

Tuesday  
13 December 2016

Volume 618  
No. 80



**HOUSE OF COMMONS  
OFFICIAL REPORT**

**PARLIAMENTARY  
DEBATES**

**(HANSARD)**

**Tuesday 13 December 2016**

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# House of Commons

*Tuesday 13 December 2016*

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

## PRAYERS

[MR SPEAKER *in the Chair*]

## Oral Answers to Questions

### BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

*The Secretary of State was asked—*

#### **Leaving the EU: Tariffs**

1. **Jake Berry** (Rossendale and Darwen) (Con): What steps the Government are taking to protect industries based in (a) East Lancashire and (b) the UK from the potential effect of tariffs after the UK leaves the EU. [907816]

**The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Jesse Norman):** My Department is working closely with the Department for Exiting the EU to understand the impacts that leaving the EU will have on businesses, consumers and other economic actors across the UK, including in east Lancashire. As the Prime Minister has said, we will work hard to get the best deal for Britain.

**Jake Berry:** Although not quite as eye-catching as the motor industry, the construction products, furniture-making and chemical industries, represented by Crown Paints, J & J Ormerod and others in my constituency, employ more people. Will my hon. Friend ensure that these strategic industries to east Lancashire can trade on no less favourable terms than any other industry following Brexit?

**Jesse Norman:** As my hon. Friend will know, I am closely involved with the construction products sector, and the construction industry in general, through the Construction Leadership Council. It would be premature to comment on any deal to be struck, but he can take it from me that it has my closest attention, as does the future of the construction industry itself.

**Graham Jones** (Hyndburn) (Lab): As a fellow MP for Rossendale, I echo the comments and concerns about leaving the EU and what the tariff framework would be if there was a hard Brexit. When I visited Simon Jersey, which did the formal wear for our Olympic team, I was told that the cliff-edge tariffs on textiles are between 9% and 12%. This is a real concern. What assurances can the Government give to companies that they will not be taxed out of business through leaving the EU?

**Jesse Norman:** As I have said, it is premature to give any kind of assurance. What is striking, though, is the amount of new investment that has been taking place in this country, irrespective, one might think, of any concerns about Brexit. That includes investments in BAE Systems, Nissan, Jaguar Land Rover, Honda, Associated British Ports and many other large industrial players.

**Mr Steve Baker** (Wycombe) (Con): Will my hon. Friend explore how World Trade Organisation-compliant tariff drawback mechanisms and inward processing measures can ensure that the objectives of my hon. Friend the Member for Rossendale and Darwen (Jake Berry) are met?

**Jesse Norman:** That is a formidably technically sophisticated question, for which I thank my hon. Friend. I think that it probably lies to be answered between ourselves and the Department for International Trade. We will certainly consider it carefully.

**Mr Speaker:** There are some very clever people in Wycombe, you know.

**Kate Green** (Stretford and Urmston) (Lab): Food production and food processing is an important part of the north-west economy that is not necessarily susceptible to export beyond the European Union because of different consumer tastes and preferences in the rest of the world. What negotiations are the Government considering or already undertaking to protect this important industry? Can the Minister confirm that specialist negotiators who understand the industry are in place to carry out those negotiations?

**Jesse Norman:** That question is really as much for the Department for Environment, Food and Rural Affairs as it is for us. Nevertheless, it is true that tastes are expanding around the world, and therefore one sees every opportunity for British food producers to expand their world markets in the days to come.

**Philip Davies** (Shipley) (Con): Given that we have a massive trade deficit with the European Union, surely it would be economic suicide for the EU not to agree a free trade deal with us. However, Civitas has calculated that if it did go down that line, British business would have to pay about £5 billion a year in tariffs under WTO rules to access the EU market, and EU businesses would have to pay about £13 billion in tariffs to access the UK market. Given that, could we not agree to cover all tariffs for British businesses exporting to the EU, so that they do not have to pay anything, and still be quids in?

**Jesse Norman:** Alas, long experience has taught me to distrust some of these speculative estimates of cost and benefit, so I will not comment on that.

**Danny Kinahan** (South Antrim) (UUP): We are all aware that the cross-border trade between Ireland and Northern Ireland is absolutely vital, and if tariffs are put in place, it could be a complete disaster. Can we please make sure that the Northern Ireland voice is heard and embedded in any negotiations?

**Jesse Norman:** I assure the hon. Gentleman that that question is being taken extremely seriously in my Department. Northern Ireland is an area for which I have a ministerial responsibility. I have met, on several occasions, Northern Ireland Economy Ministers and senior figures in industry there. We will continue to look at this question very closely.

### Science and Innovation

2. **Adam Afriyie** (Windsor) (Con): What steps his Department is taking to promote science and innovation. [907817]

**The Minister for Universities, Science, Research and Innovation (Joseph Johnson):** This Government are strongly committed to science and innovation. We protected the science budget at the spending review in 2015. In the last autumn statement, a few days ago, we committed to spending a further £2 billion a year by the end of this Parliament. The creation of UK Research and Innovation, through the passage of the Higher Education and Research Bill, will increase the value and impact of our investments in science and innovation in the years ahead.<sup>1</sup>

**Adam Afriyie:** I thank the Minister for that answer. It has certainly been a good time for science and innovation in Britain. It has also been a good year for the UK space sector, with Major Tim Peake's historic visit to the international space station and a new spaceport here in the UK. It certainly strikes me that the next big challenge will be the successful delivery of the ExoMars programme, particularly given some of the rumours that have been going around. Will the Minister update the House on any progress made at the European Space Agency summit recently?

**Joseph Johnson:** Yes, I am happy to provide a brief update. My hon. Friend is an aficionado of space policy and former chair of the parliamentary space committee, so he will be delighted to know that we had an excellent outcome at the European Space Agency's Council of Ministers. We committed a further €1.44 billion, which has secured the future of the ExoMars programme, among many other things.

**Mr Barry Sheerman** (Huddersfield) (Lab/Co-op): I do not want to ruin the Minister's Christmas celebrations, which are imminent, but if he looks at the deplorable investment in research and development—the figures that came out only this week—does he not see that he needs to wake up and smell the coffee? The fact of the matter is that research and innovation will be deeply damaged by leaving the European Union. He should ask the universities what they think.

**Joseph Johnson:** I know that the hon. Gentleman will welcome the Government's commitment to research and development, which was underscored in the autumn statement with a further £2 billion by the end of this Parliament—perhaps the biggest single increase in R and D expenditure by any Government in the memory of anyone in this Parliament.

**Mr Alan Mak** (Havant) (Con): Innovate UK plays a key role in promoting science and technology by giving grants to entrepreneurs. Will the Minister continue to

support it as new fourth industrial revolution businesses come forward to seek new funding to develop the next generation of science and technology businesses?

**Joseph Johnson:** Yes, I am happy to provide that assurance. Innovate UK, our innovation agency, will be at the heart of our industrial strategy, and the autumn statement will provide it with the resources it needs to continue to do its job of supporting small businesses in innovation.

**Liz Saville Roberts** (Dwyfor Meirionnydd) (PC): Tidal Lagoon Power's report, "Ours to own", anticipates that tidal lagoons could bring more than £70 billion to the UK industry. Swansea Bay tidal lagoon is key to unlocking that innovative potential, which has great opportunities for Cardiff and the north Wales coast, as well. I appreciate that the Minister will have concerns about costs to customers, but will he commit to weighing up all aspects of the energy trilemma in his response to the Hendry report?

**Joseph Johnson:** We are looking very carefully at the report and will be coming forward with our response in due course.

**Dr James Davies** (Vale of Clwyd) (Con): Chemical and pharmaceutical businesses are an important feature of the northern powerhouse and emerging enterprises in the sector are often rooted in university research labs. What support and funding can the UK Government commit to encourage continued research collaboration across Europe—and indeed the rest of the world—to increase our innovative business base post-Brexit?

**Joseph Johnson:** We support international collaboration in science and research in Europe, and indeed around the world, and will continue to do so.

20. [907838] **Alan Brown** (Kilmarnock and Loudoun) (SNP): The Government talk about promoting science and innovation, but this Government pulled the plug on funding for carbon capture and storage. How much of the additional £4.7 billion R and D money announced in the autumn statement will be allocated for carbon capture and storage?

**Joseph Johnson:** We will consult the sector and the science community very carefully as part of our development of the industrial strategy, in a discussion paper that we will launch in the weeks to come.

**Derek Twigg** (Halton) (Lab): The Catalyst science discovery centre in my constituency does an excellent job of promoting careers in science and engineering for young people. Will the Minister come and visit it? It struggles to keep going financially, but it does an absolutely unbelievably good job.

**Joseph Johnson:** I commend the good work going on in the hon. Gentleman's constituency and look forward to an opportunity to visit that centre as and when it arises.

### Industrial Strategy

3. **Neil Gray** (Airdrie and Shotts) (SNP): What his priorities are for the development of the Government's industrial strategy. [907818]

6. **Dr Philippa Whitford** (Central Ayrshire) (SNP): What his priorities are for the development of the Government's industrial strategy. [907821]

**The Secretary of State for Business, Energy and Industrial Strategy (Greg Clark):** Our industrial strategy will help to build an economy that works for everyone. To do that, we will look to drive productivity and growth in all parts of the country. We have already set out steps to deliver this, including, as my hon. Friend the Minister for Universities, Science, Research and Innovation just said, significant funding announcements for science, research and development and infrastructure in the autumn statement.

**Neil Gray:** I thank the Secretary of State for that answer, and I note that he said that the industrial strategy should work for everybody. The Office for Budget Responsibility projects that there will be an additional 500,000 new jobs by 2020, but even if all those jobs were taken up by disabled people, the disability employment gap would still not be halved. Can the Secretary of State explain how the industrial strategy will support achieving the Government's commitment to halve the disability employment gap by 2020?

**Greg Clark:** The hon. Gentleman makes a good point. It is important that we close that gap, and the Government have made a firm commitment to doing so. He will see when we make our proposals—I hope that he will contribute to them—that part of our purpose is to ensure that people who may have been excluded from the labour market have the skills to enable them to prosper in the future.

**Dr Whitford:** Ayrshire is a beautiful coastal county with areas of both rural and urban deprivation, but with huge potential in the aerospace and pharmaceutical industries. The Scottish Government are supportive of a growth deal to invest in infrastructure and key sectors. Will the Minister meet me to hear the proposal to unlock Ayrshire's industrial potential?

**Greg Clark:** I would be delighted to meet the hon. Lady. I am proud of the city deals and the growth deals that we have negotiated, including in Glasgow, which is not far away from Ayrshire in the west of Scotland. Ayrshire has a huge amount to offer, and Prestwick is an important asset. I welcome the initiative of the councils in Ayrshire.

**Rishi Sunak** (Richmond (Yorks)) (Con): May I urge my right hon. Friend to consider creating free ports across the nation? Such free trade zones around our great port cities can simultaneously boost manufacturing, promote regional growth and grow exports—surely, all key ingredients in a successful industrial strategy.

**Greg Clark:** I am grateful to my hon. Friend for his industry. He has published an excellent report for the Centre for Policy Studies, which makes for very good

reading. He knows that I am considering it with my colleagues, and I commend him for writing it and putting it forward.

**Richard Fuller** (Bedford) (Con): As my right hon. Friend develops his industrial strategy, may I give him some friendly advice? Drop the word “industrial” and drop the word “strategy”, and replace them with the words, “competition, innovation and skills policy”.

**Greg Clark:** I am grateful to my hon. Friend for his question. He will see that one of the differences between our approach to industrial strategy and policy—it is important to note that industry, for this purpose, means the services sector as well as manufacturing—and previous approaches is that our approach will not be about simply addressing the needs of incumbents; we want to make Britain the best, the most competitive and the most contestable place for business to locate. I would be grateful if my hon. Friend contributed to it. I think that he will find that it is music to his ears.

**Dame Rosie Winterton** (Doncaster Central) (Lab): Surely, one of the Secretary of State's priorities should be the steel industry. Is he aware that Noel Village foundry in Doncaster is being badly affected by reductions in the steel industry supply chain? Will he ask his Department to give urgent advice to the company to see whether anything can be done to prevent it from going into administration, even at this late stage?

**Greg Clark:** I am happy to meet the right hon. Lady about this, but I can give her some news on steel that I think she will welcome. I can announce today that the Government are going to publish their demand for steel, through public sector bodies, to 2020; that will be 3 million tonnes. We are updating the procurement guidelines for steel to include the health service and local authorities and to drop the previous threshold of £10 million for which those guidelines apply. That will be good for the steel industry generally and for all firms within it.

**Mr Philip Hollobone** (Kettering) (Con): Small-scale manufacturing in firms that often have fewer than half a dozen people is key to the local economy in Kettering and is responsible for a lot of the employment opportunities. Will the Secretary of State make sure that small-scale manufacturers are a key priority in his industrial strategy?

**Greg Clark:** I will indeed. I would commend two things to my hon. Friend. First, we want to make sure that small manufacturers can access the extra funding for research and innovation that my hon. Friend the Minister for Universities, Science, Research and Innovation has described. Secondly, we want to address the ability of small and growing firms to obtain the finance to allow them to grow to the next stage, which is very important in having a vigorous competitive market, as my hon. Friend suggests.

**Callum McCaig** (Aberdeen South) (SNP): From education to research and development, Scotland's universities play a key role in boosting our economy across all regions and sectors. With that in mind, will the Secretary of State outline what the role of universities

will be in his forthcoming industrial strategy? Will the recently announced new money for R and D be available to Scottish universities?

**Greg Clark:** Yes; universities are very important. We have had a number of very constructive sessions with university leaders and researchers. The hon. Gentleman is absolutely right that science does not recognise boundaries. Universities and researchers in Scotland have a fantastic record of success. In fact, with 8.5% of the UK population, Scotland attracts 10% of UK research funding, which shows that it can prosper and thrive with the new changes we are making on funding.

**Callum McCaig:** Science does not recognise boundaries. Universities Scotland estimates that 10% of research funding comes from the EU and that up to 16% to 20% of staff come from EU nations. With that in mind, will the Secretary of State ensure that, as we exit the EU, Scotland's universities are not hit punitively by immigration sanctions and the withdrawal of EU funding?

**Greg Clark:** It follows from what I have just said—science does not respect boundaries—that the science community is very global and international. Of course, as the hon. Gentleman would expect, we will in the negotiations reflect the importance of that not just for Scotland, but for the whole United Kingdom.

**Chi Onwurah** (Newcastle upon Tyne Central) (Lab): The Secretary of State talks about an industrial strategy and those words are in his title, but so far he has shared only bland generalities. Despite the high-profile examples cited, the Institute of Chartered Accountants predicts that business investment will fall by 2.4% in 2017. There are great opportunities for British businesses post-Brexit, but they need leadership, and this climate of uncertainty is toxic to investment. Will the Secretary of State stop playing Scrooge with his assurances, and give British business the Christmas present it wants—an industrial strategy?

**Greg Clark:** A bit of optimism on the part of the hon. Lady would not go amiss, especially in this Christmas season. In fact, there is huge enthusiasm in businesses right across the country and huge engagement with us in developing our long-term policies. Perhaps she has been distracted by some of the events in her party in recent months, so let me summarise the things we have done since July. We have given the go-ahead—she may have missed this—for some very important strategic infrastructure projects: Hinkley Point C, the third runway at Heathrow and the next phase of HS2. We have secured investment in Nissan, close to her constituency, as we announced a month ago. We have ratified the Paris agreement, and we have secured the extra investment that my hon. Friend the Minister for Universities, Science, Research and Innovation talked about. We have done more to put our industrial future on the right footing in five months than the previous Government did in 13 years.

### Business Numbers

4. **Bob Blackman** (Harrow East) (Con): What assessment his Department has made of trends in the number of businesses in the UK. [907819]

**The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Jesse Norman):** To turn from Marley's ghost stalking the Labour Front Bench, the number of businesses in the UK continues to grow: at the start of 2016, there were a record 5.5 million private sector businesses, which is an increase of 97,000 since 2015 and 1 million more than in 2010.

**Bob Blackman:** This weekend, small businesses in my constituency held a Christmas market in Belmont Circle to celebrate the 10th anniversary of Eye 2 Eye opticians, which is doing a brilliant job locally. What more can my hon. Friend do to ensure that small and medium-sized businesses prosper and grow in this country?

**Jesse Norman:** My hon. Friend is right to recognise the central importance of small and medium-sized businesses to our economy. The Government have been supporting that vital sector of our economy through: the extension of small business rate relief; our support for the British Business Bank, which has dealt with more than 51,000 small businesses; the new productivity council, which was announced in the autumn statement; and the new patient capital review.

**Geraint Davies** (Swansea West) (Lab/Co-op): Given the number of businesses, will the Minister ensure that there is a level playing field so that the level of subsidy for tariffs applied to the motor industry is applied equally across all exporters? Will he publish the total amount of subsidy before 31 March?

**Jesse Norman:** There has been no special deal for Nissan or any other part of the motor industry. Whatever arrangements are made to support different sectors of the UK economy are fully transparent. The general picture is that we are proceeding vigorously and with some care towards a rather attractive destination.

