6 million tickets to be issued by private parking providers this year alone, up from 4.5 million in the previous year. That highlights the lack of a consistent code of conduct and the lack of clarity. It is also borne out by figures from Citizens Advice, which reports that, last year, it was approached by over 10,000 people to ask for advice on private parking tickets. That is a huge number of people, considering the demand on its services.

I support the Bill and look forward to it progressing swiftly in the other place.

1.50 pm

Kevin Brennan: May I join the long list of Members who have been praising the right hon. Member for East Yorkshire (Sir Greg Knight) for introducing this Bill? He has had so much praise today that perhaps next Tuesday at the political studies awards, which will be shown on the BBC Parliament channel, he should get an award of his own for introducing this Bill. He will be well supported because I and the hon. Member for Perth and North Perthshire (Pete Wishart) will be there with him at the awards, playing in MP4 and launching our new single “Do you see me?” I turn to the Bill. I was delighted to sponsor—[*Interruption.*] CDs are available at £5 on Revolver Records.

I was pleased to sponsor this Bill with the right hon. Gentleman, the hon. Gentleman and other hon. Members. Why are we here? If we cannot in this place try to

change things for the better for our constituents, there is little purpose in our being here, and this legislation genuinely will improve the quality of people’s lives. If they no longer have the stress and anxiety of receiving one of these fake notices—which is sometimes what they are—through the post, trying to extort money from them for simply going about their daily business, as anybody should be free to do, we will have done a great service to our constituents. If the Bill takes out some of the cowboy operators that every Member in this Chamber knows about through their constituency casework, we will have done a great service to our constituents. If it saves hard-pressed constituents a few quid because they have not been fooled—as is sometimes the case—into paying notices unnecessarily, we will have done them a great service. The right hon. Gentleman in particular and other Members who have contributed deserve credit for that. He does deserve some sort of award for bringing the Bill through. I am sure that will make the right hon. Gentleman extremely popular not only, as he already is, with his own constituents—I can say that as he has a very safe Tory seat—but with motorists and constituents across the country.

I am glad that the Bill was strengthened today through the new clause and the amendments that the right hon. Gentleman introduced, and I am sure that when it travels down the Corridor to the other place their Lordships will want to look at it very closely and perhaps consider strengthening it further in co-operation with the Government. But what is most important is that we get it on to the statute book as quickly as possible because it will make a genuine and positive difference.

In Committee, I mentioned some of the bad practices. I am not going to dilate at length—as Mr Speaker might say—on those issues this afternoon, but some companies, such as New Generation Parking, which I mentioned, do not even respond to correspondence from Members of Parliament on behalf of their constituents. In Committee, I expressed the view, which I know the Minister heard, that any code worth its salt would ensure that any company that failed to respond to a letter of concern from a Member of Parliament on behalf of their constituent would be in breach of that code. It should be a basic requirement on any decent company operating any kind of business that it should respond to a reasonable inquiry from a Member of Parliament within a reasonable time.

Sir Greg Knight: The hon. Gentleman is absolutely right on that point. If a complaint is made about the receipt of a private parking notice, whether by the driver, the registered keeper or the registered keeper’s MP, it should in my view be responded to within 14 days.

Kevin Brennan: I am pleased that the right hon. Gentleman has put that firmly on the record. He also responded positively in Committee when I intervened on him on this matter. I am sure that the Minister has heard what he said, and I hope that those who are preparing the code will also have heard that viewpoint being expressed here.

Perhaps we need to ponder further on the practice that is now developing of parking companies using technology to enforce these parking notices. I am concerned not only that they are using camera technology but that,

in more and more cases, anyone who parks on private land—for example, the site of St David’s Hospital in my constituency, where there is no charge but we nevertheless have to register when we park—is required to enter their registration number into a machine in order to be deemed to have parked legally or appropriately there. How is the collection of that data being properly overseen? Who is responsible for ensuring that the personal data that is being collected in the form of our constituents’ registration numbers is being properly and legally processed? Further to that, the companies do not often provide a paper receipt from the machine, and people are expected to provide a mobile telephone number or sometimes an email address in order to get a receipt to prove that they have parked legally. Who is responsible for ensuring that the data being collected in that way is being properly processed?

This issue was brought to me by my constituent, Derek Donovan, who has campaigned heavily on issues relating to parking, and to private parking in particular. He has also pointed out that, even when we are not required to provide a registration number, the parking company can go to the DVLA and ask who the owner of a particular vehicle is. The way in which that information is handed out, and to whom, is not being properly co-ordinated by the DVLA—if indeed it is its responsibility to do that. Only a sample of cases is audited, so we cannot be sure that that data is in all cases being released to responsible people and used responsibly and legally. As a result, Derek Donovan has registered a complaint with the Information Commissioner’s Office, the outcome of which could prove pertinent to the passage of the Bill in another place if we hear from the ICO before the Bill goes through its other stages there.

I do not want to go on at length, because we want to ensure that the Bill completes its passage before we end our proceedings today. I reiterate my congratulations to the right hon. Member for East Yorkshire and I wish it well for its further passage at the other end of this building.

1.59 pm

Eddie Hughes (Walsall North) (Con): It is a pleasure to follow the hon. Member for Cardiff West (Kevin Brennan). I am enthusiastic about rising in support of this Bill, not least because I was on the Public Bill Committee on 19 July but, unfortunately, as I was a Parliamentary Private Secretary in the Ministry of Housing, Communities and Local Government I did not have the opportunity to speak. I now take the opportunity to put on record my support for the Bill.

I wish the Bill could come into force immediately and, because I know it cannot, I refer my constituents who have issues with privately operated car parks to an excellent article in the *Express & Star* authored by Peter Madeley in which he sets out the advice from Sarah Garner of DAS Law on how to challenge these charges. There is clearly a difference between a parking charge notice and a penalty charge notice, and it is essential that my constituents understand the difference and are protected from the duplicitous actions of some of these private parking companies, not least because, as the hon. Member for Perth and North Perthshire (Pete Wishart) pointed out, these fines can be as much as £100. It is important that we, as a Government and as a Parliament, protect the public from such practices.

2 pm

Kevin Foster: I am conscious of time, so I will keep my remarks relatively brief. I am delighted to support my right hon. Friend the Member for East Yorkshire (Sir Greg Knight) in securing the Bill’s Third Reading. About 18 months back, the hon. Member for Hyndburn (Graham P. Jones), who cannot be here today, and I secured a Westminster Hall debate on how the use of DVLA records and ANPR systems allows some of the sharpest cowboys in the parking world to put things out that frighten people and seek to get money from them. In many cases they use sharp practices such as, when a person enters their registration in the machine, the first button they press wakes up the machine, or the weird keyboard does not seem to be working that day, or, unlike local council car parks nearby that use such systems, they accept payment for registrations that are not in the car park, so a person who has actually paid can still get a fine afterwards.

It would be remiss of me not to mention the role of Premier Park in Exeter in supporting this legislation through its management of Marina car park in the middle of Torquay, which has produced a ton of complaints compared with the entirety of Torbay Council’s enforcement operation at 39 car parks and on-street car parking facilities.

This code of practice is overdue, and most of the industry will welcome it. Most of the industry want to manage and run car parks fairly. Most of the industry has nothing to worry about from the Bill, and actually actively supports it because they do not want to be undercut by rogue operators that rely on income generated from fines.

I am conscious of the time and that a few more colleagues would like to say some words in support of this welcome Bill, which I look forward to being enacted as quickly as possible.

2.2 pm

Neil O’Brien (Harborough) (Con): It is a pleasure to support this Bill, a sound piece of legislation sponsored by a sound Member from a sound part of the country. We should get on and pass it without further delay.

This is a serious issue. Some 10,000 people have been in contact with Citizens Advice over the past year in relation to parking fines, which can be traumatic and stressful for people who suddenly receive bailiff notices, threatening letters and other mail. One of the great things about this Bill is its flexibility; it is not a clunky thing that will become outdated as practice changes in the parking industry. Instead, the Bill will allow us to be flexible over time.

My experience demonstrates the need for this legislation. I have had experiences where certain operators have given me unfair fines, perhaps because they have wrongly typed in my car registration, and I have had successful redress and the fines have been dropped. In other cases, where the operators were more like the cowboys mentioned by the hon. Member for Perth and North Perthshire (Pete Wishart), I have not been successful. The Bill will bring coherence to the system and ensure a fair deal for everyone throughout the country.

It is brilliant that the Bill is supported by the industry. Andrew Pester, the chief executive officer of the British Parking Association, agrees that a single code is important to ensure that unscrupulous providers do not undermine

[Neil O'Brien]

the parking sector with bad practices. The Bill will allow future Ministers to be able to sort out the issues that other Members have raised, to avoid excessive fines, to avoid the failure to give notices, to avoid excessive legal charges in pursuing those things, to stop the sending of threatening letters to vulnerable people and, above all, to strike off cowboy operators by making it impossible for them to trade.

This is a superb Bill. It is exactly the sort of thing that this House should be doing, and it will be hugely welcomed by constituents. I thank my right hon. Friend the Member for East Yorkshire (Sir Greg Knight), who has done this country a service by bringing forward this excellent Bill.

2.5 pm

Gillian Keegan (Chichester) (Con): I, too, add my thanks to my right hon. Friend the Member for East Yorkshire (Sir Greg Knight) for all his work on this important Bill and for sticking up for the consumer, consumer rights and the small guy in the street.

Good-quality parking services are a vital element of all our communities. Before coming to this place, I had the enormous privilege of being the cabinet member responsible for parking services at Chichester District Council, where I saw that as a duty to work closely with businesses and the community at large to ensure that we provided good-quality and safe services. I am especially proud that during that time we upgraded all the car parks to include contactless payment and payment by mobile phones. Indeed, we won many awards for our safe car parks in Chichester.

Having proper, well-run parking services supports the wider economy, as it facilitates people to visit our city centres or quaint villages. This is especially true for rural areas where people mostly have to use a car to get to, say, Chichester. Most car park operators are honourable and seek to offer safe, convenient parking facilities, and to make life easier for people who are trying to visit the city, but it is clear that this ambition to provide a genuine service is not uniform, and there is therefore a clear need for this Bill.

One of my constituents recently came to me having been sent a fine for not purchasing a ticket in a private car park. Her car was registered as she entered the car park by CCTV cameras, and the computer system deemed her not to have paid. On appeal, she insisted that she had in fact paid and bought a ticket, but she was getting nowhere. It was her word against theirs, as is often the problem in these situations. A few weeks later, she returned to me triumphant because she had found her purchased ticket and was able to prove her innocence. However, most of us do not keep old parking tickets. Hearing stories like this, it is no surprise that we now see 13 times more fines issued than a decade ago.

I fully welcome this Bill as it will allow my right hon. Friend the Secretary of State to implement best parking practice across the country and to have an appeals process, as well as improving the management and operational practice of our car parks.

It is also important to look to the future of parking. As well as issuing guidance for common standards and operation, I urge the Minister to consider the impact

that technology is likely to have on this topic. Personalised parking using number plate recognition technology and differentiated pricing based on peak and off-peak periods are likely to become much more commonplace in future, but we should make sure that they are used to encourage good parking practices and to disincentivise bad ones.

I think it is safe to say that we all support this Bill. I look forward to seeing it in practice and putting an end to the sharp business practice that we have seen increasing in our car parks.

2.7 pm

Nigel Huddleston (Mid Worcestershire) (Con): I am very pleased to congratulate my right hon. Friend the Member for East Yorkshire (Sir Greg Knight) on bringing in this Bill, which is a good dose of common sense in this time of division. He has managed to unify the House. Perhaps we need more such Bills.

The Bill is common sense in so many ways. All of us, as MPs, receive way too many emails, letters and calls from our constituents raising concerns about parking. It makes absolutely no sense for us, in our offices paid for by the public purse, to effectively be as the customer services complaints process for some of the more disreputable car park operators. This Bill will help to avoid all that. Citizens Advice and other bodies are involved in these disputes to far too great an extent, as well. A single code of practice consistently applied means that if we go into a car park at one end of a street, it will have the same standards as the others. I also appreciate the penalty in the form of not having access to DVLA information should there be non-compliance with the code of practice.

My constituents always expect me to support common-sense Bills, and I will do so today.

2.9 pm

Luke Graham (Ochil and South Perthshire) (Con): Being a neighbour of and sharing a county with the hon. Member for Perth and North Perthshire (Pete Wishart), it is a pleasure to come here to support him and my right hon. Friend the Member for East Yorkshire (Sir Greg Knight) on this Bill. This parking issue affects constituents from not only Perth and Kinross, but Clackmannanshire, on the other side of my constituency, who go into Stirling. They, too, have experienced extortionate fines for very small or misunderstood misdemeanours. Importantly, this Bill corrects a wrong that was identified by Citizens Advice Scotland in 2014 in its "It's Not Fine" report, which set out how private practitioners need to clean up their act. This is now being addressed and it is great to see a national problem having a national solution in this Bill, with the support of Members from across the United Kingdom.

2.9 pm

Mike Wood: This Bill is important not only in protecting motorists; it is vital to the vitality of our town centres. People who are afraid of high, arbitrary parking penalties do not come into town centres and so do not support local traders, and our high streets miss out. Parking providers have privileged access to DVLA records in order to enforce these charges. That is a privilege, and where providers are abusing their position through excessive charges and making sure that those escalate as a way of

dissuading people from contesting the charges, despite there being insufficient signage, the provider should lose those privileges, even if they go out of business. My right hon. Friend the Member for East Yorkshire (Sir Greg Knight), in bringing forward this vital Bill, has earned the thanks of motorists from around the country. He deserves the thanks of the traders in our town centres who rely on this and he deserves the support of all of us in this House today.

2.11 pm

Rishi Sunak: It is a pleasure to conclude this outbreak of consensus and unity. The hon. Member for Denton and Reddish (Andrew Gwynne) put it perfectly: of course private landowners and car park operators have the right to manage their land effectively, but that must be done in a fair, reasonable and proportionate manner. For the first time, as a result of this Bill, that is exactly what will happen. We have heard so many contributions from Members in all parts of this House about the sharp practices that our constituents have had to endure, and we will now be able to put an end to those nefarious ways of doing business.