16. [907833] **Lucy Frazer** (South East Cambridgeshire) (Con): Superfast broadband is essential to many small businesses. Does the Minister agree that it is very disappointing that many villages in my constituency of South East Cambridgeshire do not have connectivity and face delay in getting it? Will he join me in encouraging and supporting further connectivity across the region?

**Jesse Norman:** My hon. and learned Friend is right. She will know that I have been a pretty tireless campaigner for superfast broadband, especially in relation to BT and Openreach. I agree with her about the importance of broadband. The autumn statement announced a £1 billion package for fibre and 5G connectivity, prioritising business connections across the UK. That follows the superfast broadband programme, which is due to deliver 91% coverage in South East Cambridgeshire by mid-2017 and a new universal service obligation.

**Bill Esterson** (Sefton Central) (Lab): Fifty thousand businesses die unnecessarily every year because of late payment. Some £31 billion is owed and small firms alone spend £10 billion chasing outstanding invoices. While the duty to report and the small business commissioner have been much delayed, just 378 of the largest 55,000 businesses have signed up to the prompt

payment code. When will the Conservative Government start doing something about the scourge of late payment? Put some teeth into it, so that small businesses can act.

**Jesse Norman:** The hon. Gentleman is right to point the finger squarely at the issue of late payment. It is a serious matter that we will continue to press forward on, but one must see it in the context of the thriving small business economy that I have outlined.

### Women on Boards

5. **Nusrat Ghani** (Wealden) (Con): What assessment he has made of trends in the number of women on boards. [907820]

**The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Margot James):** The proportion of women on FTSE 100 boards has increased from 12.5% in 2011 to 27%. Since 2011, the number of women on FTSE 350 boards has more than doubled to 23.5%. We support the business-led target of 33% of those on FTSE 350 boards being women by 2020.

**Nusrat Ghani:** I welcome the Minister's response, but to get more women on boards we have to get more women into business in the first place. I championed and spoke at the Wayfinder Woman conference in Uckfield. The mission of the Sussex-based organisation is to get more women into business. What work do the Government do with such organisations to get women into enterprise so that they get the skills that they need to rise to the top?

**Margot James:** I congratulate my hon. Friend on all the work she does to mentor women. More than 16,500 start-up loans have been issued to female entrepreneurs and almost half the users of the business support helpline are women. The Hampton-Alexander review is looking beyond boards at building female pipelines among senior management. We also support the Women's Business Council.

**Ms Margaret Ritchie** (South Down) (SDLP): Is there a regional pattern in low numbers of women on boards? Will the Minister outline what discussions have taken place with ministerial colleagues in the devolved Administrations about increasing the number of women on boards?

**Margot James:** I welcome the hon. Lady's commitment to increasing the number of women on boards in Scotland. I will have discussions with my right hon. Friend the Secretary of State for Scotland to ensure that the national target applies equally to Scotland as to elsewhere in the United Kingdom.

### Self-employed: Support

7. **Mrs Sheryll Murray** (South East Cornwall) (Con): What steps his Department is taking to support the self-employed. [907823]

**The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Margot James):** I apologise to the hon. Member for South Down (Ms Ritchie)—I meant Northern Ireland, of course, in my earlier response.

The gov.uk website and the business support helpline provide information on starting and running a business. Growth hubs also provide access to local and national support, and 4.8 million people are now self-employed.

**Mrs Murray:** In South East Cornwall we have some fantastic self-employed people who make a host of excellent food products. Does my hon. Friend agree that there will be opportunities for them to grow their businesses and be released from excessive red tape once we leave the European Union? What advice does she have for them?

**Margot James:** The Government committed in their manifesto to reducing the burden of regulation on business by £10 billion during this Parliament. We will also carefully consider the implications of leaving the European Union for the business impact target, and the opportunities to reduce further the burdens on businesses such as the excellent self-employed food producers in South East Cornwall.

**Louise Haigh** (Sheffield, Heeley) (Lab): False self-employment is a particular issue in sectors such as retail, care and construction. The Gangmasters Licensing Authority is now expected to regulate those industries, which contain more than half a million businesses, yet has only 79 members of staff across the entire UK. Its director of labour market enforcement has not yet been appointed, despite the new powers being in place. Will the Government ensure that they act speedily on that?

**Margot James:** I assure the hon. Lady that we are acting swiftly to appoint the director of labour market enforcement. I agree with her that it is a crucial role.

### EU-derived Employment Rights

8. **Mr Gavin Shuker** (Luton South) (Lab/Co-op): What steps he is taking to ensure that all EU-derived employment rights will be protected after the UK leaves the EU. [907824]

**The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Margot James):** The Prime Minister has made it clear that the Government will not, as a consequence of our withdrawal, allow any erosion of rights in the workplace, whether those rights derive from EU or UK law. She has further made it clear that the Government are determined to deliver an economy that works for everyone, and fundamental to that is the preservation of existing workers' rights.

**Mr Shuker:** Is it not the fact that our EU-derived employment rights are upheld not by legislation but because they are enforced by the relevant European courts? Given that progress on a British Bill of Rights has been patchy at best, what will guarantee those rights after we leave?

**Margot James:** Such rights will be upheld by British courts after we leave the European Union. The UK enjoys record employment at the same time as employment rights that exceed what is required by EU law in the important areas of maternity leave, parental leave and statutory annual leave.

**Jack Dromey** (Birmingham, Erdington) (Lab): Given the sorry history of Brexit broken promises, does the Minister understand the widespread cynicism expressed about the idea that rights will be protected post-Brexit, including on a continuing basis? Does she agree with the Brexit promise-breaker par excellence, the Foreign Secretary, that these crucial rights are back-breaking?

**Margot James:** The hon. Gentleman prejudices the situation by saying that we have had a chance to break Brexit promises before we have even started the negotiations. The Prime Minister could not have been clearer—she has been supported in this at the Dispatch Box by the Secretary of State for Exiting the European Union—that workers' rights will be protected and possibly even enhanced.

**Mr Peter Bone** (Wellingborough) (Con) *rose*—

**Mr Speaker:** The hon. Gentleman bears a striking resemblance to an exploding volcano. Let us hear the feller.

**Mr Bone:** As always, I am very reasoned, Mr Speaker, but really, the shadow Minister, the hon. Member for Birmingham, Erdington (Jack Dromey) was talking absolute rubbish just then, which is not unusual. Does the Minister agree with the democratic principle that the Government of the day will decide on employment rights? Is that not what we want—employment rights decided in this House, not in Europe?

**Margot James:** This House will decide on employment rights, but it is important to remind my hon. Friend that during the lifetime of this Government, the Prime Minister could not have been clearer that workers' rights will be protected after Britain leaves the European Union.

### Leaving the EU

9. **Emma Reynolds** (Wolverhampton North East) (Lab): What discussions his Department has had with business representatives on the Government's plans for the UK to leave the EU. [907825]

**The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Jesse Norman):** We have held a wide range of discussions with businesses, their representatives, investors, workers and local leaders in all four home nations. We expect that to continue in the coming months to secure UK interests in any exit negotiations.

**Emma Reynolds:** There is concern among business about a potential cliff edge in March 2019 if we leave the EU and fall back on World Trade Organisation rules and tariffs. Does the Minister agree with the Chancellor, who yesterday told the Treasury Committee that there is

“an emerging view among businesses...that having a longer period to manage the adjustment between where we are now as full members of the European Union and where we get to in the future as a result of the negotiations...would be generally helpful, would”

help smooth the transition and would help to reduce disruption for business?

**Jesse Norman:** It is a tempting invitation to offer a running commentary on our exit arrangements, but since we are not going to do that as a Government, I will not do so now.

**Tom Pursglove** (Corby) (Con): Last week's news from Port Talbot was hugely welcomed in steel towns such as Corby. It came about because of constructive work not only in the House, but involving Ministers, the unions, the workforce and the industry. As we move towards reaching final agreement, what role does my hon. Friend see the industry playing in the industrial strategy, and what discussions has he had on that in the EU context?

**Jesse Norman:** That is more a matter for my colleague, my hon. Friend the Member for Uxbridge.

**The Minister for Climate Change and Industry (Mr Nick Hurd):** Not Uxbridge—my constituency is Ruislip, Northwood and Pinner.

**Jesse Norman:** I stand corrected. We will leave the Foreign Secretary out of this.

The Minister for Climate Change and Industry, the Secretary of State for Business, Energy and Industrial Strategy and other ministerial colleagues have had a series of meetings with steel companies across the production and supply chains, and have been able to give them the support and structure needed in that context.

### Energy Bills

10. **Justin Tomlinson** (North Swindon) (Con): What steps he is taking to help consumers reduce their energy bills. [907826]

**The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Margot James):** The retail energy market works well for those who are able and have the time to switch, with customers able to make savings of up to £300 by moving on to the cheapest tariffs. However, we want a market that works for all consumers, not just those who switch supplier. That is why we have been clear that we want energy companies to come forward with proposals on how they are going to treat their loyal customers fairly.

**Justin Tomlinson:** The Competition and Markets Authority has found that two thirds of households are on expensive standard variable tariffs. Does the Minister agree that suppliers should do more to ensure that their loyal customers are on better-value tariffs?

**Margot James:** I absolutely agree with my hon. Friend. It is not right that customers are penalised for their loyalty. We want energy companies to treat all their customers fairly, and not just customers who switch between suppliers. That is why we have challenged them to come forward with proposals to ensure that all their customers get a fair deal.

**Caroline Flint** (Don Valley) (Lab): I have been saying for about five years now that companies have been overcharging their customers who are on the standard variable tariff. That has been confirmed by the Competition

and Markets Authority, Ofgem and the Government. The only way we will shift how those companies operate is by extending to those people on the standard variable tariff the protection we offer those on prepayment meters. Will the Minister meet me to discuss what more we can do to ensure that we give the big six energy companies a kick up the backside?

**Margot James:** I am happy to meet the right hon. Lady, who has extensive experience in this area. We are certainly considering the CMA remedies.

**Antoinette Sandbach (Eddisbury) (Con):** A large number of rural properties are heated by oil-fired central heating. Will the Minister confirm that home efficiency measures are a vital way of cutting bills for those rural properties?

**Margot James:** I agree with my hon. Friend. Efficiency measures are fundamental to reducing the energy bills not just for people in rural areas, but for the population as a whole.

**Sammy Wilson (East Antrim) (DUP):** This week, a senior Ofgem executive warned that, as a result of our higher reliance on renewable energy, consumers may face the possibility of having to pay a premium to ensure that they have a reliable source of electricity to their homes and without having their lights turned off. What discussions has the Minister had with Ofgem on that, and are the Government considering the policy of relying on costly renewable energy rather than on cheaper fossil fuels?

**Margot James:** We have an ongoing dialogue with Ofgem on a number of issues, but apropos the cost of supporting investment in low-carbon technologies, this is expected to increase, but so too are the savings from energy efficiency policies. This means that by 2020 household energy bills are still estimated to be lower on average than they would have been in the absence of those green policies.

### Advanced Manufacturing

11. **Philip Boswell (Coatbridge, Chryston and Bellshill) (SNP):** What recent steps he has taken to develop confidence in the advanced manufacturing sector. [907827]

**The Minister for Climate Change and Industry (Mr Nick Hurd):** We are working to make the UK even more competitive in advanced manufacturing by cutting corporation tax and red tape and by increasing our support for the research and innovation that is crucial to success. We are doing that not least through our £300 million investment in the high-value manufacturing catapult centre.

**Philip Boswell:** Given the potential increase in tariffs due to Brexit, how does the Minister plan to ensure that high-value manufacturing does not deteriorate?

**Mr Hurd:** High-value manufacturing is extremely important to our future—it presents many opportunities but also presents risks that we have to manage—and so will be an important part of our industrial strategy. On the broader concerns about tariffs, the hon. Gentleman

has heard it often enough, so he should start believing it: the Government are listening carefully, as I witnessed yesterday, to manufacturing and other sectors about their priorities and concerns as we shape and finalise our negotiating position.

**Mr David Nuttall (Bury North) (Con):** Will the Minister, or one of his ministerial colleagues, meet me and representatives from M+W Group and DBD from my constituency, which are part of a consortium bidding for a vitrification project in China's nuclear sector? It would give them a lot of confidence if he and his team could meet them and help them to win the contract, which would create hundreds of jobs in this country.

**Mr Hurd:** The Government are committed to supporting successful British business to win contracts and generate jobs, so the answer is yes.

**Albert Owen (Ynys Môn) (Lab):** The low-carbon energy sector could drive the energy manufacturing industry in this country and be very helpful in developing the industrial strategy, which I fully support. One practical example is small nuclear reactors. Can the Minister tell the House when we can get an announcement on the funding and help for this important sector?

**Mr Hurd:** We are reviewing our priorities in relation to the energy innovation portfolio, which sits inside our Department, and the hon. Gentleman will have noticed the comments by the Chancellor at the autumn statement. We are reviewing our priorities and will announce them shortly.

### Energy Supply

12. **Jeremy Lefroy (Stafford) (Con):** What assessment he has made of the security of the UK's energy supply between 2017 and 2020. [907828]

**The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Jesse Norman):** National Grid's electricity capacity report for this year was published in July and includes a forward look on electricity security. Through competitive capacity auctions, we have already secured capacity from 2018-19 to 2020-21, and in January we will hold a further auction to secure capacity for 2017-18. Our most recent gas security analysis was published in October and shows that our diverse and flexible gas supply can meet demand even under severe weather conditions.

**Jeremy Lefroy:** The importance of substantial gas storage to electricity generation and avoiding damaging price hikes was highlighted by the partial closure of the Rough storage facility. What are the Government doing to tackle the question of increasing gas storage for the future?

**Jesse Norman:** That is a proper and important question. Our gas supply arrangements are quite diverse, and we have more than 30% spare gas capacity even on a cold winter's day. The system has been tested, and has responded well in the past to shocks, including higher than expected demand for heating or power and restrictions to supply infrastructure, but it is certainly something we keep under constant review.

19. [907837] **Steven Paterson** (Stirling) (SNP): The success of carbon capture and storage is important to our energy security, which is why it was so disappointing that the Chancellor slashed £1 billion from the ring-fenced capital budget in the autumn statement. What are the Government doing to promote CCS?

**Jesse Norman:** All I can do is refer the hon. Gentleman to the earlier remarks of my hon. Friend the Member for Ruislip, Northwood and Pinner (Mr Hurd) on this topic.

**James Heapey** (Wells) (Con): Will the Minister join me in congratulating Avalon community energy on completion of its solar PV installation at Brookside school in Street? Does he agree that such schemes create a greener and cheaper energy system and afford us greater security of supply?

**Jesse Norman:** I certainly do, and I am very glad that my hon. Friend has brought that to the attention of the House.

**Dr Alan Whitehead** (Southampton, Test) (Lab): After the latest capacity auction, the overall scores for the procurement of new combined cycle gas generation plant stand at one small buildable plant over three auctions, at a total cost so far of £3 billion and £12 a year on customer bills. Does the Secretary of State have any other good ideas up his sleeve to secure the procurement and building of new capacity up to 2020?

**Jesse Norman:** As the hon. Gentleman will know, the gas capacity market auction was an enormous success. It secured a widespread diversity of supply at low cost and in higher amounts than ever before, and it included some innovative new technologies. The Department should be celebrated for managing this.

### Steel Council

13. **Chris Elmore** (Ogmore) (Lab/Co-op): When the joint Steel Council next plans to meet. [907829]

**The Secretary of State for Business, Energy and Industrial Strategy (Greg Clark):** The Steel Council will next meet in the new year. I will also meet senior steel industry chief executives and the trade union steel committee next month.

**Chris Elmore:** I am sure the Secretary of State will join me in congratulating all those involved in the Save our Steel campaign—especially the Community, GMB and Unite trade unions—on their vital contribution to the recent announcement on Port Talbot and other steel sectors across the UK. I am sure that he agrees that it is trade unionism at its best. Thousands of steelworkers and their families can look forward to a more certain 2017, but one of their real concerns remains their pensions. What will he do to bring forward better plans to ensure that steelworkers' pensions, as well as their jobs, are protected?

**Greg Clark:** I certainly join the hon. Gentleman in welcoming and congratulating the workforce, trade unions and the employers on their very constructive set of

discussions. It is important that the membership is consulted, but this is a positive step forward and he is right that this will provide greater comfort to employees this winter. The hon. Gentleman will know that it is right and proper for the independent Pensions Regulator, rather than the Government, to approve and be content with pensions arrangements. It would be wrong for the Government to intervene in that.

22. [907840] **Chris Green** (Bolton West) (Con): One of the best ways to support the British steel industry is for the Government to invest in infrastructure. Will my right hon. Friend join me in praising the work of Severfield Steel, based in Lostock in my constituency, which is building the world's first "squashed tennis racket style" railway bridge as part of the Ordsall Chord in Manchester?

**Greg Clark:** I will indeed congratulate Severfield Steel, which is a very successful company, not only on the Ordsall Chord but on winning a global award in recent weeks. It was also responsible for construction of the Olympic stadium, the Shard, and Birmingham New Street station. Many of the buildings that we admire and have in our minds are constructed with British steel by British companies.

**Gill Furniss** (Sheffield, Brightside and Hillsborough) (Lab): While we have recently had some really good news for the steel industry, giving steel workers and their families the stability they need for now, the fact that steel was not mentioned in the autumn statement gives cause for concern. Furthermore, the UK Government's leading of a group of countries that are blocking the EU reform of anti-dumping trade defence instruments is another serious issue for the industry. Will the Secretary of State commit to including the steel industry in the future industrial strategy, and detail the steps that the Government will take to support this vital foundation industry?

**Greg Clark:** Of course steel is incredibly important, and it is important that it should have a bright future—we all want to see that. One thing I have been doing with the Minister for Climate Change and Industry, working closely with the steel industry on both the employer and trade union side, is to fund and bring together a strategic review, and the whole industry is coming together to work on it. That is expressly designed to inform our industrial strategy, so that we can look forward with confidence to a very successful steel industry.

### Local Enterprise Partnerships

14. **James Morris** (Halesowen and Rowley Regis) (Con): What recent assessment he has made of the effectiveness of local enterprise partnerships. [907830]

18. **Sir Henry Bellingham** (North West Norfolk) (Con): What recent assessment he has made of the effectiveness of local enterprise partnerships. [907836]

**The Minister for Climate Change and Industry (Mr Nick Hurd):** With your permission, Mr Speaker, I will answer questions 14 and 21 together.

Local enterprise partnerships do extremely important work as voluntary partnerships, bringing together business insight, local authorities and universities to shape and support local growth, not least through growth deals that are funding more than 800 projects across England.

**Mr Speaker:** We are, in fact, grouping this question with Question 18. Ministers have to keep their eye on the Order Paper. The numbers change over a period, for reasons that I think will be fairly obvious to the Minister.

**James Morris:** There are 30,000 more businesses with high-speed broadband in the black country as a result of the leadership of the Black Country local enterprise partnership. Does the Minister agree that the Black Country LEP has been an excellent example of bringing together the private and public sector to drive growth, improve skills and build the infrastructure that the black country economy needs?

**Mr Hurd:** I thank my hon. Friend for bringing that to the attention of the House; it sounds like a fantastic deal that will unlock many opportunities for people and businesses in the black country. I hear great things about the LEP and the chairmanship of Stewart Towe, and through my hon. Friend, who I know has been a tireless champion of the LEP, I pass on the congratulations of the Government.

**Sir Henry Bellingham:** At a time when LEPs have been having a hard time in the media, is the Minister aware that my constituency is well served by two excellent LEPs: the New Anglia LEP and the Greater Cambridgeshire Greater Peterborough LEP? What wider role does he envisage for LEPs, and will he consider expanding the growing business fund?

**Mr Hurd:** I thank my hon. Friend for standing up for his LEPs at a difficult time for them as a result of the allegations made. I assure him that LEPs are at the heart of the process of feeding into the industrial strategy; we are absolutely clear that that industrial strategy needs to reflect deep understanding of the different challenges and opportunities each area faces, which is why the Secretary of State has allocated ministerial champions to each LEP.

**Clive Lewis** (Norwich South) (Lab) *rose—*

**Mr Speaker:** If the hon. Gentleman will be very brief, I will take him now, but if he won't, I won't.

**Clive Lewis:** I will be very brief, Mr Speaker.

Some newspapers have exposed shocking examples of what I can only describe as crony capitalism in some of our LEPs. For example, the former elected mayor of Bristol, George Ferguson, received more than £50,000 for his own brewing firms while on the LEP board, which kept no minutes; perhaps the Minister is impressed to find right-wing politicians who can organise a booze-up in a brewery. Given that the Government are putting nearly £2 billion into LEPs through the autumn statement, can he tell us what they are doing to enforce basic standards of accountability?

**Mr Speaker:** I promise not to buy my dictionary from where the hon. Gentleman got his.

**Mr Hurd:** As was said the other day, never trust Labour Members when they say they are going to be brief.

The hon. Gentleman raises an extremely important point about LEPs. This is taxpayers' money and, as he would expect, we take extremely seriously any allegations about it being spent inappropriately, particularly when there are allegations of conflicts of interest. We are

reassured by the prompt and robust response of LEPs to the individual allegations, including the one in Bristol, but we continue to press and make the point very strongly that we expect full compliance with the requirements of the strengthened national assurance framework.

### Topical Questions

T1. [907806] **Neil Carmichael** (Stroud) (Con): If he will make a statement on his departmental responsibilities.

**The Secretary of State for Business, Energy and Industrial Strategy (Greg Clark):** Over the last month we have made substantial progress across the Department's responsibilities. Our recently published review of corporate governance will make sure Britain is not only an excellent place to do business, but also is where business is done best. We continue to tackle climate change, ratifying the Paris agreement. My hon. Friend the Minister for Climate Change and Industry played an important part in the climate discussions in Marrakech, and he and I had the great pleasure of opening the Siemens wind turbine factory in Hull, creating 1,000 new jobs in that great city. By providing an additional £2 billion a year for research and innovation by 2020 and giving British homes and businesses certainty that their electricity demands will be met for the next five years, we are investing in our country's economic future.

**Neil Carmichael:** That was a fabulous introduction to my question about the Hendry review. I know the Government have received the review, and I am confident that it makes some clear and useful recommendations, so I would like to know whether the Government intend to make it public soon, and what are their thoughts about some of Charles Hendry's comments and recommendations?

**Greg Clark:** I am grateful to my hon. Friend for his question, and would like to put on record my gratitude to Charles Hendry for writing his report. It is important that it is published soon. Charles Hendry is travelling at the moment, but as soon as he is back I will agree with him a date to publish it and he can answer questions on it. It is a substantial document and my hon. Friend will understand that we will want to consider it and make our response in due course.

T5. [907810] **Deidre Brock** (Edinburgh North and Leith) (SNP): New research from Edinburgh university finds that electricity generation from wind farms cuts even more greenhouse gas emissions than previously thought: almost 36 million tonnes over six years, the same as taking 2.3 million cars off the road. Meanwhile the Government's own figures predict their renewables cuts will see 63 million tonnes more CO<sub>2</sub> being released into the atmosphere. Will the Minister clarify how the Government plan to continue cutting emissions, as the Leader of the House confirmed to me last week regarding ongoing commitments to climate change targets, while bringing in policies that will bump them up?

**Mr Speaker:** Order. Members need to understand that topical questions were always intended to be briefer. We cannot have these three, four and five sentence questions. What one wants is a quick question.

**The Minister for Climate Change and Industry (Mr Nick Hurd):** We will publish early our emissions reductions plan in the new year. It is a legal requirement on the Government to set out exactly how we expect to meet our long-term carbon commitments.

T2. [907807] **Rehman Chishti** (Gillingham and Rainham) (Con): I thank the Under-Secretary of State for Business, Energy and Industrial Strategy, my hon. Friend the Member for Stourbridge (Margot James), for the recent meeting in relation to my private Member's Bill on the regulation of certain laser pens. Will she clarify when the consultation's call for public evidence will start and when the Government will come forward with their conclusions?

**The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Margot James):** I congratulate my hon. Friend on his work to bring the misuse of laser pointers to the Government's attention. The Government are concerned about the misuse of high-powered laser pointers and will seek evidence early next year on the potential options for tackling such misuse.

T7. [907812] **Vicky Foxcroft** (Lewisham, Deptford) (Lab): A review by academics at the Leeds University Business School and the University of Exeter found that every pound invested in the Union Learning Fund results in a return of £12.70, leading to an estimated net contribution to the economy of £1.45 million and an estimated return to the Exchequer of £3.57 for each pound spent. With that in mind, what steps are being taken to ensure much better engagement with the unions?

**The Minister for Universities, Science, Research and Innovation (Joseph Johnson):** We look forward to reading that research. It clearly contains some interesting findings, of which we will take full note.

T3. [907808] **Mark Pawsey** (Rugby) (Con): A construction business my constituency has alerted me to corporate mandate fraud, by which a fraudster pretends to be a company and asks its customers to change the bank account details for future payments. What steps can the Minister take to alert all businesses to such criminal behaviour? What discussions has she had with the Home Secretary about bringing the perpetrators to justice?

**Margot James:** I am grateful to my hon. Friend for drawing attention to this type of fraud, which affects businesses in all sectors. It is essential that business owners and staff know what to do when they are notified of changes to bank account details. The best pointer in the first instance is the advice available on the Action Fraud website.

T10. [907815] **Steven Paterson** (Stirling) (SNP): Research published this week by Scottish Renewables shows that Scottish expertise in renewable energy is in demand around the world, with Scottish companies involved in projects worth £125 million over five years across 43 countries. What support will the UK Government give to the sector in the industrial strategy?

**Mr Hurd:** The transition to a clean energy system is fundamental to our energy strategy, and significant supply chain opportunities will flow from that. As for the Government's commitment to renewable energy, this country has seen one of the fastest deployments of renewable energy across Europe since 2010, and the hon. Gentleman will be aware that we have renewed that commitment through the contract for difference auctions.

T4. [907809] **Jason McCartney** (Colne Valley) (Con): With engineering and textiles doing particularly well in Huddersfield and Colne Valley, will the Department continue to commit to an industrial strategy that builds on our regional economic strengths?

**Greg Clark:** We certainly will. It is important that the industrial strategy and business policy recognise the strengths of particular places. Yorkshire is a particularly fine example.

**Mr Iain Wright** (Hartlepool) (Lab): Two weeks ago, GB Energy ceased trading, affecting 160,000 customers. Credit must go to Ofgem for ensuring that those customers were promptly transferred to another supplier, but does the Secretary of State believe that the regulator's approach to risk management needs to change? Instead of carrying out little or no assessment of the viability of new entrants and then picking up the pieces if they fall, more rigorous financial health checks need to be undertaken to minimise the risk of failure, disruption to customers and a loss of confidence in switching to new energy providers.

**Mr Speaker:** The hon. Gentleman can now breathe.

**Greg Clark:** I am grateful to the hon. Gentleman. Like him, I commend Ofgem for the arrangements that it put in place. He raises a reasonable point, and as Chairman of the Business, Energy and Industrial Strategy Committee he will want to work with me to ensure that the right arrangements are in place.

T6. [907811] **Stephen Metcalfe** (South Basildon and East Thurrock) (Con): Will my hon. Friend ensure that those who benefit from self-employment are aware of the different kinds of national insurance contributions? Will she also ensure that they pay the correct NI class, so that they are able to access the full range of support available to other types of jobseeker in the event that they re-enter the jobs market?

**Margot James:** Earlier this year, the Prime Minister commissioned Matthew Taylor to carry out an independent review of modern employment practices, such as in my hon. Friend's example, as part of ensuring that our economy works for everyone. I am sure that my right hon. Friend the Secretary of State for Work and Pensions will also consider my hon. Friend's suggestion.

**Stephen Kinnock** (Aberavon) (Lab): The energy-intensive industries compensation scheme is due to end in April 2017. The Government have promised to bring forward legislation to exempt energy-intensive industries from renewable obligations and feed-in tariffs, but we are still waiting for that to happen. As things stand, the steel industry is therefore looking down the barrel of having

to go back to the crippling energy costs it faced until the compensation package was introduced. Will the Secretary of State assure us that measures will be put in place before April 2017 to ensure that we do not go back to that situation?

**Greg Clark:** The discussions we have had with the steel sector emphasise the importance of energy costs, and our commitment is to work with the sector to bring them down.

T8. [907813] **Philip Davies** (Shipley) (Con): Skills have been removed from the Department's portfolio, yet for many businesses in the Bradford district access to talent remains a key challenge. So how will the Secretary of State ensure that education policy dovetails with his Department's priorities to ensure that businesses have access to the skills they need?

**Joseph Johnson:** With higher and further education policy, apprenticeships and skills in a single Department, the Government can now take a comprehensive, end-to-end view of skills and education. This Government will, of course, support people from their early years through to postgraduate study and work.

**Mr David Hanson** (Delyn) (Lab): Is it not time for the Secretary of State to order an investigation into the Royal Bank of Scotland's practices on lending to small businesses?

**Margot James:** The situation with RBS is under review and I am sure proposals will be made in the near future.

T9. [907814] **Bob Blackman** (Harrow East) (Con): Now that the future of Hinkley Point is secure, what further plans does my right hon. Friend have for nuclear energy to form a key part of our energy supply industry?

**Greg Clark:** It is important that nuclear energy should form a key part of that. One of the pieces of neglect of the previous Labour Government is that they presided over the forecast closure of our nuclear fleet without making any plans to replace it. When I made the statement about Hinkley Point C, I also said that this would be the beginning of a new era of civil nuclear power in this country, and that is absolutely right.

**Tom Blenkinsop** (Middlesbrough South and East Cleveland) (Lab): In the week when we saw a great deal between Tata Steel and the Community trade union, largely down to Roy Rickhuss and the return of Ratan Tata, we also saw the merger of Baosteel and Wuhan Iron and Steel. What risk assessment has the Department made of market economy status for China and its effects on the British steel industry?

**Greg Clark:** I join the hon. Gentleman in paying tribute to both Ratan Tata and Roy Rickhuss, as both the company and the unions have worked constructively together, and the progress is welcome. I have, with the Minister for Climate Change and Industry, a very regular dialogue with both employers and trade unions. As the hon. Gentleman knows, we have been active in making sure that we have the right trade defences against practices where countries dump steel unfairly in the UK market.

**Andrea Jenkyns** (Morley and Outwood) (Con): Although business rates are set by the Valuation Office Agency, rather than by the Government, it is right the Government then try to soften the blow for those most affected. Will the Minister expand on what is being done to protect the businesses using solar panels that have been adversely impacted by high business rates?

**Mr Hurd:** My hon. Friend is right to point out that these rates are set independently. She will also know that the overall net effect of the reforms is to reduce business rates and that some transitional relief is in place. She is also right to highlight the challenges in respect of businesses that have installed solar for their own use, and we are working through that issue.

**Jessica Morden** (Newport East) (Lab): When will the Government publish their response to the Law Commission's report on "Consumer Prepayments on Retailer Insolvency"? We need to do more to protect consumers when businesses go into administration.

**Margot James:** I will note the hon. Lady's comments and I will write to her. I am sorry, but I did not hear all of the question.

**Graham Evans** (Weaver Vale) (Con): INEOS, Tata Chemicals and Banner Chemicals in my constituency provide high-quality, high-wage, high-skilled jobs. What consideration has been given to energy price competitiveness in respect of our European neighbours, as a more competitive energy price would disproportionately benefit the northern powerhouse?

**Greg Clark:** As I said to a number of hon. Members, the energy prices that are paid by businesses generally, and by energy-intensive industries in particular, are a crucial part of competitiveness, and we want to work with these industries to reduce the costs.

**Peter Kyle** (Hove) (Lab): Nissan has benefited from a pre-Brexit deal. What reassurance can the Secretary of State offer Brighton-based businesses such as American Express and EDF that, after Brexit, they will still be able to have an open and free relationship with the EU?

**Greg Clark:** American Express is a very important employer in Brighton, and it is very welcome here. It has located itself in this country because Britain is a fantastic place from which to do business. That is the message that I receive wherever I travel to in the world. There is great appetite to invest in Britain, and the hon. Gentleman will know of our recent success stories. I hope that American Express will continue to invest more and employ more in his constituency.

**Martin Vickers** (Cleethorpes) (Con): Following the collapse of the Greater Lincolnshire devolution deal, the LEPs in Humber and Greater Lincolnshire take on a greater significance, but there is concern that some central Government funding may be lost as a result of the collapse of the deal. Will my right hon. Friend assure me that the LEPs will be used to channel the funds from his Department when suitable projects are identified?

**Greg Clark:** As my hon. Friends on the Front Bench have said, we regard local growth as a very important component of our industrial strategy, and my hon. Friend knows that I have been a big champion of local growth, so I want to see more of that. Obviously, certain offers were part of the proposed deal, but these deals are never compulsory, and if the councils and the businesses do not want to proceed then it is a matter for them.

**David Simpson (Upper Bann) (DUP):** Does the Secretary of State agree that, as part of the industrial strategy, the future development of enterprise zones will be of great economic benefit, especially to the manufacturing sector?

**Greg Clark:** I agree that enterprise zones have been successful. They have provided some tax advantages and, in many cases, a simplified regulatory environment, which is very attractive to businesses. Their experience commends them.

## CQC: NHS Deaths Review

12.36 pm

**The Secretary of State for Health (Mr Jeremy Hunt):** With permission, Mr Speaker, I will make a statement. On 12 April, I asked the Care Quality Commission to conduct an investigation into lessons that needed to be learned following the tragic death of Connor Sparrowhawk in 2013 at Southern Health NHS Foundation Trust. I pay tribute to his family, and particularly to his mother, Sara Ryan, for persistently and determinedly campaigning for a proper investigation into what happened. The lesson of Mid Staffs, Morecambe Bay and indeed other injustices such as Hillsborough is that when families speak out, we must listen. In this case, thanks to Dr Ryan's efforts, many improvements will be made to the care of people with learning disabilities and many lives will be saved.

I asked the CQC to look at what happened at Southern Health NHS Foundation Trust and to assess more broadly what lessons there are for the NHS as a whole. Its findings make sobering reading. Among other findings, the report says that families and carers often have a poor experience of mortality investigations; that they are sometimes not treated with kindness, respect and sensitivity; that they can feel that their involvement is tokenistic; and that they often question the independence of the reports.