So many specific examples have been given that it will be difficult to respond to all of them, but I wanted to touch on a few of the common themes that emerged in Members' contributions. The issue of surface markings was raised by many Members and I can confirm that the code of practice should look at that, along with signage—the size, the things that should be included on signs and where they are located in car parks. Again, that is a common-sense measure.

Consideration and grace periods was another issue picked up on by many hon. Members. We heard examples of Members and their constituents being taken advantage of. Ensuring there are sensible periods to allow someone to come into a car park, decide whether they want to park and then leave again without charge, and to allow them when they return to be able to pay for their ticket, get to their car and leave are sensible measures that the code of practice will examine.

We heard a lot about the legal status of private penalty charge notices and the confusing nature of private companies using that legal language. I confirm, again, that the code of practice should and will look at that, as well as the language and information that should be included on those private parking notices, as

we should perhaps call them. This could include the contact details for the parking operator, clear information about the appeals and the challenge process, timescales for payments and the details in relation to the breach of contract, so that no threatening or misleading language can be used in relation to the terms of the situation that the parker has found themselves in.

Fines were a topic raised by many Members. Of course it is sensible that there should be some element of fines, but those should be reasonable. I have heard and taken on board the suggestion from hon. Members about linking them in some way to local authority fine rates, which are already in existence. That idea definitely has merit and we will continue to explore it with the team. My hon. Friend the Member for Bexhill and Battle (Huw Merriman) raised the issue of railway parking. As he knows from his time in the Department, railway parking is governed by separate rail byelaws. Obviously, our constituents are not aware of that, so we are working with the Department for Transport to see whether we can find consistency between the various different regulations.

I hope hon. Members will remain convinced of our commitment to bringing this legislation into force as soon as practicably possible. Of course we all join in congratulating my right hon. Friend the Member for East Yorkshire (Sir Greg Knight) on his diligent and valiant efforts in this regard. In conclusion, I hope hon. Members can join me in thanking my team. A small team has been working on this incredibly important issue for many months. They have done a fantastic job and I am sure that they will continue to make us proud as we bring this legislation to bear.

2.14 pm

Sir Greg Knight: With the leave of the House, I once again thank everyone who has taken part. In anticipation of his future help, I thank my noble Friend Lord Hunt of Wirral, who has agreed to take the Bill through the other place.

The message to cowboy parking operators from this Chamber is loud and clear: in future, you play by the rules or you are put out of business. Let us give the Bill our blessing and make parking a much fairer experience.

Question put and agreed to.

Bill accordingly read the Third time and passed.

Voter Registration Bill

Second Reading

2.15 pm

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

The Bill relates to electoral fraud and abuse, so I hope that it will receive the Government's warm support. There is a lot of voter abuse of our electoral system, which undermines our democracy. The Government have undertaken various initiatives to try to build public confidence in the system. They have launched various inquiries, including Sir Eric Pickles' inquiry, and engaged with the Electoral Commission.

Mark Tami (Alyn and Deeside) (Lab): Would the hon. Gentleman not say that the scandal of the number of people who are not on the register is bigger than the need for measures to keep people off it?

Sir Christopher Chope: The fact that some people do not register when they are entitled to do so is an issue, and everything is being done to try to encourage more people to register. That is the Government's policy and I certainly support it. If the hon. Gentleman had wished to introduce a Bill to deal with another aspect of our electoral system, he could have done so, but this is a narrow Bill to prohibit people from being registered to vote in parliamentary elections in more than one constituency.

It seems to me that it would be a good idea to tidy up our system. Currently, large numbers of people are registered to vote in UK parliamentary elections in more than one constituency. It is, of course, against the law to vote more than once in a general election, but after the most recent general election, several people bragged that they had voted more than once because they had been able to vote in more than one constituency.

Eddie Hughes (Walsall North) (Con): Is my hon. Friend aware of any people being prosecuted for voting twice at the general election?

Sir Christopher Chope: No, I am not. Indeed, that was what prompted me to introduce the Bill. After the general election, I spoke, in my naivety, to the Electoral Commission to inquire what it was doing to ensure that people who were registered in more than one constituency did not vote more than once. It became apparent that the commission does not have a national register, and therefore is not able to say whether a Mr David Jones in one constituency is the same Mr David Jones who voted in another constituency. That is why I have introduced the Bill.

Michael Tomlinson (Mid Dorset and North Poole) (Con): I have every sympathy for what my hon. Friend and parliamentary neighbour is trying to achieve, but would clause 1(2) place an onerous burden on local authorities in respect of the checks required? Alternatively, does my hon. Friend envisage a national register such as that which he has just mentioned being brought into force as part of the Bill's implementation?

Sir Christopher Chope: I envisage a national register. Indeed, I think the Government's policy is to introduce a national register. I would be the first person to accept

that the Bill is probably not perfectly drafted, and that anybody who wanted to try to undermine it would be able to do so.

Huw Merriman (Bexhill and Battle) (Con): My hon. Friend says that he is not aware of anybody being charged. In fact, five people were charged—one was convicted and given a fine; two had no further action taken against them; and the cases against the other two are, I believe, still outstanding.

Sir Christopher Chope: I am grateful to my hon. Friend for that information, but I am not sure whether those five cases were based on anything other than open admissions rather than detective work. We need a system that ensures that people do not vote in more than one constituency in a general election and therefore do not abuse the system by voting twice.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): Would it not be better to put greater emphasis on the management of existing law, which makes it illegal to vote twice in parliamentary elections, rather than potentially removing the franchise from people who may be away from their home at the point at which an election is called?

Sir Christopher Chope: No, I do not. If people are away from their home, they are perfectly able to apply for a postal vote. Some people have more than one home. Why should those people be in a privileged position by being able to pick and choose the constituency in which they want to vote in a general election?

Luke Pollard *rose*—

Sir Christopher Chope: I will not give way again because I am trying to develop my argument. It is obvious that not everybody accepts the principle that we should have a legal system that is as tight as possible so that it is easy to enforce against those people who carry out abuse. There were five prosecutions after the previous general election, but we know that the practice of voting in more than one constituency is much more widespread than that, as is reflected in both the Pickles report and also the work of the Electoral Commission.

Why do we not do everything possible to maximise the confidence in our electoral system and follow the recommendations that I propose in this Bill, which would ensure that if somebody registered with an electoral registration officer, they would, at the same time, have to declare that they were not already registered somewhere else? It is a pretty straightforward thing to do. There is also provision, which is not often enforced, that people should indicate their previous registered address, or that if they do not have a previous registered address, they should give some evidence of identity and perhaps also of nationality.

The electoral register is the key to the integrity of our system but, at the moment, it is very vulnerable. Another area of vulnerability is that if people are registered in more than one place and, to take the point of the hon. Member for Plymouth, Sutton and Devonport (Luke Pollard), somebody is away, it is easy for somebody else to impersonate that person, knowing full well that they will not get caught out, because there are no circumstances in which that person will turn up to vote.