The report also says that the NHS does not prioritise learning from deaths and misses countless opportunities to learn and improve as a result, and that there is no single framework that sets out how local NHS organisations should identify, analyse and learn from deaths of patients in their care or those who have recently been in their care. As a result, there is inconsistency. Some NHS trusts get elements of mortality reporting right, but not one gets all the elements right. In particular, the leaders of NHS organisations and their doctors, nurses and other staff simply do not have access to the full picture of how many patients die in their care, which deaths were preventable, and what needs to be learned.

I thank Professor Sir Mike Richards and his CQC colleagues for an extremely thoughtful and thorough report. I am accepting all their recommendations. From 31 March next year, the boards of all NHS trusts and foundation trusts will be required to collect a range of specified information on potentially avoidable deaths and serious incidents, and to consider what lessons need to be learned, on a regular basis. This will include estimates of how many deaths could have been prevented in their own organisation and an assessment of why this might vary positively or negatively from the national average, based on methodology adapted by the Royal College of Physicians from work done by Professor Nick Black and Dr Helen Hogan.

We will require trusts to publish that information quarterly, in accordance with regulations that I will lay before the House, so that patients and the public can see whether and where progress is being made. Alongside those data, trusts will publish evidence of learning and action that is happening as a consequence of that information. They will feed the information back to NHS Improvement at a national level so that the whole NHS can learn more rapidly from individual incidents.

All trusts will be asked to identify a board-level leader as patient safety director to take responsibility for this agenda and ensure that it is prioritised and resourced within their organisation. This person is likely to be the medical director. They will be asked to appoint a non-executive director to take oversight of progress.

We will ensure that investigations of any deaths that may be the result of problems in care are more thorough and that they genuinely involve families and carers. More broadly, instead of the patchwork approach that we currently have, all trusts will be asked to follow a standardised national framework for identifying potentially avoidable deaths, reviewing the care provided and learning from mistakes.

I have asked the NHS National Quality Board, which includes senior clinicians from all national NHS organisations, to draw up guidance on reviewing and learning from the care provided to people who die, in consultation with Keith Conradi, the new chief investigator of healthcare safety. These guidelines will be published before the end of March next year, for implementation by all trusts in the year starting next April. We will also be working with the National Quality Board to ensure that much more support is offered to bereaved families. As the report highlights issues around support to families, Health Education England will be asked to review the training for all doctors and nurses with respect to engaging with patients and families after a tragedy and, equally importantly, maintaining their own mental health and resilience in extremely challenging situations.

As the report identified particular concerns about the treatment of people with learning disabilities, we will take two further actions. In acute trusts we will ask for particular priority to be given to identifying patients with a mental health problem or a learning disability to make sure that their care responds to their particular needs, and that particular trouble is taken over any mortality investigations to ensure that wrong assumptions are not made about the inevitability of death. We will also ensure that the NHS reviews and learns from all deaths of people with learning disabilities, in all settings. The learning disabilities mortality review—LeDeR—programme will provide support to families and local NHS areas to enable reporting and an independent, standardised review of all learning disability deaths of people between the ages of four and 74.

We will ensure that there is coverage in all regions by the end of next year and full national roll-out by 2019. As the programme develops, all learnings will be transferred to the national avoidable mortality programme. I have today asked the LeDeR programme to provide annual reports to the Department of Health on its findings and how best to take forward the learnings across the NHS. From next year we will become the first country in the world to publish data on avoidable deaths at a hospital-by-hospital level.

I want to address the issue of how we ensure that data published about avoidable deaths are accurate, fair and meaningful, and that the process of publication rewards openness and honesty. Of course we will be working closely with the CQC, NHS Improvement and senior NHS doctors and nurses to get this right, but I want to make it clear to the House that I will not be setting any target for reducing reported avoidable deaths, and nor do I believe it will be valid to compare numbers between hospitals because the data depend on clinical views that

[Mr Jeremy Hunt]

may change or vary. I expect—this might surprise some in the House—to see an increase in the number of reported avoidable deaths. This is more likely to be because hospitals get better at spotting and reporting them than because care is deteriorating.

We should also remember that when there is a tragedy in the NHS, there is always a second victim—namely, the doctor or nurse involved, who invariably suffers huge anguish. So let us today also give credit to all NHS front-line staff for the changes that are already taking place to improve patient safety. For example, the number of people experiencing the four main hospital harms is down by a third since November 2012; MRSA and clostridium difficile rates have halved since 2010; and we have 10,000 more hospital nurses in our wards since the Francis report, and they are now at record numbers.

There is a new healthcare safety investigations branch to perform speedy, no-blame inquiries into avoidable harm and death, modelled on the successful system that has operated in the airline industry for many years. There is also a consultation concluding this week on legislation to create a safe space for NHS staff to talk openly about how to improve the safety of care for patients, without having to worry about litigation or professional consequences.

The culture of the NHS is changing following a number of tragedies, but this report shows that there is much progress to be made in the collection of information about unexpected deaths, analysis of what was preventable and learning from the results. Only by implementing the report's recommendations in full will we honour the memory of Connor Sparrowhawk, and I commend the statement to the House.

12.46 pm

**Jonathan Ashworth** (Leicester South) (Lab): I thank the Secretary of State for advance sight of his statement, and I thank the CQC for its report.

Any death is a tragedy for families, but when that death could have been prevented, or was the fault of a system that is meant to care for our loved ones, the trauma is all the more difficult to cope with. The circumstances of Connor Sparrowhawk's death were shocking, and I, like the Secretary of State, pay tribute to his family, who have fought so hard for justice and to ensure other families do not have to go through what they went through. Connor Sparrowhawk's step-father, Richard, told Radio 5 live:

"When a loved one dies in care, knowing how and why they died is the very least a family should be able to expect".

We agree.

The findings of the CQC are a wake-up call: relatives shut out of investigations; reasonable questions going unanswered; and grieving families made to feel like a "pain in the neck" or feeling they would be better dealt with at a "supermarket checkout". This is totally unacceptable—it is shameful and it has to change. We therefore strongly welcome the recommendation of a national framework and the specific measures the Secretary of State has outlined today. I assure him we will work with him and the Care Quality Commission to support the establishment of such a framework in a timely fashion.

Families and patients should not be forgotten in this process. Will the Secretary of State pledge that families and carers will be equal partners in developing the Government's plans for implementing the CQC's recommendations? Does he agree that those who work in the NHS show extraordinary compassion, good will and professionalism? Does he accept that when something, sadly and tragically, goes wrong, it can often be the result of a number of interplaying systemic failures and that therefore a national framework will provide welcome standards and guidance across the service?

Does the Secretary of State recall that the National Patient Safety Agency was responsible for monitoring patient safety incidents in the NHS, including medication and prescribing errors, before it was scrapped under the Health and Social Care Act 2012? Will he perhaps acknowledge in retrospect that scrapping that agency was a mistake?

For such a national framework and the Secretary of State's proposed measures to succeed, investment will be necessary. Will hospitals and trusts receive extra funding to carry out the additional requirements that the CQC has recommended? More generally, hospitals across England are suffering chronic staff shortages, which is leaving doctors and nurses overstretched and struggling to do basic tasks. We all recall that Sir Robert Francis called for safe nurse staffing levels to be published by the National Institute for Health and Care Excellence, but this guidance has been blocked. Will the Secretary of State now consider committing to NICE publishing safe nurse staffing levels, as recommended by the Francis report?

The Secretary of State is aware of the wider pressures on the service. Will he acknowledge that cuts to social care and the failure to provide it with extra investment in the autumn statement two weeks ago are leaving hospitals dangerously overstretched, with patients at risk of harm?

The Secretary of State will also be aware of the pressures on mental health provision. Over the weekend, we saw reports that bed shortages in England are now such that seriously ill patients with eating disorders are having to travel hundreds of miles for treatment. What does he make of this practice, and does he consider it safe and sustainable?

May I ask the Secretary of State about the heart-breaking case of the death of baby Elizabeth Dixon? I know that he has spoken of this in the past. He rightly ordered an investigation, but I understand from the family that 16 months down the line the investigation has not started. Will he provide the House with an update?

The CQC has called for the issues addressed in its report to be a national priority, and for all those involved in delivering safe care to review the findings and publish a full report. We absolutely agree. Action is needed. We welcome the recommendations and stand ready to work with the Government to ensure that these issues are no longer ignored.

**Mr Hunt:** I thank the shadow Health Secretary for the constructive nature of his comments. He is absolutely right in that, because this issue can unite people in all parts of the House. In fairness, these tragedies happen when those on either side of the House are responsible for the NHS, and we all have a responsibility to work to do better than we are doing at the moment.

I particularly agree with the hon. Gentleman that front-line doctors and nurses work incredibly hard, and we need to get away from a blame culture when these tragedies happen. That blame culture is the root cause of why we are not learning as we should from the problems that arise, because people are worried about what will happen to them personally if they speak out. We have seen this with a number of tragedies. Through the national framework, we are trying to move away from a blame culture. Of course people have to be held accountable. If there is gross negligence and people do totally irresponsible things, then there must be no hiding place and proper accountability: that is what families rightly insist on. For the vast majority of the time, however, people are just trying to do their jobs as best they can. As he rightly says, it is often a systemic problem that can be solved with systemic changes. We are now trying to implement the culture of investigation that has worked so successfully in the airline industry and other industries.

I absolutely assure the hon. Gentleman that families and carers will be equal partners as we develop the new national guidance. This area was one of the most shocking things about the CQC report. I am sure that it was a great surprise to many people in the NHS how excluded many families felt. We clearly have to do better in that respect.

The hon. Gentleman talked about the National Patient Safety Agency, and I pay credit to Sir Liam Donaldson, who was chief medical officer under the previous Labour Government and a great champion of patient safety, but we now have different structures in place. The new CQC inspection regime and the healthcare safety investigation branch are giving equal, if not greater, priority to patient safety.

We discuss on many occasions the funding issues that the hon. Gentleman raised, as I think he is acknowledging with his facial expressions. The point I would make, because we have had a good exchange and I do not want to get into the specific politics of NHS funding, is that this is a win-win, because avoidable harm and death is incredibly expensive for the NHS. The time it takes to carry out investigations when things go wrong is utterly exhausting for the doctors, nurses and managers involved, who would much rather be doing front-line care. Preventing these things from happening in future is the best possible way of freeing up time for people on the frontline.

I will take away what the hon. Gentleman said about the Elizabeth Dixon case and find out what is happening with that review.

The real lesson of today is that every family, every doctor and every nurse has a simple aim when a tragedy happens. It is not about money; it is about making sure that lessons are learned openly and transparently so that history does not repeat itself. That is really what this is about, and that is why we will continue our mission to make NHS care the safest and highest quality in the world.

**Andrea Jenkyns** (Morley and Outwood) (Con): The Secretary of State has answered my point, but I would like to say, as chair of the all-party parliamentary group on patient safety, that the publication of avoidable death figures is really welcome news. I support what he said about creating a just culture where clinicians and

other staff feel safe. That is important so that they can speak up about failure, and vital in delivering the high-quality but, most importantly, safer and better-value services the NHS aspires to.

**Mr Hunt:** I thank my hon. Friend, who does a huge amount of work on patient safety, not least because of sadness in her own family's experiences that gives her particular passion in this respect. This is absolutely about creating a just culture. Inspiring people like James Titcombe, who lost his own son at Morecambe Bay, talk far more eloquently than I can about the need to get this right. Part of that just culture is about justice for people who use the NHS in future, to whom we have a responsibility to learn the lessons and make sure that mistakes are not repeated. One of the really important things we need to get right is to make sure that when something goes wrong in one place, there is a national way in which the lessons can be conveyed right across the NHS as quickly as possible.

**Dr Philippa Whitford** (Central Ayrshire) (SNP): I welcome this statement and remember the discussion of this tragic case. Obviously the majority of people who go into hospital and die in hospital will be people who are simply too ill for us to save, but we must not be nihilistic in imagining that that applies to everybody. The particular failure here was that people with learning difficulties or mental health needs were somehow just set aside and not looked at.

I welcome the idea of a safety board; there will be lots of things that can be learned and shared in that. I slightly pick up the Secretary of State on what he said about the Scottish patient safety programme, which is a national programme that has been running since the beginning of 2008. Part of that was about breaking down all the barriers, very much like in the airline business—being on first-name terms and making it everybody's business so that even the cleaner in the theatre feels they can point out that they think a mistake is going to be made, but then when something happens having these adverse case reviews. In my hospital, we also reviewed near misses, and I commend that. It means that there is a review when what might have happened would have been serious. Certainly in the cases that I have been involved in, the family have been involved repeatedly. That is really important.

I also welcome the idea of a safe place for whistleblowers. People who have raised issues in the past and have been appallingly treated by the NHS still stand there as a terrible example to those who currently work in the NHS, so there needs to be some ability to go back to these old cases and provide justice for people who have ended up losing their careers by trying to raise patient safety issues.

**Mr Hunt:** I thank the hon. Lady for her contribution. I recognise the progress made in the Scottish patient programme, and particularly the inspirational leadership of Jason Leitch, who has done a fantastic job in Scotland and some very pioneering work.

The hon. Lady made some good points that I will take in reverse order. On whistleblowers, I asked Sir Robert Francis to look at this in his second report. He concluded that it would be very difficult, if not impossible, to go back over historical cases, because the courts have

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pronounced and it is very difficult to create a fair process where legal judgments have already been made. However, I take on board what she says, and I do not think that that means that we cannot learn from what has happened in previous cases; they are very powerful voices.

The hon. Lady is absolutely right about near misses, and we will include that issue in the “learning from mistakes” ambition.

The hon. Lady is most right of all about people with learning disabilities. The heart of the problem is deciding when a death was expected and when it was unexpected. About half of us die in hospitals. As she rightly says, the vast majority of those deaths are expected, but when a person has a learning difficulty it is very easy for a wrong assumption to be made that they would have died anyway. That is a prejudice that we have to tackle, and one that Connor Sparrowhawk’s mother talks about extremely powerfully. We have to make sure that this is not just about lessons for the whole NHS, but particularly about ensuring that we do better for people who have learning disabilities.

**Mr Mark Harper** (Forest of Dean) (Con): As chair of the all-party parliamentary group on learning disability, for me the most chilling phrase in the foreword of the report was when Mike Richards and his team said:

“We found that the level of acceptance and sense of inevitability when people with a learning disability or mental illness die early is too common.”

Will the Secretary of State put on the record what Mike Richards says in the report, namely that there can be no tolerance of treating the deaths of people with learning disabilities with any less importance than the deaths of any other patient in the national health service?

**Mr Hunt:** I am happy to put on the record the fact that those words have the Government’s wholehearted support. I credit my right hon. Friend for his work leading the APPG. I commissioned the CQC report because a year ago we had a report by Mazars on what happened at Southern Health, which said that only 19% of unexpected deaths were investigated and that that fell to 1% for people with learning disabilities. That cannot be acceptable, and it is why it is so important that we act on today’s report.

**Toby Perkins** (Chesterfield) (Lab): I seek the indulgence of the House while I raise a personal issue. This Thursday I should have been attending the inquest into my father’s death, which I anticipate will conclude that his death was avoidable. An hour ago I was notified that one of the key witnesses will not be attending because the hospital had incorrect contact details for him—he was a locum, and was unaware that the inquest was taking place. For the second time, therefore, it is being cancelled. Will the Secretary of State tell us whether the report looked into the issue of locum doctors—the pressure, and the failure to learn lessons because so many people in the health service, and in A&E in particular, come to the specific hospital on a one-off occasion, which is partly the cause of the defensiveness in the system?

**Mr Hunt:** First, I am sure the whole House will join me in offering my condolences to the hon. Gentleman for what happened to his father. The incredible grief

that he and others feel when they lose a family member is compounded if it is subsequently discovered that the death was avoidable.

The hon. Gentleman raises a very important point. The CQC was not specifically looking at the issue of locums in this report, but in many other reports, on many occasions, it has talked about the dangers of locum and agency staff for precisely the reason he mentions. It is partly because people are not necessarily around at the time of an investigation, as they have moved on and work somewhere else, but it is also partly because, as I am sure we all believe, staff can give better care if they are in a team of people who know and trust each other. That is not possible if the majority of staff are employed on a temporary basis. He makes a very important point.

**Antoinette Sandbach** (Eddisbury) (Con): It is clear that half of medical negligence claims are in the field of maternity. Does the Secretary of State agree that the fear of legal action often prevents people from speaking out? How will the safe space be created that does not allow lawyers to intervene—very often lawyers slow up the process? An early admission of fault and a willingness to express the fact that lessons have been learned would provide so much comfort for families.

**Mr Hunt:** My hon. Friend has spoken very eloquently about that issue many times in this House. If a baby is born with a serious brain injury there will typically be a court case that lasts 11 years, and a settlement of around £6 million. That family are having to cope with the shock of having a disabled child—some families say that that is a kind of mourning process because the baby is not the one they were expecting, although they then go on to give the most extraordinary love to that child—and we compound it by making them go through a legal process that lasts more than a decade. It is absolutely shocking and despicable if that happens. We need to find a way to get those families the financial support that they need earlier, and make sure that we learn the lessons more quickly. That is absolutely what this agenda is all about.

**Norman Lamb** (North Norfolk) (LD): I also pay tribute to Sara Ryan, the mother of Connor Sparrowhawk, who has fought tirelessly for justice for those with learning disabilities. I warn the Secretary of State that I think she will take some convincing that things really will change, given all the resistance she has come up against. I hope he has managed to meet her; if not, would he be willing to meet her, with me, to discuss the plans going forward?

One key issue not covered in the report or statement is the timeliness of investigations. A report nine months or a year after the incident is often not good at all: the organisation has moved on, and people have forgotten what has happened. I commend Mersey Care, which does a very quick, thorough investigation within 48 hours, when the information is really current and people are still shocked by what has happened. That is how Mersey Care seeks to implement the lessons from every tragedy.

**Mr Hunt:** I want to put on the record that the right hon. Gentleman was a big champion for people with learning disabilities when he was in my ministerial

team, in particular over issues such as Winterbourne View, which he brought to my attention and did a huge amount of positive work on.

I have met Sara Ryan. I spoke to her again yesterday. I repeat what I said in my statement: that without her campaigning we would not now be making the huge changes on a national level that we are. I wholeheartedly agree with the right hon. Gentleman's other comments.

**Andrew Selous** (South West Bedfordshire) (Con): The review found that acute and community trusts do not always record whether a patient has a mental health illness or learning disability. What steps will we take—such as, for example, the expansion of liaison psychiatry services—to make sure there is proper join-up and real parity of esteem?

**Mr Hunt:** My hon. Friend makes a very good point. We are making sure that all A&Es have liaison psychiatry services by the end of this Parliament. The critical issue is that someone with a severe mental health problem or learning disability who turns up in an A&E has special needs, and has bigger needs than the other patients there, but unless that is recognised early in the process, they are unlikely to get the care they need. If a tragedy then happens and they go on to die—as sadly happens sometimes—but the illness or disability is not known about, people do not realise that there are other potential issues. That is why the report is very clear that all acute trusts are required to know when patients have learning disabilities or mental health problems and to pay particular attention in any mortality investigations that happen regarding those patients.

**Graham Stringer** (Blackley and Broughton) (Lab): The CQC has produced a grim report, and there was an even grimmer internal report on maternity services operated by Pennine Acute NHS Trust. Mothers and babies have died. I have put in parliamentary questions to the right hon. Gentleman and talked to the chief executive to try to find out which of those deaths were avoidable. I welcome today's statement, but is it possible to be retrospective, so that the families of those people who have died in the Pennine maternity service can find out whether those deaths were preventable?

**Mr Hunt:** When the new guidelines are published, we need to investigate, as far as we possibly can, deaths that have already happened. I totally recognise the hon. Gentleman's picture of Pennine and share his real worry about the standard of care in that trust. The positive thing is that under the leadership of Sir David Dalton—the chief executive of Salford Royal, which is one of the safest trusts in the NHS and a CQC outstanding trust—things are beginning to turn around. I have spoken to him about the situation at Pennine on many occasions. The hon. Gentleman is right to say that there is a lot of work to do there.

**Craig Whittaker** (Calder Valley) (Con): Many people will be shocked to hear that some trusts do not even know how many in-patients have died in their care. Will my right hon. Friend say more about what action should be taken against boards and leaders who are negligent in that way?

**Mr Hunt:** My hon. Friend is absolutely right. Boards now have a legal duty of candour, and are obliged to tell patients the truth about what has happened when something goes wrong, but how can they possibly do so if they do not properly record deaths or avoidable deaths? That is why this is a very significant moment. From next year, on a quarterly basis, all trusts will be publishing how many avoidable deaths there are in the trust. Those figures will be compared with national benchmarks. That is how we will start to make boards feel that they have a critical responsibility on this.

**Fiona Mactaggart** (Slough) (Lab): I welcome the learning disability mortality review that the Secretary of State has announced, but I am keen to ensure that it includes unexpected deaths in care settings other than the NHS. When I was first elected, Longcroft, which purported to be a care home for people with learning disabilities, was actually a torture chamber for people with learning disabilities. We have ended that kind of thing, but we need to ensure that unexplained deaths of people with learning disabilities in other care settings are fully investigated, and that those investigations feed into this review.

**Mr Hunt:** The right hon. Lady is absolutely right. I will take away with me the question of what the legal responsibilities will be for people in adult social care settings. One thing the report highlights, which I had not particularly anticipated, was the problem that a number of people with learning disabilities are cared for in multiple settings, so if there is a tragedy, the place where the tragedy happens may not be the place responsible for what went wrong. Often, the person's previous care provider never even finds out that that person has died. One thing that Sir Mike Richards talks about is making sure that all care providers are informed promptly when something happens, so that there can be a multi-institution examination of what went wrong.

**Bob Blackman** (Harrow East) (Con): I welcome my right hon. Friend's statement and the measures that he has announced. I have been supporting the family of a constituent who died unexpectedly in hospital, and they have suffered at every step along the way. There has been a wall of silence, the trust has refused to co-operate and the CQC has refused to investigate. Every step along the way, the family have been frustrated. That has been made even more important by the fact that the son of the deceased is a doctor in the NHS, and he knows that processes have been badly handled. All he wants is for the NHS to learn from its mistakes. Will my right hon. Friend undertake to say what he will do about the number of unexplained deaths that have occurred in the NHS over the past few years, and whether any of those cases can be examined by an appropriate authority?

**Mr Hunt:** I am happy to look personally at the case that my hon. Friend talks about. I think he speaks for all patients and families who have suffered tragedies when he says that the only thing people want is for lessons to be learned. A more challenging issue is that staff sometimes do not feel empowered to speak out in such situations, and they worry about the consequences. A number of trusts have an outstanding learning culture that is really supportive of staff, but that is not the case

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everywhere. One of the big lessons from today is that we must work out how to spread that positive culture across the NHS.

**Diana Johnson** (Kingston upon Hull North) (Lab): On 10 December last year, I asked:

“Is the Secretary of State satisfied that families seeking truth and justice for their loved ones are having to rely on pro bono lawyers for advice and representation, and on crowdsourcing to get legal advice?”

He said:

“It should never come down to lawyers.”—[*Official Report*, 10 December 2015; Vol. 603, c. 1147.]

Sadly, we all know that, on occasion, it will come down to lawyers getting involved. Will any of the recommendations from the CQC cover such eventualities?

**Mr Hunt:** It is a difficult one, because access to lawyers is a matter for the Ministry of Justice. I am not trying to duck the issue, but my responsibility, in what we are trying to do today, is to try to make sure that families do not feel as though they need to go to lawyers, because the NHS is open and transparent enough. With the values of people in the NHS, I think that ought to be achievable. I am happy to look at the case that she raises, and to bring it up with my colleague the Lord Chancellor.

**Mr Philip Hollobone** (Kettering) (Con): Will the Secretary of State tell the House more about the healthcare safety investigation branch? How big will it be, who will head it up, where will it be based and how will it use its forensic detective work locally to get to the nitty gritty of the things that cause problems for hospitals?

**Mr Hunt:** I am happy to do that. The best way to understand what we are trying to achieve—this relates to what the right hon. Member for North Norfolk (Norman Lamb) said earlier about the speed of investigation—is to think about the tragedy of the recent Croydon tram crash. Within one week of the accident, the rail accident investigation branch produced and published a full investigation into exactly what happened, which made it possible to transmit that learning around the whole tram industry. That is what we are looking for. We have modelled the healthcare safety investigation branch on what happens in the transport industry. It has already been set up, and we are lucky that the person heading it up is Keith Conradi, who headed up the air accident investigation branch and knows exactly how these things should happen.

**Lilian Greenwood** (Nottingham South) (Lab): The CQC clearly identifies the need for a change in culture, and the Secretary of State acknowledged that a number of times in his remarks today. The NHS has to be less defensive, and it needs to be more honest and open with families if there is to be a genuine commitment to reflect, learn and make sure that things are different in future. What does he think are the barriers to ensuring that that culture change takes place, and what steps does he intend to take to overcome those barriers?

**Mr Hunt:** There are a number of barriers, one of which is time. Staff feel very pressured for time. I strongly argue that it is a false economy not to allow

time for lessons to be learned, because tragedies, when they happen, take up a huge amount of time. From a management and leadership point of view, we have to make sure that doctors and nurses are given the time for reflective learning as part of what they do.

Another thing is the management culture. If people feel that the management of their trust are open and listening, they are more likely to be open and listening themselves. If they feel that there is a hire-and-fire culture, they are less likely to take that approach. There are a number of lessons.

**Kevin Foster** (Torrey) (Con): Given the case of three-year-old Sam Morrish, who died at Torbay hospital in 2010, and the conclusions of the Parliamentary and Health Service Ombudsman that many investigations into avoidable deaths were not fit for purpose, I welcome the statement. I also welcome the spirit of openness that will follow in relation to these extremely difficult issues. We are, ultimately, all mortal. Although I think it is absolutely right that we will not be setting targets, will the Secretary of State reassure me about the ongoing monitoring we will undertake and the proactive work we will do with trusts to reduce the number of such incidents?

**Mr Hunt:** As my hon. Friend knows, I have met the parents of Sam Morrish—Scott and Sue Morrish—on a number of occasions. They described how when their son died, all the shutters came down. I met them only a few months after I became Health Secretary, and that engraved itself on my memory because it was so awful to hear about what they were doing.

My hon. Friend raises a rather sensitive issue, which I tried to talk about in my statement. I expect, as a result of the changes, the number of reported avoidable deaths to increase. If that happens, I do not think that it will necessarily mean that patient care is suffering. We have to be very careful, in this House and with our local newspapers, to say that if trusts start to report an increased number of avoidable deaths, it might mean that they have a more transparent culture and are being more open. Their standards about what is expected and what is unexpected may start to change as they realise that things could have been done to prevent a death that they might previously have described as expected. We have a duty, as Members, to encourage responsible reporting of this new openness, and that, in turn, will help staff.

**Tracy Brabin** (Batley and Spennings) (Lab): I want to pick up on a point made by my hon. Friend the Member for Chesterfield (Toby Perkins). A constituent of mine who is an agency nurse told me that she had been left in charge of 24 fragile patients, some of whom had the norovirus, on a ward that she did not know very well, with only two healthcare professionals working with her. Given that, will the Secretary of State now commit to the National Institute for Health and Care Excellence publishing safe nursing staffing levels, as recommended by the Francis report?

**Mr Hunt:** NICE has published its staffing levels for wards. I recognise the problem, and it is exactly what we were dealing with in the Francis report. We now have 10,000 more full-time nurses on our hospital wards than

we had three years ago. We are making significant progress, but there is still huge pressure on hospital wards. We have developed a new methodology that more accurately makes sure that patients get the care that they need, whether it is from a nurse, a healthcare assistant or whoever else in the hospital. I am happy to write to the hon. Lady and tell her what that guidance is.

**Mr Alan Mak (Havant) (Con):** I thank the Secretary of State for his statement. The families of those who died in the care of Southern Health in Hampshire have played a vital role in campaigning for transparency and improvements, and they include the family of David Hinks from Havant. Will the Secretary of State join me in commending the families for their work in the most distressing of circumstances?

**Mr Hunt:** I absolutely do so. I know that the family of David Hinks have campaigned very strongly on this matter. The key point about families is that they are often the people who know best what happened to individuals when something went wrong, because they saw the care at every single stage. Whether the care took place in a care home, hospital or a GP surgery, families are likely to have seen the whole thing, and can really help us to understand what might have gone wrong. They are therefore a positive force in this process.

**John Woodcock (Barrow and Furness) (Lab/Co-op):** I am so pleased that the Secretary of State took the time to praise James Titcombe and other campaigners in my constituency who have done so much to help to break down the culture of secrecy and cover-up that has afflicted too many of our trusts. The right hon. Gentleman deserves real credit for his determination, and I hope that the tone he has struck today will last and that we do not go back to the accusatory and vindictive tone that, I am afraid, too often marred discussions about this during the last Parliament. Finally—thank you for your indulgence, Mr Speaker—will the Secretary of State say more about the tension between the families' desire for individual accountability and the need to encourage a culture of openness in which people can come forward?

**Mr Hunt:** In fairness to the hon. Gentleman, he makes two important points. I know that he worked very closely with James Titcombe, who is one of his constituents.

We are now learning the right way to deal with the tension between accountability and having a learning culture. Essentially, this boils down to an understanding that 98% of the time a mistake is made because of a systems problem—a structure or a framework that did not enable a doctor or a nurse to operate to the best of their ability—while 2%, 1% or perhaps even less of the time it is a case of genuine negligence by an individual that deserves full accountability. When we understand it in that way, we start to realise that the first thing to ask is what could be changed in the system, but if we uncover bad behaviour by individuals—there are 1.3 million people in the NHS, so it is obviously going to happen at some stage—then there of course needs to be full accountability.

On the tone of these exchanges, let me say something optimistic: I really do believe that the NHS can become the safest, highest-quality healthcare system in the world. That would be welcomed by the Labour party, as the party that was in power when the NHS was set up, and we would welcome it as part of our absolute commitment to higher standards in public services. There is no country in the world that is even considering what we have announced today, which is to ask hospitals to publish the number of their avoidable deaths on a quarterly basis. It is a very big step that can happen in a system built around public service.

**Tom Pursglove (Corby) (Con):** Kevin, the son of my constituent Desmond Watts, suffered from very significant learning difficulties and was neglected in a care home in the county, which led to his tragic death. This was completely avoidable. Des has never seen justice for Kevin, but I know that he would want my right hon. Friend to consider whether it is possible to apply to social care some of the principles that he has set out today. I join the right hon. Member for Slough (Fiona Mactaggart) in encouraging him to do that.

**Mr Hunt:** My hon. Friend makes a really important point. I will have discussions with the Minister responsible for social care, the Under-Secretary of State for Health, my hon. Friend the Member for Warrington South (David Mowat), about what we can do in the social care field. I am optimistic that we can do something, because if we make this part of the framework of the new CQC inspection regime—obviously, that has to happen with the consent of the CQC—we can create a very strong incentive for adult social care providers to do what we want and to follow what is happening in the NHS.

**Liz McInnes (Heywood and Middleton) (Lab):** I, too, want to raise the issue of the appalling neglect in medical care at Pennine Acute. The report—the extremely damning report—only came to light following the persistence of Jennifer Williams, a journalist on the *Manchester Evening News*, and the bravery of a whistleblower at the trust. I know that the Secretary of State will do what he can to protect whistleblowers, but how will he enforce a no-blame culture and a culture of openness in a trust such as Pennine Acute that appears to have tried actively to suppress this extremely damning report?

**Mr Hunt:** There should be no hiding place for managers who neglect their legal responsibility, which is the duty of candour that we in this place passed into law in 2014. That is my first point. It is also important to be realistic about the ability to impose a culture on organisations by ministerial diktat, but we can achieve that because this is something that NHS staff want. In some ways, what is most worrying about Pennine is that Salford Royal, one of the best hospitals in the NHS, is virtually next door to it, but the transmission of learning at Salford Royal did not seem to penetrate even into a neighbouring hospital. That is why we must get much better at sharing learning between hospitals.

**Mark Pawsey (Rugby) (Con):** Will the Secretary of State say more about how the additional and extra information he has mentioned, which will be so important for patient groups in judging rates of progress, will be made available?

**Mr Hunt:** I am happy to do so. We will lay down in regulations in the House that the information must be published for all trusts on a quarterly basis. I draw my hon. Friend's attention to what I said in the statement, which is that it is not legitimate to compare the numbers in different trusts, because trusts will have different levels of reporting. In fact, our better trusts may actually have higher levels of reported avoidable deaths because they are better at picking up these things.

**Derek Twigg** (Halton) (Lab): One of the recommendations says:

"Greater clarity is needed to support agencies working together to investigate deaths and to identify improvements needed across services and commissioning."

How is that going to happen?

**Mr Hunt:** This is a very complex issue, but it is a very important one, particularly for people with learning disabilities who are users of the services of multiple organisations. The National Quality Board will put together guidance before the end of March, so that we can roll this out across the whole NHS during next year.

**Jim Shannon** (Strangford) (DUP): I welcome the Secretary of State's statement, and indeed his commitment to retraining and his recognition of its importance. Does he acknowledge the finding that the families, whom we must remember will be grieving, are not always treated with kindness, respect and sensitivity, which is unacceptable? Does he agree that those handling review cases involving deaths must have compassion and the ability to empathise with families, and that those must be among the qualifications of that job?

**Mr Hunt:** I absolutely endorse what the hon. Gentleman says. The point is that families and carers are part of the answer because they can help us to understand what went wrong. It is therefore in the interests of all of us to treat them with kindness, respect and dignity.

## Point of Order

1.27 pm

**Mr Kevan Jones** (North Durham) (Lab): On a point of order, Mr Speaker. A fundamental part of our parliamentary democracy is the right of our constituents to raise concerns with their Members of Parliament. My constituent Dawn Knight has raised with me the terrible treatment she received from the Hospital Medical Group following cosmetic surgery. I have raised her case on a number of occasions with Ministers, including on the Floor of the House.