One of the deterrents against people going along and voting as somebody else in a constituency is that the real person could turn up to vote and that would create a bit of a problem. If people know that large numbers of voting cards have been delivered, sometimes in bulk to halls of residence at universities, for example, those voting cards are very vulnerable to getting into the wrong hands and then being the subject of abuse. This enables people to vote when they should not be able to do so, because they will be voting for a second time.

I am disappointed by the tone that we are hearing from Opposition Members. They do not seem to be concerned about improving the integrity of our electoral system and doing everything we can to eliminate electoral fraud. Surely that should be the starting point for any debate to try to reinforce our democratic institutions, one of which is, of course, the ability of a person to vote in general elections if they are aged over 18, but only once.

2.24 pm

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): I disagree fundamentally with the Bill, for two main reasons. First, it does not focus on enforcing existing laws. We must be cautious about creating more laws for the sake of it. The statute book already provides for people to be prosecuted for voting more than once in a general election, so the effort should be put into ensuring that there are sufficient resources to allow electoral registration offices in our local authorities, which are well known to be suffering as a result of Government cuts, and police forces, which are also suffering from cuts, to enforce the law as it stands.

Secondly, we must consider what the Bill would mean for particular voter groups, and I am thinking especially of students and members of the armed forces. Those who serve in our armed forces are frequently posted away from their homes and families, so their ability to register in both locations is vital to ensure that they do not miss out on their democratic right to choose who represents them in this place and on local councils.

Michael Tomlinson: The hon. Gentleman makes a sensible argument, but did he not hear the response to that point from my hon. Friend the Member for Christchurch (Sir Christopher Chope), which was that students and those serving away from home in the armed forces can choose to register elsewhere and simply vote by post?

Luke Pollard: Given the frequency of snap elections—past and potentially future—I do not think that we should necessarily be arguing for people to plan their residency arrangements around the whims of the Government, whether they collapse or not. Also, people are not able to apply for a postal vote right up until the last moment, and they do not always know whether they will have to be away from their home address for an election. There are many circumstances, whether relating to education or to work, that will mean they need to move between different locations where they are registered, which makes that a more difficult argument. I think that we should be focusing on getting more people registered to vote, rather than making it harder for those people who are already registered to use their vote.

The point I was making about the armed forces is important, because we should go further to ensure that those who serve our country in uniform can use their

vote to elect people to this place, and to local government and other offices. We must recognise that deployment patterns mean that they need to move to different locations, away from their homes and families. Indeed, voter registration already recognises that and allows it to be done.

A similar argument can be made for students, especially those studying away from home. The ability to register and to use their vote, whether they are at university in Plymouth or Exeter—wherever they might live—is an important part of ensuring that our young people and others in education do not lose their right to vote.

I think that there is an argument about making it easier for people to register to vote and then to use their vote. Instead of removing the flexibility that comes from having complex lives, often involving unpredictable travel patterns, we should be using this opportunity to talk about how we get more people on the electoral register, how we encourage our 16 and 17-year-olds to register at an early age—even though they are currently denied the right to vote—and how we can move to automatic voter registration, so that when someone registers for council tax, for instance, they are automatically passed on to register online.

This morning I registered to vote in my place in London, because I moved house a couple of months ago. When I filled in the online registration—I did it on my mobile from the Front Bench—I was asked, “Have you moved house recently?” There is progression in making registration easier. In fact, some of the points that the hon. Member for Christchurch (Sir Christopher Chope) made in his speech dealt with how people currently register to vote online. Online electoral registration has been an improvement in the system. It has not yet reached what I think should be its final destination, which is more automatic registration so that everyone is registered, regardless of whether they can fill in the details, whether their national insurance number matches Department for Work and Pensions records, or whether they follow things up with a letter along the way, which are the complications that have come from the registration system.

I think that potentially denying people the right to vote based on this type of legislation would be bad for our armed forces and bad for our young people studying in higher education, and for that reason I cannot support the Bill.

2.29 pm

Huw Merriman (Bexhill and Battle) (Con): It is a great privilege to follow the hon. Member for Plymouth, Sutton and Devonport (Luke Pollard). Like him, I cannot support the Bill, because I cannot support anything that makes it more difficult for individuals to be able to vote. If my hon. Friend the Member for Christchurch (Sir Christopher Chope) does not mind my saying so, I think it is a little mean-spirited when it comes to students. I remember registering twice because I was never sure whether I was going to be in Durham or back home in Mr Speaker’s constituency of Buckingham.

Anything that adds bureaucracy and regulation, or that makes it harder to incentivise people to vote, is not, in my view, in the best spirit of democracy. I say that as a supporter of votes for 16 and 17-year-olds, albeit I do not think we should have automatic registration. Quite frankly, if people cannot take that step to then go and vote—

2.30 pm

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

Ordered, That the debate be resumed on Friday 15 March 2019.

Business without Debate

STUDENT LOANS (DEBT INTEREST) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

BORDER CONTROL BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 15 March 2019.

GREEN BELT (PROTECTION) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 15 March 2019.

LOCAL AUDIT (PUBLIC ACCESS TO DOCUMENTS) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

EMPLOYMENT AND WORKERS' RIGHTS BILL

Resumption of adjourned debate on Question (27 April), That the Bill be now read a Second time.

Hon. Members: Object.

Debate to be resumed on Friday 25 January 2019.

UNPAID WORK EXPERIENCE (PROHIBITION) BILL [LORDS]

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

MODERN SLAVERY (VICTIM SUPPORT) BILL [LORDS]

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

TERMINAL ILLNESS (PROVISION OF PALLIATIVE CARE AND SUPPORT FOR CARERS) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

ARMED FORCES (STATUTE OF LIMITATIONS) BILL

Bill to be read a Second time on Friday 25 January 2019.

NATIONAL LIVING WAGE (EXTENSION TO YOUNG PEOPLE) BILL

Resumption of adjourned debate on Question (6 July), That the Bill be now read a Second time.

Hon. Members: Object.

Debate to be resumed on Friday 25 January 2019.

EMERGENCY RESPONSE DRIVERS (PROTECTIONS) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 15 March 2019.

Sir Henry Bellingham (North West Norfolk) (Con): This is ridiculous! It is perfectly good. It is a very good Bill. How dare you? It is a superb Bill, and it has been objected to. My hon. Friend the Member for Christchurch (Sir Christopher Chope) has not even read the Bill—

Madam Deputy Speaker (Dame Eleanor Laing): Order. I am afraid that the hon. Gentleman does not have an opportunity to tell the House now what an excellent Bill this is, but he will have an opportunity to do so on 15 March 2019.

ACCESS TO WELFARE (TERMINAL ILLNESS DEFINITION) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

CIVIL AVIATION (ACCESSIBILITY) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 8 March 2019.

CERAMICS (COUNTRY OF ORIGIN MARKING) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

ONLINE FORUMS BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

ABORTION BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

PETS (THEFT) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

HEALTH IMPACTS (PUBLIC SECTOR DUTY) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

PHYSICIAN ASSOCIATES (REGULATION) BILL

Resumption of adjourned debate on Question (26 October), That the Bill be now read a Second time.

Hon. Members: Object.

Debate to be resumed on Friday 25 January 2019.