Last week, Dawn Knight and Lorna Kidd, a constituent of the right hon. Member for Ipswich (Ben Gummer), received solicitors' letters from Schillings solicitors on behalf of the Hospital Group threatening them with legal action if they discuss their cases with a third party—in other words, including with their Members of Parliament. I know that the right hon. Gentleman has already written to you, Mr Speaker, concerning his constituent. May I ask you to look at this case, because allowing our constituents to raise their concerns with us is fundamental to the way in which we operate?

**Mr Speaker:** I am very grateful to the hon. Gentleman for his point of order, and indeed for his courtesy in giving me notice of it. I can confirm that I have received the letter to which he refers, and I shall reply to it in due course. Any attempt to impede an hon. Member going about his or her parliamentary business is potentially a contempt, and in such circumstances I would ask the hon. Member to write to me about this matter in the first instance. I hope that that is helpful both to the hon. Gentleman and more widely to the House.

## Mutualisation of the Royal Bank of Scotland

*Motion for leave to bring in a Bill (Standing Order No. 23)*

1.29 pm

**Mr Gareth Thomas** (Harrow West) (Lab/Co-op): I beg to move,

That leave be given to bring in a Bill to transfer the ownership of the Royal Bank of Scotland to its customers and employees; and for connected purposes.

Taxpayers saved the Royal Bank of Scotland; they should now be allowed to own it. It should become a people's bank that every tax-paying British citizen has the right to be a part-owner of. Making it the Royal Building Society of Scotland would mark a decisive break with the disastrous Fred Goodwin era.

There are new entrants to the banking market and there have been many reforms to banking regulation, many of which have made a difference, but the structural problem in Britain's banking market—a lack of competition between different types of financial services institutions—is as bad now as it was in 2008, and arguably worse following the banking mergers that the crash precipitated. The problems of 2008 can be traced back, in part, directly to 1992, when the wave of building society demutualisations began. Although only 10 of the 89 societies that existed demutualised, because those 10 were among the largest, they represented about 70% of the mutual sector's assets.

Before 1992 in the UK, as is still the case in most of the rest of Europe, banking services were provided by financial service providers with a range of ownership structures and, therefore, with different incentives and business ambitions. After 1992, the gradual takeover of most of the big players in the building society world led to a steady decline and deterioration in competition in banking in the UK.

Although many other countries have had serious problems in their banking sector, few have suffered as much as the UK and, crucially, few others have been so dominated by traditional shareholder investor-owned banks. Each of the last two Governments have been wrong to leave in place what is effectively a cartel of the major banks, with just one building society challenging their dominance.

There have been persistent concerns about the level of competition in the banking market and its structure. I am pleased to say that those finally led to the Competition and Markets Authority being called in to investigate. In August this year, it published its retail banking market conclusions. For anyone who is tempted to think that banking is a wholly reformed and properly functioning market, its report makes sobering reading.

The CMA report describes the personal banking market as concentrated and states that concentration levels have increased since the crisis and that competition is not working well. On lending to small and medium-sized businesses, the CMA notes that the four largest providers—RBS, Lloyds, Barclays and HSBC—had a combined market share of over 80% and that new entrants had reduced their market share by just 1%. It found that there had been little product innovation in SME lending and went on to note the adverse effects on competition

in personal banking, basic current accounts and SME lending caused by the combination of persistent concentration in the market and the very high barriers to entry and expansion for new lenders.

Almost 60% of banking staff work in just two banking groups and almost 70% of bank branches are held by just three banks. In 2014, of the top 10 banking groups by market share for personal current accounts, only two could reasonably be described as mutual and only one of those had a market share of 5% or higher.

What was striking about the remedies package that the CMA advanced was that it did not consider reforms to the ownership model of any of the major banks as a possible part of the solution. It did discuss the idea of breaking up the big banks, but I repeat that it did not discuss changing the ownership model. State ownership of RBS has steadied a sinking Titanic, but it has not fundamentally changed the key structural weakness in British banking: the lack of competition between different types of financial services business. Full private ownership of all the big banks—the stated aim of the last two Governments—is only likely to exacerbate the lack of competition.

There has been discussion about mutualising one of the banks. Indeed, for some time, the Co-operative party tried, ultimately unsuccessfully, to convince both the last Governments to consider remutualising Northern Rock. Neither of them, for slightly different reasons I suspect, was willing to countenance that option. There has been consistent support across all the main parties for reinvigorating competition and choice in the banking sector, first by fostering more diversity and secondly by promoting mutuals. The case for mutualising RBS, rather than selling the rest of its shares at some future point on the open market, is partly that it would encourage a more diverse group of big banking businesses, partly that it would enhance the critical mass of the mutual sector and partly that it would accelerate improvements in the culture and practice of RBS itself.

Andrew Haldane of the Bank of England has argued that a more mixed system of different corporate structures is likely to produce a more stable financial system. While there is evidence that building societies offer their customers a better deal, on average, than traditional banks, I am not making the case for mutuals per se, although I declare an interest as chair of the all-party parliamentary group for mutuals. I am making the case for the systemic advantages of a mix of banks and mutuals, which turning RBS into the Royal Building Society of Scotland would deliver. Mutuals, although affected by the downturn, proved more stable than traditional proprietary banks. Given the huge barriers to entry to setting up a new mutual of any significant size in the financial services, it makes sense to explore the mutualising of a mature business, while conserving the remaining mutuals.

As we have had to suspend the sale and reprivatization of shares in RBS, there is an opportunity to consider an alternative to state or private ownership. After all, no one thinks the Government will get their money back in full from the sale of RBS shares for the foreseeable future. Indeed, the Office for Budget Responsibility is no longer factoring in any sales of RBS shares in this Parliament. Those shares that were sold resulted in a net loss of £1 billion to the taxpayer.

[Mr Gareth Thomas]

The mutualisation of RBS would not mean that its debt to the taxpayer could not be repaid. A new mutualised Royal Bank of Scotland would need to make annual payments to the Treasury for some time to come. An asset lock for the new Royal Building Society of Scotland would also be needed to ensure that members—that is, customers or employees of the society—would benefit only from their ongoing financial relationship with the business. Crucially, it would be clear up front that membership of the new society could not lead to a demutualisation-style handout, so members would have no incentive other than to see the business stick to its core activities.

The trade sale of RBS shares was to other financial services players. If Goldman Sachs, Citigroup and Morgan Stanley are allowed to continue with that, it will simply reinforce ownership of the big banks by the wealthiest in our country and beyond.

A Royal Building Society of Scotland would be a chance to change the culture fundamentally at one of Britain's biggest financial players. Above all else, it would inject some competitive energy and dynamism into what is, to all intents and purposes, still a monopoly industry.

*Question put and agreed to.*

*Ordered.*

That Mr Gareth Thomas, Luciana Berger, Stephen Twigg, Stephen Doughty, Stella Creasy, Geraint Davies, Mr Mark Hendrick, Mr Adrian Bailey, Mike Gapes, Ms Karen Buck, Christina Rees and Mr Steve Baker present the Bill.

Mr Gareth Thomas accordingly presented the Bill.

*Bill read the First time; to be read a Second time on Friday 24 March 2017, and to be printed (Bill 111).*

## Aleppo/Syria: International Action

*Emergency debate (Standing Order No. 24)*

1.39 pm

**Mr Andrew Mitchell** (Sutton Coldfield) (Con): I beg to move,

That this House has considered international action to protect civilians in Aleppo and more widely across Syria.

The hon. Member for Wirral South (Alison McGovern), with whom I co-chair the friends of Syria all-party group, joins me in thanking you, Mr Speaker, for granting this emergency debate. We are both concerned that on occasions, motions such as this can appear to be hand-wringing and to focus on the concept that something must be done. We are anxious today to encourage the Government to pursue all avenues and options, as I know they are extremely anxious to do.

The House will be particularly grateful to the Foreign Secretary for responding to the debate himself. On the earlier occasion when you granted an emergency debate on these matters, Mr Speaker, he returned to the House and made his first major speech from the Dispatch Box. I believe his presence signifies the concern of Foreign Office Ministers about the tragedy that is Aleppo today.

I wish to cover three points this afternoon. The first is the current situation in Aleppo. Secondly, I have some specific suggestions for the Government to consider together with our allies, and, thirdly, some observations on how this crisis could develop in 2017 and the action that the international community should take.

I start with the position on the ground today. We are able to monitor what is going through Twitter and other social media to some extent, but in particular, the reports of the United Nations and its agencies, and of the International Committee of the Red Cross, are likely to be extremely accurate. They have reported over lunchtime that there is clear evidence of civilians being executed—shot on the spot. There are dead bodies in the street that cannot be reached because of gunfire. In the last couple of hours, we have heard that probably more than 100 children who are unaccompanied or separated from their families are trapped in a building in east Aleppo and under heavy fire.

We learn from totally credible independent sources inside Aleppo that all the hospitals have been deliberately destroyed with barrel bombs and bunker-busting bombs, and that in case the people in those hospitals were not destroyed by those munitions, cluster munitions, which are anti-personnel munitions, have also been used. There are pop-up clinics in underground locations, which are suffering nightmare conditions, with people lying on the floor and pools of blood everywhere. Doctors and nurses are wearing boots because there is so much blood on the floor, and casualties are moved in and out as fast as they possibly can be because there are grave dangers to them from being in those locations. The ambulances of the White Helmets have been specifically targeted, and there is now no fuel available for them.

In the mid-afternoon yesterday, a 10 km by 10 km zone was the centre of the fighting in Aleppo. It is contracting, and at 10 o'clock this morning it was probably less than half that size. There are approximately 150,000 civilians crammed into that area, and very large numbers of them are children. Large numbers are stranded

in the open and looking for shelter. The only food available is dates and bulgur wheat. Water has run out, and there is no electricity. Last night, people were flooding into that enclave. As I have said, there are credible reports of executions and the removal of groups of adult males.

**Stephen Doughty** (Cardiff South and Penarth) (Lab/Co-op): The right hon. Gentleman paints an absolutely grim picture of the current situation in Aleppo. Two years ago, I travelled to Srebrenica with the hon. Member for Beckenham (Bob Stewart). We visited an exhibition in Sarajevo of pictures from Srebrenica and pictures from Syria, and they were indistinguishable. When we hear of summary executions, disappearances of men and boys, unmarked graves and the types of atrocities that the right hon. Gentleman is describing, does he not believe that we risk this being the Srebrenica of our generation?

**Mr Mitchell:** The hon. Gentleman makes a very good point, which I will come to directly.

The terrified civilians in Aleppo are of course sophisticated, educated people from what was one of the great cities of the world. With 2 million people, it is 6,000 years old and has treasured Islamic civilisation and artefacts within it. A senior Aleppo resident, terrified, said this morning:

“The human corridor needs to happen. If the British Government is serious about fighting terror, they can’t ignore state terror. Doing so creates so many more enemies and if they offer but empty words, nobody will ever believe them in future.”

Ten years ago, this country, along with the entire international community, embraced the responsibility to protect, a doctrine that said that nation states great and small would not allow Srebrenicas, Rwandas and other appalling events such as those in Darfur to take place again. That responsibility was signed up to with great fanfare and embraced by all the international community, great and small. Yet here we are today witnessing—complicit in—what is happening to tens of thousands of Syrians in Aleppo.

That is the situation today. I come to my second point, which is to put specific actions to the Government, which I know they will wish to consider. First, there is an urgent need for humanitarian teams to be deployed and given unfettered access to Aleppo once Government forces there are in control. That is essential if we are to avoid the same circumstances as Srebrenica—the precise point that the hon. Member for Cardiff South and Penarth (Stephen Doughty) has just made. There is a very serious danger, from the position I have described, that such events are already taking place, so it is essential that those teams are deployed.

We need to get food, medicine, fuel and medical services into east Aleppo immediately. We also need to have independent humanitarian eyes and ears on the ground, not only to give confidence to terrified civilians—who, I remind the House, are caught out in the open in temperatures that are predicted to fall below minus 4° tonight—but to avoid possibly false allegations of war crimes and breaches of international humanitarian law by Government forces and their military associates. It is not easy to see why Russia and Syria would wish to resist that, unless they do not wish the world to know or see the actions that they are now taking in Aleppo.

The second action that I hope the Government will evaluate and support is organising the evacuation to comparative safety, in United Nations buses and lorries, under a white flag and in a permissive environment, of the people who are wounded or have been caught up in this terrible catastrophe. It is clear that the United Nations has the capacity, with available vehicles, to move north up to the Castello road and then west to Bab al-Hawa, near Reyhanli, on the border, which Clare Short, the distinguished former International Development Secretary, and I visited earlier this year. There are hospitals in Bab al-Hawa, and there are significant refugee facilities on the Syrian side of the border. They are easily resupplied via the Reyhanli crossing by international humanitarian actors, and that route out of the nightmare of eastern Aleppo should be made available as fast as possible.

Britain is in a pivotal position at the United Nations to try to convene an acceptance that that action should be taken. We are hugely respected on humanitarian matters at the UN. Matthew Rycroft, the permanent representative to the UN5 on the Security Council, is extremely effective in what he does. The current National Security Adviser, Mark Lyall Grant, a key United Nations operative for many years, has great convening power, and there are senior UK officials at the United Nations. The head of the Office for the Co-ordination of Humanitarian Affairs, Stephen O’Brien, who worked with me at the Department for International Development, plays a pivotal role. The British foreign service is respected and admired around the world, and, in supporting Staffan de Mistura and Jan Egeland, has an absolutely pivotal role to play in trying to convene the consensus that is now urgently required.

**John Redwood** (Wokingham) (Con): I am grateful to my right hon. Friend for making a powerful and important speech. Does he think the Syrian regime would allow those very necessary humanitarian interventions without counter-attack and disaster?

**Mr Mitchell:** Yes, I believe that if the Russians could be persuaded at this point that they have nothing to lose from allowing international humanitarian actors into Aleppo, the Syrians would agree. If they do not, the world must ask why they wish to hide from purely humanitarian action.

**Toby Perkins** (Chesterfield) (Lab): The right hon. Gentleman makes an incredibly important point about the importance of international pressure. He will have seen as we all did the grotesque story on the front of the *Morning Star* suggesting that what is happening is the “liberation of Aleppo”. While such scandalous propaganda on behalf of Russia is being put about within the UK, is it not all the more important that we have that international pressure so that we open the eyes of everyone in the world to what is happening?

**Mr Mitchell:** I confess to the hon. Gentleman that the *Morning Star* is not on my morning reading list. In view of what he has just said, I am most unlikely to add it.

Will the Foreign Secretary commit today to Britain’s using every sinew of the immensely impressive diplomatic machine I described to secure a consensus on those two actions in these last moments for Aleppo?

**Crispin Blunt** (Reigate) (Con): I am sorry I cannot stay for the whole debate—there is a concurrent meeting of the Foreign Affairs Committee. I agree with my right hon. Friend about the efforts to relieve the situation in Aleppo, but a year ago 20 nations—the International Syria Support Group—sat around a table and produced an agreement on the future of Syria. Does he agree that our efforts must also return to the politics of getting the whole international community into the same place on the future of Syria?

**Mr Mitchell:** My hon. Friend is right that the support group has proved to be a cumbersome and not entirely effective mechanism, but his central point is absolutely correct.

I come to my third and final point, which is on the House looking to the future. What can we do as part of the international community to bring the catastrophe that has engulfed the Syrian people to an end? By an incredibly unfortunate sequence of events, the international community has so far been completely unable to help. The United Nations has been hobbled by Russian actions, using the veto, which it has the privilege to use on the Security Council, to shield itself from criticism and to stop international action on Syria.

The Kofi Annan plan originally put forward by the UN was, in my view, tragically and wrongly rejected by the American Government. The Russians in their turn have shredded a rules-based system, which will have cataclysmic effects on international law, international humanitarian law and international human rights. The Americans have been absent. Crucially, President Obama made it clear that, were chemical weapons to be used, it would cross a red line and America would take action. Chemical weapons were used and no action was taken by the Americans.

This House, in my view, was ill-advised to reject the former Prime Minister's motion in August 2013 for British action. I hope the Government keep an open mind about putting another resolution before the House, as is necessary.

**Mr Steve Baker** (Wycombe) (Con): I am extremely grateful to my right hon. Friend for the powerful case he is making and the leadership he is demonstrating, but would he concede that the 2013 motion was not on a comprehensive plan to bring peace, and that if a motion is brought before the House, it should be on a comprehensive, UN-backed plan to deliver peace and not on such a narrow issue?

**Mr Mitchell:** I hope that, if there is a chance for Britain, with its pivotal role at the United Nations, to support a UN-backed force, if necessary with military action, Britain will very seriously consider it, and that such a proposition will be put before the House of Commons.

I was listing the unfortunate coincidence of events that has hobbled the international community, the fourth of which is that the Arab states in the region are irredeemably split on what should happen in Syria. Europe has become dysfunctional, facing inwards and not looking outwards, and focused on the symptoms of the problem—the refugees—and not on the causes. A resurgent Russia is pursuing its interests. The House should understand Russia's interests and respect them,

even as her actions are rightly condemned, and as we confront it when it breaches humanitarian law, as it has undoubtedly done in Aleppo.

There are only two ways in which this catastrophe will end. There will either be a military victory or there will be a negotiation. There will not be a military victory, so at some point there will be a negotiation and ceasefire to enable bitterly antagonistic foes to negotiate. When that time comes, Britain has the experience, the connections, the funds and the expertise to assist. The great powers must support that negotiation, however difficult it is, and put pressure on the regional powers to do the same. It is essential that we provide, through our position at the UN, the strongest possible diplomatic and strategic support to that process.