LEASEHOLD REFORM BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

LICENSING OF TAXIS AND PRIVATE HIRE VEHICLES (SAFEGUARDING AND ROAD SAFETY) BILL

Resumption of adjourned debate on Question (2 February), That the Bill be now read a Second time.

Hon. Members: Object.

Debate to be resumed on Friday 25 January 2019.

FOOD INSECURITY BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

SHARED PARENTAL LEAVE AND PAY (EXTENSION) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

AUTOMATIC ELECTORAL REGISTRATION (NO. 2) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

REPRESENTATION OF THE PEOPLE (YOUNG PEOPLE'S ENFRANCHISEMENT) BILL

Resumption of adjourned debate on Question (11 May), That the Bill be now read a Second time.

Hon. Members: Object.

Debate to be resumed on Friday 25 January 2019.

REPRESENTATION OF THE PEOPLE (YOUNG PEOPLE'S ENFRANCHISEMENT AND EDUCATION) BILL

Resumption of adjourned debate on Question (3 November 2017), That the Bill be now read a Second time.

Hon. Members: Object.

Debate to be resumed on Friday 25 January 2019.

MARRIAGE (SAME SEX COUPLES) (NORTHERN IRELAND) (NO. 2) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

HOUSE OF LORDS (EXCLUSION OF HEREDITARY PEERS) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

PRIVATE LANDLORDS (REGISTRATION) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

YOUTH (SERVICES AND PROVISIONS) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

VIOLENT CRIME (SENTENCES) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

PACKAGING (EXTENDED PRODUCER RESPONSIBILITY) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

**ASSET FREEZING (COMPENSATION) BILL
[LORDS]**

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

LEGALISATION OF CANNABIS (MEDICINAL PURPOSES) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

LOCAL HEALTH SCRUTINY BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

PUBLIC SECTOR EXIT PAYMENTS (LIMITATION) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

FREEDOM OF INFORMATION (EXTENSION) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

TYRES (BUSES AND COACHES) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

NATIONAL HEALTH SERVICE (CO-FUNDING AND CO-PAYMENT) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

LOCAL AUTHORITIES (BORROWING AND INVESTMENT) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

PRINCIPAL LOCAL AUTHORITIES (GROUNDS FOR ABOLITION) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

COASTAL PATH (DEFINITION) BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 15 March 2019.

WILD ANIMALS IN CIRCUSES BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

NATIONAL HEALTH SERVICE BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

HOME EDUCATION (DUTY OF LOCAL AUTHORITIES) BILL [LORDS]

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

LOCAL ELECTRICITY BILL

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

CREDITWORTHINESS ASSESSMENT BILL [LORDS]

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

CHILDREN ACT 1989 (AMENDMENT) (FEMALE GENITAL MUTILATION) BILL [LORDS]

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

Hon. Members: Object.

Bill to be read a Second time on Friday 25 January 2019.

Madam Deputy Speaker (Dame Eleanor Laing): Thus showing what an enormously wide range of subjects this House deals with on Fridays.

Blood Cancer

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

2.42 pm

Henry Smith (Crawley) (Con): I am grateful for the opportunity to raise the important issue of the NHS long-term plan and blood cancer. In doing so, I congratulate my hon. Friend the Member for Wimbledon (Stephen Hammond) on his appointment to his ministerial position.

We are already nearing December. It is often said that the months seem to fly by, and this is very much the case in terms of the work of the all-party group on blood cancer throughout 2018. As chair of the all-party group, it certainly does not seem like almost a year ago that we launched our first report, which coincided with a Westminster Hall debate on blood cancer care and the NHS. As we come towards the end of the year, we are also approaching the publication of the Government's long-term plan for the NHS. It is vital that the needs of blood cancer patients are considered and implemented if we are to build on the progress undertaken in recent times for people with blood cancer.

Our all-party group has continued to take evidence from a host of experts and to raise further awareness with health officials and policy makers. Our pursuit of this cause in Parliament is ongoing. September saw Blood Cancer Awareness Month. To mark that occasion it was my pleasure to host Bloodwise, as it invited MPs to meet members of their successful and ever growing patient ambassador programme. Speaking with people such as patient ambassadors really helps to put cancer into a human context. It is important to highlight the fact that some 40,000 people are diagnosed with blood cancer in the UK each year, but listening to just one or perhaps a handful of people who are either living with or have been treated successfully for blood cancer is a powerful reminder that behind every statistic are individual patients, with their own story to tell.

Mark Tami (Alyn and Deeside) (Lab): I add my praise for the work that the hon. Gentleman has been doing with the all-party group. When it comes to patients who need a transplant, around 60% of patients who are white will get the best possible match, but if someone comes from a black, Asian and minority ethnic background, that drops to 20%. Does he agree that we need to do much more work to improve this dreadful situation?

Henry Smith: I am grateful for the hon. Gentleman's intervention, and I pay tribute to him for his contribution to this debate and for raising this matter in this place just yesterday. I absolutely endorse what he says about the importance of transplantation.

Last week, the APPG held its latest meeting on the timely topic of ensuring that patients have access to the best drugs and treatments, ahead of the publication of the NHS plan. In recent months, there have been some significant decisions regarding treatments for blood cancer on the NHS. In September, CAR—chimeric antigen receptor—T-cell therapy was approved for entry into the cancer drugs fund by the National Institute for Health and Care Excellence and NHS England to treat children and young people with relapsed acute lymphoblastic leukaemia. CAR-T therapy is a new type of therapy that modifies a person's infection-fighting

[Henry Smith]

T cells to better spot and kill cancer cells. It could offer people with certain hard-to-treat blood cancers the chance for long-term survival, or even a cure.

I was pleased to question my right hon. Friend the Prime Minister at Prime Minister's questions about CAR-T therapy following the NHS England announcement. I continue the call I made that day for the Government to ensure that a focus on blood cancer awareness, diagnosis and prevention will continue into the future. With that in mind, will the Minister update the House on when people with blood cancer are likely to benefit from CAR-T treatment and on whether the health system is ready for this type of personalised medicine?

Additionally, NHS England changed its mind recently and allowed ibrutinib to be used for patients with chronic lymphocytic leukaemia after three years' remission. The development of new drugs is ongoing. Bloodwise estimates that over one third of all indications for which drugs are funded on the cancer drugs fund are for blood cancer, which highlights not only the challenges we face, but the potential to help.

In January, the APPG launched its inaugural report, "The 'Hidden' Cancer—The need to improve blood cancer care." Key to this is the word "hidden". Blood cancer is known as the hidden cancer because although patients may indeed be receiving or waiting to start treatment, they may not be displaying any obvious or visible signs of ill health.

I am careful to try to refer to patients and their support networks, especially in this context, as the impact of diagnosis on a patient's family must also be considered, especially when children are involved. This is particularly the case for patients on so-called watch and wait. That is typically an option only for people with few or no worrying symptoms, whose quality of life and prognosis will not be affected by delaying treatment, and it is recommended for those with blood cancers or related conditions that are stable or slow-growing. However, if someone has been told that they have cancer and, at the same time, they know that they will literally watch and wait to see when they are in a position to begin treatment, it is understandably disconcerting, to say the least. Patients on watch and wait told the APPG inquiry that specific emotional support was required to help them to come to terms with what was happening. Approximately 27,000 people with blood cancer are currently on watch and wait in the UK. To put this in context, that is 13% of those living with blood cancer.