There will come a moment, too, when President-elect Trump and President Putin discuss these matters. As is widely recognised, there are indications that the two men can do business. I hope that the United States lifts its veto on Assad being part of any negotiations—Assad is part of the problem, and therefore by definition part of the solution—and that Russia uses its power to stop the conflict on the ground while both combine to defeat ISIL.

Finally, I ask the Foreign Secretary: will he intensify the efforts of his office to collect evidence, especially now, of breaches of international humanitarian law and war crimes, so that individuals as well as states, no matter how long it takes, can be held to account one day for what they have done?

1.57 pm

**Emily Thornberry** (Islington South and Finsbury) (Lab): I congratulate the right hon. Member for Sutton Coldfield (Mr Mitchell) and my hon. Friend the Member for Wirral South (Alison McGovern) on securing this emergency debate. I compliment the right hon. Gentleman for speaking with his customary force and authority, and for the way in which he has spoken up for the people of Aleppo persistently. Labour Members will always remember that he took up Labour's fight to meet the 0.7% aid target after he became International Development Secretary in 2010. If, following the Chancellor's words yesterday, we need to resume that fight in the coming years, I am sure that the right hon. Member for Sutton Coldfield will be on our side again.

Since our previous emergency debate on Aleppo just over two months ago, every worst prediction that was made that day has happened. We all warned that the grotesque war crimes being committed by Russia and the Assad regime would only intensify, and so it proved. We all warned of the increasing humanitarian crisis, with thousands of civilians still trapped in Aleppo, desperately short of food, water, medical supplies and shelter. That crisis has only got worse. Finally, we all warned that, if nothing changed, eastern Aleppo would be destroyed by Christmas, and that is exactly what is coming to pass.

It was depressing to read in recent days the accounts of the talks that have taken place in Washington—they are said to have been going on for months—about the technical options for making airdrops of humanitarian supplies into Aleppo. The subject was raised recently in the House by my hon. Friend the Member for Wirral South. According to *The Guardian*, the last meeting on the subject of airdrops collapsed because of fears that, by the time any airdrop took place, "there would be no one...left to save".

It was equally depressing and chastening to read the text sent yesterday by a doctor in eastern Aleppo, which he described as his “farewell message”. He wrote:

“Remember that there was once a city called Aleppo that the world erased from...history”.

Although we all condemn Russia and Assad for their actions in eastern Aleppo—we must ensure that one day they are held to account—and we equally condemn Iran and Hezbollah for the role that they have played in the massacre, we must remember the words of that doctor, who blamed not only those directly responsible for destroying his city, but the world as a whole for allowing it to happen. This has been a global collective failure every bit as great as Srebrenica. On that point, I agree with the right hon. Gentleman and my hon. Friend the Member for Cardiff South and Penarth (Stephen Doughty).

What do we do now? I believe that the answer boils down to four points. First, we must take every diplomatic step to press Russia and Iran to allow safe passage from eastern Aleppo, not just for the remaining fighters and their families, but for medical professionals, journalists and others. Many will have watched the extremely moving “Inside Aleppo” films on Channel 4. They were filmed by a 25-year-old mother and Aleppo citizen—not a camera woman or a journalist—who is married to a doctor whose professional duties have kept them in the city, even after many of the other civilians have fled. It is difficult to imagine the terror that they feel, but we have read their messages for ourselves.

We must make it clear to Russia and Iran that those civilians must be given safe passage from the city or be protected if they remain. I have been told by several sources, including journalists, the UN and the Red Cross, that there is a makeshift building—some might call it the last remaining hospital; others might say that it is simply a building that people have moved into in the last few days—inside which hundreds of children and injured people and 110 medical staff are trapped. Following negotiations with the Russians and the Syrian Government, the Russians have said that while the fighters and their families will be allowed to leave, the so-called civilians and activists will not. The “activists” they refer to are medical staff. Why would medical staff not be allowed to leave? According to the Russians, they must remain in the city, presumably to face the shelling. They presumably have a high chance of being massacred by the regime or at the very least detained. How can it be that men with guns can leave eastern Aleppo, but men with stethoscopes cannot?

**Mary Creagh** (Wakefield) (Lab): It might be that the men with guns have a high chance of being killed in some future conflict, whereas the citizen journalists and humanitarian doctors and nurses to whom my hon. Friend refers would be credible witnesses in any future criminal proceedings, and Russia and Syria have every incentive to make sure that their evidence is never given to the world.

**Emily Thornberry:** My hon. Friend makes a powerful point that, in many ways, echoes what was said earlier about the importance of allowing aid workers and independent people into the area to bear witness to what is going on.

Secondly, once the fighting in Aleppo has ended—an end might well come very soon—how will we get humanitarian relief to the citizens still in eastern Aleppo and to those who have fled elsewhere, particularly as the temperatures begin to plummet and the need for shelter and blankets becomes as great as the need for food, water and medical supplies? As I have said, there is also a need for witnesses to the aftermath. If Russia and Assad continue to block road convoys into the area, surely the Government must finally accept that we have reached the point of last resort—that point at which the previous Foreign Secretary promised that airdrops would be used. If we fear that manned flights might be too dangerous, as does the Under-Secretary of State for Foreign and Commonwealth Affairs, the hon. Member for Bournemouth East (Mr Ellwood)—

**The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Mr Tobias Ellwood)** *indicated dissent.*

**Emily Thornberry:** The Minister sits and shakes his head, but if we fear that such flights might be too dangerous, the Government must consider using unmanned drones or GPS-guided parachutes.

**Bob Stewart** (Beckenham) (Con): I am really concerned about the idea that we might send our aircraft into airspace that is contested and hostile. As I know, they fly low to drop the aid, and they can be taken out by ground fire, not just missiles. I suggest that all those people who wish this to happen sign their names and perhaps travel on the RAF aircraft, because the action would be extremely dangerous.

**Emily Thornberry:** There is a live debate about this, which is why I also pray in aid solutions such as unmanned drones or GPS-guided parachutes, which can carry much more than unmanned drones. We know that the Government are actively considering all these proposals. If airdrops are not the answer to delivering humanitarian aid, I hope that the Foreign Secretary will tell us what is, because inaction is simply not an option.

**Catherine McKinnell** (Newcastle upon Tyne North) (Lab): I congratulate those who have secured this debate. A UN spokesperson stated this morning that there had been a “complete meltdown of humanity” in Aleppo. If that does not mean that we have reached the point of last resort, does my hon. Friend, like me, want to hear from the Foreign Secretary exactly what that point would be?

**Emily Thornberry:** I am grateful to my hon. Friend; I could not have put it better myself.

Thirdly, once Aleppo has fallen, attention will at some point turn to Raqqa and other cities where Daesh is currently in control or attempting to take control. Civilians are trapped in those cities as well, and they will be just as vulnerable as the civilians in Aleppo to bombardment, the use of chemical weapons and the humanitarian effects of any siege. To what extent, if at all, will there be co-operation with Russia, Iran and pro-Government forces, if and when their attention turns to fighting Daesh? If the answer is none, how will we stop Raqqa and other cities turning into repeats of Aleppo?

**Mike Gapes** (Ilford South) (Lab/Co-op): My hon. Friend refers to other cities in Syria. Is it not clear that the Assad regime and the Russians have focused all their resources on destroying eastern Aleppo and allowed ISIL/Daesh to retake Palmyra? Does that not show their real priorities?

**Emily Thornberry:** In some ways, that takes me to my fourth and final point. The impending fall of Aleppo must raise the question: what exactly is the Government's current thinking about Syria? Increasingly across the country, we are seeing what the Foreign Secretary has called moderate rebel groups either defeated by pro-Assad forces or signing truce agreements with them. It has been claimed that more than 1,000 such local truce agreements are now in place. Do the Government believe that the moderate rebellion is still taking place or has any chance of succeeding? If not, what endgame are the Government now working towards?

In September, the Defence Committee published its report on the Government's military strategy in Syria and concluded that the goal of creating new leadership in Syria that was

“neither authoritarian and repressive, on the one hand, nor Islamist and extreme, on the other”

was too ambitious to be achieved “by military means alone”. That remains a wise judgment, yet the Government seem to be even further away than they were in September from squaring this particular circle.

These are desperately dark and terrifying hours for the people of Aleppo. They are hours of shame and disgrace for the Governments of Syria, Russia and Iran, who have perpetuated this vicious assault, and they should be hours of deep sorrow and reflection for every international institution and Government who failed to stop it happening and did not do enough to help the people of Aleppo while there was still time. Even now, there are still things that we can do. There are still important lessons to learn and important questions for the Government to answer about where we go from here. I hope that the Foreign Secretary will take this opportunity to answer some of those questions today.

**Several hon. Members** *rose*—

**Mr Speaker:** Order. We will begin with an eight-minute limit on Back-Bench speeches.

2.8 pm

**Mr George Osborne** (Tatton) (Con): I congratulate my right hon. Friend the Member for Sutton Coldfield (Mr Mitchell) on speaking with such passion and compassion for the citizens of Aleppo, and on bringing to bear his experience as one of the country's outstanding International Development Secretaries. I also thank you, Mr Speaker, for granting this debate; it is good to see my right hon. Friend the Foreign Secretary here to respond to it.

What we have heard already moves us to tears: the tens of thousands of civilians trapped in Aleppo; the reports today of residents being shot on sight; and the barbarous assault by the Syrian army, Iranian militias and Russian airpower that the *Morning Star*, as we have heard, describes as a “liberation”. Let me offer my support and gratitude to the incredibly brave people who are

risking their lives as doctors and White Helmet workers in that war zone. I support everything that has been said about what we need to do to get aid into Aleppo, or to provide some kind of ceasefire so that civilians can get out of Aleppo.

The whole concept of an emergency debate suggests that this tragedy has somehow come upon us out of the blue and that there is an almost natural aspect to it, but that is not the case. The Syrian civil war has been waged since 2011, so this is something that we could have foreseen and done something about. We are deceiving ourselves in this Parliament if we believe that we have no responsibility for what has happened in Syria. The tragedy in Aleppo did not come out of a vacuum; it was created by a vacuum—a vacuum of western leadership, including American and British leadership. I take responsibility, as someone who sat on the National Security Council throughout those years, and Parliament should also take its responsibility because of what it prevented being done.

There were multiple opportunities to intervene. In 2012, David Petraeus, the head of the CIA, devised a plan for a much more aggressive intervention in Syria, providing lethal support to what was then clearly a moderate opposition in the Free Syrian Army. That approach was rejected. Britain provided support for flak jackets, medical kits and so forth, but it was clear throughout 2012 and 2013 that there was not a parliamentary majority in this House for providing lethal support to that opposition so that they could shoot down helicopters and aircraft, and fire back with sophisticated weaponry.

In 2013, of course, this House of Commons took a decision not to back a Government motion to authorise airstrikes when Assad used chemical weapons, breaking a 100-year-old taboo—we established it in the west and it survived the second world war—that you do not use chemical weapons, as well as crossing a red line that the President of the United States had established.

**Graham Jones** (Hyndburn) (Lab): Does the right hon. Gentleman think that such lethal force would have overcome the Iranians, the Russians and Assad? Does he really think that if we had provided more munitions, this was a winnable war?

**Mr Osborne:** On the narrow point, in August 2013, we were responding to the use of chemical weapons and providing airstrikes as a demonstration that the use of those weapons was completely unacceptable and that a red line had been crossed—and, indeed, that the west had established that red line. Of course, once this House of Commons took its decision, I believe it did have an impact on American politics. We cannot have it both ways—we cannot debate issues such as Syria and then think that our decisions have no impact on the rest of the world. I think that that did cause a delay in the American Administration's actions and did cause Congress to get cold feet.

This is where I want to begin to draw my remarks to a close, because I know many Members want to speak. The last time I spoke from the Back Benches was in 2003, from the Opposition Benches, when we were debating intervention in Iraq. We all know the price of intervention. My political generation knows the price of intervention: the incredibly brave servicemen and women

who gave their lives in Iraq and Afghanistan; the thousands of civilians who died in those conflicts; the cost to taxpayers in this country; the chaos that inevitably follows when there is intervention in a country; and, of course, the division in our society, our families and our communities.

I believe, however, that we have come to a point where it is impossible to intervene anywhere—we lack the political will, as the west, to intervene. I nevertheless have some hope for what might come out from this terrible tragedy in Syria, which is that we are beginning to learn the price of not intervening. We did not intervene in Syria, and tens of thousands of people have been killed as a result while millions of refugees have been sent from their homes across the world. We have allowed a terrorist state to emerge in the form of ISIS, which we are now trying to defeat. Key allies such as Lebanon and Jordan are destabilised, and the refugee crisis has transformed the politics of Europe, allowing fascism to rise in eastern Europe and creating extremist parties in western Europe. For the first time since Henry Kissinger kicked it out of the middle east in the 1970s, Russia is back as the decisive player in that region. That is the price of not intervening.

Let us have our debate, and let us do everything that we can to help the civilians of Aleppo. Let us hope that the new American Administration and the new Secretary of State work with the Russians to get the ceasefire, but let us be clear now that if we do not shape the world, we will be shaped by it.

2.15 pm

**Alison McGovern** (Wirral South) (Lab): I thank those Members who have already spoken and made remarks that I agree with. It is an honour to speak after the right hon. Member for Tatton (Mr Osborne). I have vigorously opposed so many times in this House everything that he has put to us. Today, I respect his very thoughtful and important contribution.

I rise today with one purpose, which is to persuade the Foreign Secretary that if he chooses to listen to the right hon. Member for Sutton Coldfield (Mr Mitchell) and take the action that he suggested, he will do so with wide support across this House. Overnight, we have seen reports of the fresh hell that Aleppo has become. We hear this message from the White Helmets:

“100,000+ civilians are packed”,

as the right hon. Member for Sutton Coldfield said, “into a tiny area. Bombing and shelling relentless. Casualties unimaginable. Bodies lie where they fell.”

Last night, we heard the final distress call. Today, we decide whether to answer.

The situation in Syria is so dire and the need so urgent that we must not waste further time in deliberation and delay. It is as simple as this: civilians in Syria cannot be left to the mercy of Assad. Ban Ki-moon was very clear in his message yesterday that we all have an obligation

“to protect civilians and abide by international humanitarian and human rights law.”

He went on:

“This is particularly the responsibility of the Syrian government and its allies.”

Like the Secretary-General of the UN, we here all know what President Assad and his allies are doing to the people of Aleppo—and the Government know it, too.

A letter of condemnation signed by our Prime Minister last week described the bombing of hospitals and children being gassed. It described these acts as war crimes. These are strong words, but strong words will not rescue a single child while Assad continues to drop bombs on their heads. The Prime Minister rightly condemns the Russians for their

“refusal to engage in serious peace talks”,

but I say it is time for our Government also to rethink their efforts.

As has been said, we can now clearly see the consequences of our inaction. We have asked our Government to step forward with a strategy to protect civilians. Without this, we can see the consequences: so many bodies that the White Helmets can no longer count them, let alone mount a rescue. So our inaction must now become action, which is why, 18 days ago, when I asked Members of this House from all parties to sign a letter to the Prime Minister in support of getting aid to Syrians—by air, if necessary, as a last resort—I was unsurprised, though very glad, that within one day, 100 Members had agreed to put their names to such a request. Very quickly, that number had risen to over 200 and is now 221 if we count all parliamentarians—Labour, Conservative, Liberal Democrat, Scottish nationalist, Social Democratic and Labour party, Democratic Unionist party, Plaid, Green; Mr Speaker, who cares what party we are today? Human beings are being slaughtered without mercy, and I say, never mind party policy; that is a sin against nature itself.

So what should the Government do? We know that Russia will continue to frustrate the UN process by using its veto to protect Assad. Strongly worded letters from our Prime Minister and others are worth nothing if we are not prepared to back them up with actual action. First, we need to get the vulnerable out of there. Children, medics, the injured and the disabled urgently need safe passage to somewhere with shelter, food and basic medical facilities.

Secondly, as 221 parliamentarians are begging the Government: get aid in—by whatever means we can. The reality in front of our eyes is this: even to save a single life, aid is required. We know it is there, and even at this late stage we must do what we can to get it to people.

Thirdly, we must protect those left behind. The Government must press with the full capacity of the British legal profession for UN monitoring, or even just British monitoring, of the atrocities now being committed. If we offer Syrian civilians so very little, the least we can do is promise that, however long it takes, Assad will see justice.

We have all heard the Government’s usual lines on this: they say they are doing all they can, they are keeping their options open, and nothing is off the table. That is not good enough. We are calling on the Government to put something on the table. The reality is that by delaying we are not keeping our options open; we are closing them off. Every day we miss a chance to do what is right.

I am sure that the Government will put out another press release telling us how tragic the fall of Aleppo is, but then Assad will move on, maybe to Idlib or somewhere else, and then somewhere else, and the whole thing will play out again; and we will see more bombed-out hospitals, more dead children, more war crimes, and no doubt more well-written press releases from Governments.