Turning to mental health, anyone with experience of living with cancer or supporting a friend or family member who has done so will know of the dedication of NHS staff and health workers in seeking to do all that they can to provide support. However, it is vital that these staff are given the tools to ensure that patients are fully equipped mentally through the psychological support that they receive. Our APPG report recommended:

"Patients should have access to the full range of emotional and psychological support services throughout their treatment, for themselves and their families".

The Government have put mental health on a par with physical health. As such, I would be grateful for the Minister's assurances that blood cancer patients will receive the psychological support that they need after diagnosis, during treatment and after it has been completed.

I congratulate the hon. Member for Alyn and Deeside (Mark Tami) again on his Adjournment debate yesterday on psychological support after cancer treatment. By working together on a cross-party basis, it has become powerfully apparent to me that we can make a significant difference. Indeed, I have mentioned that only last week, the blood cancer APPG held its latest meeting on access to drugs and treatments for patients. We were fortunate to be joined by MPs, charity representatives and, of course, patients, one of whom said something that has remained in my mind. She said that patients "don't know if they're living or dying".

That highlights succinctly and powerfully the importance of this work and the importance of patients, politicians, cancer charities, the Department of Health and Social Care and the wider national health service in ensuring that patients are supported as well as treated.

One of the most striking passages of our APPG report referred to the long-term nature of blood cancer, and how it is different from solid tumour cancers. Respondents to our inquiry found that the term "living beyond" blood cancer was irrelevant. They will probably never live without blood cancer—it will remain part of their life—and very few of those patients have access to the recovery package. Indeed, one respondent even said that they did not know what the recovery package was, which is a point of concern. The recovery package assists patients after their cancer treatment has ended so that they can seek to return to their normal life.

I welcome the fact that the Under-Secretary of State for Health and Social Care, my hon. Friend the Member for Winchester (Steve Brine) recently reiterated that

"the recovery package is being commissioned and delivered in full or in part by many Clinical Commissioning Groups and providers across England".

He continued:

"NHS England's aim is to accelerate the process to ensure full implementation by 2020 so the package will be available to all cancer patients across the country regardless of location."

He also stated that NHS England was

"building up a picture of current provision to help target future work to support rollout."

I should be grateful for clarification from the Minister for Health on how support for blood cancer patients is included in this analysis.

Turning to data collection, the inclusion of blood cancer in a range of data collection initiatives will help policy makers to gain a greater understanding of the condition and how patients can be supported. For example, clinical commissioning groups and cancer alliances do not group blood cancer into a single disease area, unlike the national cancer patient experience survey, which means that blood cancer currently receives less attention and therefore fewer resources. The inclusion of blood cancer in the cancer dashboard, which only covers breast, colorectal, lung and prostate cancers, would be a step forward for patients.

Earlier this year, the Under-Secretary of State for Health and Social Care, my hon. Friend the Member for Winchester, said in a written answer:

"A second iteration of the dashboard is being considered by the National Cancer Transformation Board with a wider ambition to include rarer cancers and cancers with a lower incidence, such as blood cancers, as the dashboard develops."

May I ask when we may expect such a development to come into effect?

GP surgeries are a vital part of the NHS. Like all MPs, I receive correspondence from my constituents on the subject of access to GPs. Indeed, in the NHS plan, we need enhanced support for doctors and their capacity to see patients every day, both in Crawley and up and down the country. While the A&E in Crawley Hospital was closed under the previous Government, Crawley Hospital urgent care centre is now open 24 hours a day, seven days a week. I urge the Minister to ensure that hospital services continue to come back to sites such as Crawley Hospital, while at the same time ensuring that the resources are in place to enable our constituents to access their GP, not on the other side of the town or county, but in their own local area.

GPs need more assistance to detect and flag up blood cancer. A GP will see, on average, eight cases of cancer per year, only one of which will be blood cancer. The number of GP visits needed before a cancer diagnosis is significantly higher for blood cancer patients than for people with other forms of cancer. Someone with cancer will of course want to be diagnosed the first time they see their GP with symptoms, but one in six blood cancer patients needed to visit their GP three, four or even more times before diagnosis. Only one in 42 breast cancer patients required such regular visits to be diagnosed with their condition.

In the wider debate, the numbers and the statistics are important. Not far shy of a quarter of a million people are living with blood cancer in the UK, and one in 19 people will develop blood cancer at some point in their lives. In Crawley there were fewer incidents of blood cancer than either breast or prostate cancer, but there were more blood cancer deaths than from either of those other forms of cancer. The challenges are immense. Blood cancer is the UK's fifth most common cancer, and the third biggest cancer killer. However, there are reasons to be positive. Over a period of almost four decades, from 1971-72 to 2010-11, 10-year survival rates for leukaemia, one of the most common groups of blood cancer, increased from 7% to 46%. Among children, the figure has trebled to 81%.

In all those figures are the individuals who live with blood cancer, who care for family members who are patients, or who are advocates on behalf of those affected by the condition. My constituent Bill Bedford was diagnosed with myeloma in September 2016. He has undergone a stem cell transplant operation and is now fortunately in remission. Bill is one of many patients who are seeking to give something back. He has undertaken a 310-mile cycle ride, from London to Paris, to raise funds for Myeloma UK. Seven-year-old Ebonie Musselwhite, also from Crawley, was diagnosed with acute lymphoblastic leukaemia two years ago. About 650 people are diagnosed with ALL each year in this country, half of them children. Crawley Fire Station and Crawley Lawn Tennis Club are just two of the local organisations that have held fundraising events to help contribute to the cost of support for Ebonie. Angus Rowland, a young man living just outside Crawley, was diagnosed with acute myeloid leukaemia in 2010. Sadly, he died in May 2011, just 14 and a half years old. The Angus Rowland Forget-Me-Not Walk and Run took place in October, just outside Crawley, to raise funds for Bloodwise in Angus's name.

I said at the APPG report launch that we could not just stand there and be pleased with what we had published in our first report. Rather, it must form the

basis of a continued programme of work to effect lasting change. To people living with blood cancer right now, who may be on watch and wait, who may be undergoing treatment, or who may have only just been diagnosed, I say this: there are people in Parliament who are on your side, and we will stand up for you. We want to help, and we will keep the pressure on the Government and the NHS. To those who may have undergone treatment, who may be having treatment now, or who simply want to ensure greater support for blood cancer patients, my message is simple: contact your local MP and ask him or her to contact the Department for Health and Social Care, NHS England and local clinical commissioning groups. Let us continue to raise awareness, so that blood cancer is no longer the hidden cancer.

Madam Deputy Speaker (Dame Eleanor Laing): I am delighted to welcome back to the Dispatch Box the Minister, Mr Stephen Hammond.

2.59 pm

The Minister for Health (Stephen Hammond): It is a great pleasure to be here.

Blood cancer is the third biggest cancer killer in the UK and nearly 250,000 people are living with it today. Although cancer is relatively rare in younger people, blood cancers are the most common cancer in under-30s, so this is an important debate, despite the fact that the Chamber is not packed.

I congratulate my hon. Friend the Member for Crawley (Henry Smith) on securing the debate and thank him for his contribution as chair of the all-party parliamentary group. As he rightly said, this is cross-party, so I also congratulate the hon. Member for Alyn and Deeside (Mark Tami), who I understand is the deputy chairman and had an Adjournment debate yesterday.

Cancer is a Government priority. Survival rates have improved since 2010. About 7,000 people are today alive who would not be if mortality rates had remained at those levels. This must continue. We are transforming cancer services across England and taking an "all cancer" approach to improvements. We want our cancer services to be the best in the world. We want all cancer patients to have access to the treatment and the care that will allow for the best possible chance of a successful clinical outcome.

This is really important. That is why the Prime Minister last month announced a package of measures that would see 75% of all cancers detected at an early stage by 2028. Currently, just half of all cases are detected at an early stage. The new 75% target applies to all cancers, not just the 10 currently in the public health outcomes framework early diagnosis metric. We are keen to work with charities representing sufferers of cancers not currently included in that metric on how best to measure progress towards the 75% target.

We are reforming screening, and investing in technology and research to improve diagnosis and care. That will form part of the long-term plan for the NHS and forms part of how we will achieve our ambition of seeing 55,000 more people surviving cancer for five years in England after 2028.

In December 2016, the Government invested £200 million to encourage earlier diagnosis, improve the care for those living with cancer and ensure that cancer patients

[Stephen Hammond]

get the right care for them. Early diagnosis of blood cancers can sometimes be difficult, as my hon. Friend said. Symptoms can be vague and often misdiagnosed, delaying treatment.

Mark Tami: That is a particular problem with children. Sometimes these things are dismissed as growing pains or bruising—just kids being kids.

Stephen Hammond: The hon. Gentleman makes an important point. That is essentially why the Government put that money in—to ensure that earlier diagnosis could be enabled. He makes a valid point. It is clear that sometimes patients see GPs multiple times before getting that referral. The money put in to ensure that earlier diagnosis will hopefully ensure that that referral happens more quickly.

In addition to helpful earlier National Institute for Health and Care Excellence guidelines, NHS England has been testing innovative ways of diagnosing cancer earlier, with sites piloting multidisciplinary diagnostic centres for patients with vague or non-specific symptoms, such as those common in blood cancers. In her announcement, the Prime Minister pledged to roll out these rapid diagnosis centres nationally to offer all patients a range of tests on the same day with rapid access to results.

My hon. Friend the Member for Crawley mentioned CAR-T cell therapy. He will know that earlier diagnosis must mean earlier treatment and there have been some exciting developments in that area for people under 25 with leukaemia. Last week, NICE recommended the pioneering cancer treatment CAR-T cell therapy for young people with relapsed or refractory B-cell acute lymphoblastic leukaemia.

My hon. Friend asked about what is happening and timescales. Through the Cancer Drugs Fund, Kymriah will now be offered to people under the age of 25 who have not responded to current treatment or who have relapsed from stem cell transplants. That marks a new generation of personalised medicine with the potential to transform cancer patient care worldwide. As he knows, the work is in its early stages. We know that more personalised treatments will be game changers in cancer treatment.

My hon. Friend also talked about people who have to live with and beyond cancer. More than 300,000 people are diagnosed every year. Innovations in treatment mean that more people look forward to a life after cancer and, as survival improves, we must ensure that patients enjoy as good a quality of life as possible after treatment. We are rolling out the recovery package to every cancer patient by 2020, including of course those with blood cancer. This is a set of interventions designed to help patients and clinicians to assess a patient's physical and emotional needs at appropriate points on the journey

of recovery. It goes from diagnosis at the beginning to recovery at the end. For blood cancer patients, the recovery plan will be personalised to take account of the unique characteristics of blood cancer, which can be very different from those caused by a solid tumour, as my hon. Friend, the chair of the all-party parliamentary group, rightly recognised.

My hon. Friend asked for some comments on psychological support, which was the basis of the Adjournment debate yesterday. Many patients with a chronic blood cancer diagnosis will sadly never be cured. They will be on a regime of watch and wait, often over many years, to see if the cancer has progressed to a point where treatment needs to take place. This takes a huge psychological toll on the patient and their family. The recovery package therefore takes a holistic approach and also considers mental health needs. When patients require additional psychological support, they must have access to appropriate mental health services. Mental health is a priority for the Government, and last year we announced an additional £1.3 billion to expand the NHS mental health workforce, which will allow an extra 1 million patients to be treated by 2020-21. That will help to ensure that cancer patients can be referred promptly to any psychological support they need as part of their recovery package.

My hon. Friend mentioned including blood cancer in the cancer dashboard. Public Health England is working with NHS England on the next phase of the dashboard development, and this will be informed by the needs of key stakeholders and cancer charities. I know that the Under-Secretary of State for Health and Social Care, my hon. Friend the Member for Winchester (Steve Brine), has expressed his frustration that the dashboard is limited to the top four cancers and wants to see it expanded. NHS England and Public Health England have had clear direction from him on this, and he and the Department will be watching this with interest. I know that he will want to speak to my hon. Friend and to the all-party parliamentary group on that matter.

I hope that my hon. Friend the Member for Crawley will be reassured to hear that the Government are absolutely committed to transforming services for all cancer patients, including blood cancer patients. More people are being referred and diagnosed than ever before, and thanks to innovative treatments, more of them will survive their cancers. The cancer strategy and the progress that the Government have made in implementing its 96 recommendations provide the ideal launch pad for the long-term plan. With cancer as one of its key components over the next decade, it will enable the NHS to ensure that every cancer patient gets the emotional, psychological and physical support that they need to live well with, and beyond, cancer.

Question put and agreed to.

3.8 pm

House adjourned.

Written Statements

Friday 23 November 2018

DEFENCE

Contingent Liability

The Parliamentary Under-Secretary of State for Defence (Stuart Andrew): I am today laying a departmental minute to advise that the Ministry of Defence (MOD) has received approval from Her Majesty's Treasury (HMT) to recognise a revised contingent liability associated with an Apache integrated operational support contract amendment.

The departmental minute describes the revised contingent liability that the MOD will hold as a result of signing a contract amendment to the Apache integrated operational support contract. This amendment extends the support to the Apache helicopter fleet from 2019 until 2024 and covers the third and final pricing period for the contract. Due to the Apache AH-64E coming into service in 2024 and the need to manage obsolescence issues on the current Mk1 helicopter to ensure a smooth transition for pilots and engineers, the out of service date for the Apache Mk1 has been advanced to 2024. This amendment revises the support contract accordingly.

The maximum contingent liability against the MOD for damage at Government premises caused by contractor's staff is estimated at £18,750,000 and the MOD has an additional exposure value of £2,000,000 for use of the indemnity condition 15, ammunition and explosives.

The contingent liability will remain for the duration of the contract to 2024.

Further contingent liabilities for intellectual property rights (IPR) in software, third party IPR, aircraft flight and taxiing, aviation products, and protection against excessive profit and loss fall within MOD and Defence Equipment & Support delegations.

[HCWS1107]

Service Complaints Ombudsman: Annual Report

The Parliamentary Under-Secretary of State for Defence (Mr Tobias Ellwood): The Ministry of Defence (MOD)'s formal response to the service complaints ombudsman's (SCO) annual report for 2017 on the fairness, effectiveness and efficiency of the service complaints system has today been placed in the Library of the House.

The ombudsman's report commented on the second year of operation of the new service complaints system, which was implemented on 1 January 2016, and the work of her office in 2017. The response sets out MOD's comments and approach to each of the ombudsman's new recommendations.

The MOD values the strong independent oversight that the ombudsman brings to the new service complaints process, and remains committed to having a system in which our personnel can have confidence.

[HCWS1105]

HEALTH AND SOCIAL CARE

Branded Medicines Pricing

The Parliamentary Under-Secretary of State for Health and Social Care (Steve Brine): My hon. Friend the Parliamentary Under Secretary of State for Health (Lords) (Lord O'Shaughnessy) has made the following written statement:

I am pleased to inform Parliament that agreement has been reached on a heads of agreement for a new voluntary scheme for branded medicines pricing and access. The voluntary scheme is an agreement between the Department of Health and Social Care, on behalf of the four UK Governments, and the pharmaceutical industry, represented by the Association of the British Pharmaceutical Industry (ABPI).

This is an important milestone in the ongoing negotiations. If all proposals in the heads of agreement are agreed in a full scheme document, then the new voluntary scheme will operate for five years starting from 1 January 2019. The current voluntary scheme, the 2014 Pharmaceutical Price Regulation Scheme, will end on 31 December 2018.

The new voluntary scheme is expected to benefit patients, the NHS and the life sciences industry through delivery of its overarching objectives of improving patient access to medicines, innovation and affordability. If final agreement is reached on the proposals set out in the heads of agreement, patients will benefit from faster adoption of clinically and cost-effective medicines so they have access to the best available treatment. The deal is expected to deliver a benefit of £930 million next year, to be reinvested into the NHS. The proposals also demonstrate the Government's commitment to innovation through measures to improve uptake of transformative new medicines, to support small businesses through improved exemptions from the cost control mechanism and targeted case management of commercial discussions with NHS England, and to provide greater commercial flexibility for companies that offer the best value new medicines. In addition, the new voluntary scheme would deliver better value for the NHS by ensuring the branded medicines spend remains within affordable limits through an overall cap on growth on NHS branded medicines sales.

Taken together, the new voluntary scheme is expected to support the Government's commitment to ensuring the UK remains an attractive hub for our world-leading life sciences sector, a central part of the Government's industrial strategy.

A summary of the heads of agreement has been placed in the Library. Further information will be provided as the negotiations progress.

[HCWS1108]

PRIME MINISTER

Machinery of Government: Government Equalities Office

The Prime Minister (Mrs Theresa May): This written statement confirms that the Government Equalities Office (GEO) will transfer to the Cabinet Office from 1 April 2019.

This machinery of government change will provide a permanent home for the GEO, in line with a key recommendation from the Women and Equalities Select Committee in its report earlier this year.

It will enable the GEO to better co-ordinate work across Government, including with the Race Disparity Unit, the Office for Disability Issues, and others, to drive real and meaningful progress on the equalities agenda.

[HCWS1109]

TRANSPORT

Road worthiness

The Minister of State, Department for Transport (Jesse Norman): I wish to inform the House that the Government are today introducing changes to formal guidance issued to the operators of heavy vehicles.

The Driver and Vehicle Standards Agency (DVSA) is publishing a revised guide to maintaining roadworthiness, which is the formal guidance for commercial operators and drivers on how to make sure their vehicles are safe to drive.

It includes guidance that tyres over 10 years old should not be used on heavy vehicles except in specific, limited circumstances. These changes reinforce guidance previously issued to bus and coach operators and extend it to include goods vehicles.

The Government take road safety seriously and in 2013 the Department for Transport issued guidance about the use of older tyres on buses and coaches. This precautionary guidance encouraged operators to remove any tyre aged 10 years or more from the front, steering axle, of their vehicles. Since that time, the DVSA has been monitoring the age of tyres fitted during annual roadworthiness inspections. Compliance has been good.

I reported to the House on 1 March 2018 that the Department for Transport was undertaking research to understand better the effect of age on a tyre's integrity. I am pleased to report that this research is proceeding well and that I have made additional funds available to extend the number of tyre samples that are being analysed. The report will be available in spring 2019.

The DVSA's priority is to protect everyone from unsafe drivers and vehicles. It will start conducting follow-up investigations whenever it finds a vehicle operator with a tyre more than 10 years old on its bus, coach, lorry or trailer. If the operator cannot provide an adequate explanation for using an old tyre, or their tyre management systems are not good enough, the DVSA will consider referring them to the Office of the Traffic Commissioner.

The revision to the guide to maintaining roadworthiness also includes information to help drivers of high vehicles to avoid bridge strikes. Bridge strikes cause significant disruption for the rail network and are often caused by drivers failing to appreciate the height of their vehicle.

The revision provides further guidance for drivers to remind them to record the height of their vehicle during their daily walk around checks. By improving guidance in this area, the DVSA aims to see a reduction in disruption to travellers.

The Government and the DVSA will continue their commitment to keep Britain's roads amongst the safest in the world by enforcing legislation, as well as working with industry to provide guidance on vehicle and driver safety.

[HCWS1106]

WORK AND PENSIONS

Benefit and Pension Up-rating

The Parliamentary Under-Secretary of State for Work and Pensions (Justin Tomlinson): I am pleased to announce the proposed social security benefit and pension rates for 2019-20. I have attached the table of rates to this statement and I will place a copy of the proposed benefit and pension rates 2019-20 in the Library of the House. The annual uprating of benefits will take place for state pensions and most other benefits in the first full week of the tax year. In 2019, this will be the week beginning 8 April. A corresponding provision will be made in Northern Ireland and the Scottish Government will lay its own statutory instruments to make these increases to carer's allowance in Scotland.

The annual uprating process takes into account a variety of measures:

The basic and new state pension will be increased by the Government's "triple lock" commitment, meaning that they will be uprated in line with the highest of prices (CPI), earnings or 2.5%. Consequently, they will be uprated by 2.6% (the May-July average weekly earnings figure).

The legislative requirement for the pension credit standard minimum guarantee is that it is increased at least in line with earnings. This year the pension credit standard minimum guarantee will increase by £4.25 a week for a single person (and £6.45 for a couple). The pension credit savings credit maximum amount will be increased in line with prices.

Benefits linked to the additional costs of disability, and for carers, are increased by the annual rise in prices (2.4%). A number of other elements—including non-dependant deductions—will also be uprated in line with prices.

The majority of working-age benefits have been frozen at their 2015-16 levels for four years under the Welfare Reform and Work Act 2016.

In line with the announcement in the autumn Budget, universal credit work allowances will be increased by £1,000 from April 2019. This increase will take effect after the rates are increased by prices.

The list of proposed benefit and pension rates also includes a change to the carer's allowance earnings rule, which will be increased for 2019-20 from £120 to £123 a week.

The attachment can be viewed online at <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2018-11-23/HCWS1104/>.

[HCWS1104]

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**not later than
Friday 30 November 2018**

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