[Alison McGovern]

So I have two final questions today. First, will the Foreign Secretary support the call of the right hon. Member for Sutton Coldfield for an immediate ceasefire to evacuate the children and medical staff still trapped in the rubble of east Aleppo? Will the Government help make that happen, yes or no? Will they go further and do everything possible to secure a more permanent ceasefire and humanitarian access in Aleppo?

The Foreign Secretary knows that the support is here in this House for airdrops of aid if the Government give it their backing. As I have said, more than 200 hon. Members have signed a letter in support of that; the only obstacle is the question of action from the Government. If that is the wrong option and we need another way to open humanitarian corridors, all I ask is for the Foreign Secretary to come back to this House with a strategy to protect civilians.

Secondly, will the Foreign Secretary commit here and now that the Government will not stand by as the Syrian regime moves on to the next city, because does anybody seriously believe that if we allow Assad to have his way now, he is going to stop?

I want to finish by reminding the Foreign Secretary that, alongside the bombs and the gas, the Assad regime has been dropping propaganda leaflets into eastern Aleppo in recent weeks. These leaflets tell the people there that the world has abandoned them and there is no hope. It is up to us to show that that propaganda is a lie. We must show the desperate people of Syria that there are still people in this world who have not forgotten them—people who will honour the commitments we have made in international law and will stand with them against barbarism.

Aleppo may have just hours left, but there are still souls alive in Syria who we can help. If we do nothing—if we just stand by and watch—thousands more people in Syria will die in agony, and millions in Britain will live with the shame of our inaction.

The Foreign Secretary sits on the Treasury Bench. For more than six years, I have sat here on the Opposition Benches with my Labour friends, and I am deeply proud of my party. Yet I have to tell the Foreign Secretary that if he chooses to act—if he chooses to offer a hand in friendship to people in Syria—there will be no Front Benches or Back Benches, no Government Benches and Opposition Benches; there will simply be all of us here—British citizens, representing the British people, wanting him to act, not in the worst of our country's traditions, but in our best, and wanting him, on behalf of all of us, and for the sake of those in Syria who cannot escape and who desperately need safety, in our name and for them, begging him, to lead.

Several hon. Members *rose*—

**Mr Speaker:** Order. The time limit on Back-Bench speeches will for now be reduced to six minutes.

2.23 pm

**Bob Stewart** (Beckenham) (Con): I would very much like to see a humanitarian corridor going to eastern Aleppo, but may I talk about the practical requirements needed to establish such a route, and to get people to

safety without anyone fighting to achieve it? I will give a few thoughts based on my experience of frequently having had to do that job in the 1990s.

Everyone present knows that this would be a very difficult operation and would require, at least, Syrian Government and Russian approval. Clearly the route must be free from air and ground attack. Without this, establishing a safe route into and out of Aleppo would be impossible. That is the first, and probably most vital, prerequisite for achieving success, and I suppose our diplomats are working overtime on such matters as I speak.

I also take it as a given that this operation would be done under the United Nations flag. Of course, therefore, every vehicle would be emblazoned with the UN cypher, and be operating under the moral authority of the world's forum, but in truth, forces fighting on the ground may not be under effective control of even their own side. In such circumstances, small fighting groups often act independently and, if so, they could cause huge loss of life.

In Bosnia I used small teams led by a liaison officer to prove that we could use routes before allowing convoys to go down them. This was dangerous work and it was a job that involved convincing every commander of every roadblock that it was to be open. I have to say that if we were to suggest such a thing, we may well have to send our officers on the ground to do it. I would support that.

Of course there also has to be a plan for the worst case when things go wrong. In Bosnia I could send my own troops in, but we cannot send troops into Syria. These convoys would be on their own, and they would be dependent on Syrian military and militia goodwill, and of course that of the Russians.

If we are successful and get a humanitarian convoy out of Aleppo to a place of safety, we will be responsible for the people in that convoy. We have heard already today of people being “executed.” I hate that word; they are murdered. Execution is a judicial process; those people have been murdered. We would have responsibility for ensuring these people's safety.

Establishing a safe humanitarian corridor can be done, given determination and the will and consent of belligerents. We cannot fight our way in—well, we could if we were up to it, but we are not—but let me be clear: this will not be easy and it requires a huge number of preconditions to be met.

Finally, may I remind this House that if Members suggest that we should lead humanitarian convoys into Aleppo, we will bear responsibility for whatever happens, good or bad?

2.27 pm

**Mr Ben Bradshaw** (Exeter) (Lab): The shadow Foreign Secretary, my hon. Friend the Member for Islington South and Finsbury (Emily Thornberry), said that what is happening in Syria shames the Assad regime, Iran and Russia; it shames all of us in this House and every political party in this country. It shames the democratic world, the United States, and the United Nations, and if we do not do anything about it—let us not kid ourselves that Assad will stop here; Idlib will be next—that will be the end of the rules-based global order we thought we

had achieved after the horrors of Srebrenica, with all the grave consequences that will entail for our future peace and security.

**James Morris** (Halesowen and Rowley Regis) (Con): Will the right hon. Gentleman give way?

**Mr Bradshaw:** I will not give way for the moment.

There have been so many missed opportunities. As the former Chancellor, the right hon. Member for Tatton (Mr Osborne), said in his excellent speech, many people across the world have been calling for action against Assad since he started slaughtering his own people five years ago. In August 2013, after the international outrage at his use of chemical weapons, we had the chance, but we blew it; the Conservatives blew it, we blew it—every political party in this House blew it. The former Chancellor was absolutely right when he said that that had a direct impact on what the United States did then, with President Obama fatally withdrawing from the red line he had drawn on the use of chemical weapons, with absolutely horrendous consequences, not just now in Syria, but for the future of our world to come.

At any stage since that calamity, the Government could have come back to this House with proposals for safe areas, no-fly zones and, most recently, aid drops, but they did not. Just two weeks ago, my hon. Friend the Member for Islington South and Finsbury made it quite clear that we would support airdrops. The Under-Secretary of State for Foreign and Commonwealth Affairs, the hon. Member for Bournemouth East (Mr Ellwood), hid behind the excuse of not having parliamentary authority, but he did not even seek it, which has been a pattern of this Government over the past few years. As a desperate aid worker told the BBC yesterday, it might now be too late.

We now have the disgusting spectacle of a combination of far right and far left from around the world, united only in their contempt for democracy and human rights, celebrating what they call a “liberation”. Why do we constantly forget the lessons of appeasement, whether from the 1930s or more recently from the Balkans? Statements on Syria from Conservative Ministers have sounded just like the ones I remember from when they were dealing—or not dealing—with Milosevic as he rampaged through Bosnia. When will we understand that dictators such as Assad and Putin only respect strength and the credible threat or use of force? When will we realise that Russia’s strategy is to weaken and divide the free world and that driving the biggest refugee flows into Europe since world war two is a deliberate part of that plan? When will we admit that Putin is already achieving what he cannot achieve militarily through cyber-warfare and propaganda?

The motion that we are debating is welcome, but it is pathetic. It refers to the House considering “international action” in Aleppo. There will no international action, because there is no political will, either here or in the other countries where such will is necessary.

**Mr David Lammy** (Tottenham) (Lab): Is my right hon. Friend as anxious as I am? With Putin and Russia linked to interference in the American election, with the bombing of Syria leading to a refugee crisis in Europe and with many central European countries looking inward, like we are, Putin’s expansionist tendencies and

desire for a warm port should make the Foreign Secretary think carefully about the actions from this point on onwards.

**Mr Bradshaw:** I completely agree. We have not even begun to wake up to Russia’s cyber-warfare. Its interference in the American presidential elections is now proven. It probably interfered in our own referendum—we do not have the evidence for that yet, but it is highly probable. It will certainly be involved in the French presidential election. There are already serious concerns in the German secret service that Russia is already interfering in the upcoming elections. We have to wake up to this, but when?

Finally, the tragedy today is the tragedy of the benighted people of Aleppo issuing desperate, and probably futile, last-minute appeals for help to the outside world. The tragedy tomorrow will be all of ours for failing to stop this happening and for the consequences. Shame on us.

2.32 pm

**Anna Turley** (Redcar) (Lab/Co-op): There is no doubt that the civilian atrocities taking place at the hands of Assad and Putin in Aleppo are among the worst that we have witnessed in decades. As a teenager watching the horrors of Rwanda or Srebrenica, I used to think, “Why don’t they do something?” Well, “they” are now us, and what are we doing? We have turned our face away. It is three years since this place voted not to respond to Assad’s use of chemical weapons on his own people. It is 15 months since little Alan Kurdi was found face down on a beach in Turkey. It is a year since we rightly voted to take action on ISIS in the east of Syria and nine months since Jo Cox was granted an urgent question on breaches of the then ceasefire. It is two weeks since we stood here and discussed aid drops and safe passage. What have we actually done to save a single civilian life in Aleppo? Nothing.

We are watching a fascist dictator, backed by a corrupt global power, use chemical weapons and barrel bombs against his own people for daring to want a better life and a better Government. Have we turned away because of more important local issues or because of the siren call to first look after our own? When we talk of “our own”, that should not stop at our constituency boundaries or, I am afraid, at the white cliffs of Dover. All humanity is “our own” and we have a responsibility and a duty to act. We are not so poor as a nation, financially or morally, that we should turn our backs on what we see on distant shores, not least because it will eventually find its way to us, whether in the form of terror on our own streets or refugee families seeking sanctuary in our estates. We cannot be frozen by the guilt surrounding well-intentioned military action of the past, as the right hon. Member for Tatton (Mr Osborne) so eloquently said. If we are left disappointed or ashamed by difficult and lengthy struggles in Iraq, we must learn the right lessons, which are there in black and white in Chilcot, that when the potential for military action arises we should not commit until it is clear that it can be achieved. We should properly prepare for what comes afterwards and work better with regional partners. Those are the lessons to learn. We should not turn our backs and leave innocent citizens to the bombs and chemicals of despots.

[Anna Turley]

The world is getting smaller by the day and we must play our part in it. We must decide what that part is and what duty we owe to humanity. That duty now looks to be two things. First, as we have heard today, we must get people out immediately. Medics, children, mums—citizens—are trapped and we have to evacuate them as soon as possible. We must get humanitarian aid in as a matter of emergency. We have to urge international action to call an immediate ceasefire. As the right hon. Member for Sutton Coldfield (Mr Mitchell) said, we must identify the war crimes and bring people to account. Secondly, we must pledge never again to turn our backs, never again to be ground down or put off by the length or difficulty of the struggle, never to give in to moral equivalence between brutal fascist dictatorships and a people's struggle for self-determination and freedom. We must pledge never to be so determinedly full of self-indulgent self-loathing for the west that we do not believe that we can play a positive role for the good of the world. Never again should we lack a sense of responsibility to humanity, wherever it is and however hard the struggle.

2.36 pm

**John Woodcock** (Barrow and Furness) (Lab/Co-op): It is a pleasure to follow a wonderful speech, but we have said “never again” so many times. We mean it when we say it, but then, a few months or years later, it comes to nothing. It is this House's responsibility to stand up and show hope for the future, optimism and a way through the current problems, but like my right hon. Friend the Member for Exeter (Mr Bradshaw) I feel a sense of sorrow, shame and anger about where we are today.

**James Morris:** The hon. Gentleman is making a powerful point. When the historians look at this situation, does he agree that it will probably represent a catastrophic failure of western policy that has significantly changed the world for the worse? It is inevitable that a distinct reckoning will come at some point for the United Kingdom and the United States of America.

**John Woodcock:** The hon. Gentleman is right that there will be a reckoning. The question now is about when it will come, on what grounds we will fight and whether, even at this last stage, we will be prepared to stand up for ourselves and the values that we preach in this House but are so rarely prepared to defend when push comes to shove.

Although it will in no way aid what little career I have left in my party, I want to pay tribute to the right hon. Member for Hatton—

**Hon. Members:** Tatton.

**Mr Speaker:** “Tat” rather than “Hat”.

**John Woodcock:** In truth, the right hon. Member for Tatton (Mr Osborne) gave the speech that should have been made at the Opposition Dispatch Box, showing a level of understanding about the issues that makes me hope that he has a future in his party and that he will return. Although great, the problems that we face in

this country pale into insignificance compared with other problems we face. There is the threat of a tyrannical regime in Russia that has effectively created a global system that has rules but no consequences. We must understand how we have enabled that to happen if we are to have any hope of being able to right this situation before it is too late.

Let us remember how moderate the 2013 proposal was. The regime had used chemical weapons and we said that there must be a red line. There was absolutely no thought-out plan, but the idea that we should—*[Interruption.]* I will deal with the Government side in a minute. There was the idea that we should do nothing, which is what we did, because there was no thought-through plan. Last week, the Under-Secretary of State for Foreign and Commonwealth Affairs, the hon. Member for Bournemouth East (Mr Ellwood), showed modesty and frankness about the Government's failure to get that vote through the Commons. The most lamentable and damning part of the former Prime Minister's legacy is that he rushed into that. I still feel sick at the idea of the then Leader of the Opposition going from that vote into the Whips Office and congratulating himself and them on stopping a war. Look what is happening today and what has happened over the past three years—the slaughter shames us all, no matter on what side we sit and no matter what our actions were at the time. We are shamed as a nation by this.

We then saw the Russian move into the country, with no UN mandate and no request, yet we allowed it to happen. President Obama said, “Oh well, they'll come to regret that.” The Russians are not regretting it, because they have been able to show through that and through the highly discriminate slaughter—I was going to say indiscriminate, but it is not—they are perpetrating on citizens that they are able to get away with pretty much anything at the moment, without any sense that there will be come-back. Of course we should talk about the need for justice, bringing people to account and to courts, but the Russians do not respect this. There is no way that they are going to give up their people to bring them to trial. So for all the talk now, rightly, about what extra aid we can bring and what, finally, we can salvage for the people who are left in Syria fearing for their lives, this will ultimately come down to whether we can restore a world with consequence or whether, as the hon. Member for Halesowen and Rowley Regis (James Morris) suggested, we are now seeing the irretrievable breakdown of the United Nations, just as the League of Nations was destroyed in the 1930s.

The UN is broken over this. People can say, “Let's have a UN-backed resolution”, but there is no way that Russia currently, when it fears no consequence, is going to bow to the will of the rest, so we have to restore a sense of consequence. Of course that will be difficult, and people will say, “Oh my goodness, you're inflaming the situation. Oh look, you're going to start world war three”. However, Russia is not a country that wants a war, but it will continue to push as long as it knows that it will meet no resistance.

Where will this happen next? Will it be a NATO nation? Will it be on our shores? Let us not forget that the Russians have redrawn, by force, the borders of a European country for the first time since the second world war—and what we have done? Not very much.

I understand that the Prime Minister is focused on the UK's exit from the European Union, and rightly so, but this is not a world where we can have one focus and we can leave the difficult decisions beyond the European borders to other people. With genuine respect to the Foreign Secretary, I say that I have seen his understanding on these issues and I have seen him nodding along, but at the moment we have understanding without the capacity to act. So I implore not simply him, but the Prime Minister to look up at what is happening, to understand the role of leadership that she has in this country and on the world stage, and to let us restore a sense of dignity, rules and consequence to the global order.

2.43 pm

**Dr Rosena Allin-Khan** (Tooting) (Lab): As I stand here speaking to the House, I feel humbled but wracked with guilt: guilt that tonight I get to go home and kiss my children, while Syrian parents are burying theirs; and guilt that I am not on the front line with my medical colleagues from the Red Cross, whom I stood with for many years, shoulder to shoulder, in many a humanitarian crisis. Those colleagues are pulling bodies out of wreckage, at certain risk of murder. They are desperately fighting to save lives, without resources, using rags to stop bleeding and with eyes streaming from chlorine gas. I have guilt when I ask myself whether in Britain we on these Benches have done enough for the innocent people of Syria and I cannot put my hand on my heart and say that we have.

My guilt is tempered only by the hope that today my voice, along with those of colleagues from both sides of the House, may be heard and action will be taken. I have said it before and I will say it again: the sound of a parent losing a child is an international language. It penetrates one's skull—it is a dagger through the heart—but it is a language that we are not hearing here in this Chamber. Why have we not heard it? Why do we sit here with inaction? We are close to a time when all we will be able to say is, "It's too late." But we stand here today with a last chance for the Government to be able to say, "We did something." Something is better than nothing—to date, all we have is nothing.

**Craig Whittaker** (Calder Valley) (Con): I was in the House in 2013, when we voted in this House to do nothing. At that time, 2 million women and children were in camps, 5 million Syrians were displaced within Syria and Assad had slaughtered 150,000 of his own people. If we as a nation will not take action, the UN will not take action and all the most powerful nations in the world will not take action, what hope did those people have and what hope do they have today?

**Dr Allin-Khan:** I thank the hon. Gentleman for his point. With the greatest of respect, let me say that I was not in the Chamber at that time and I am talking about what we can do now and the responsibility that we have to humanity here today. Many of us, from both sides of the House, have called again and again for humanitarian aid drops and been met with, "Air drops are a last resort". The time for last resort has come and gone. I am calling today for a strategy from the Government on how they will protect the civilians left trapped in Aleppo, many of whom know their fate and many of whom have

been begging their loved ones to kill them because they fear what will happen to them if they are captured. Today is the day when we need action. We need negotiations now for provision to be put in place for those in Aleppo to leave and get to a safe haven. That city was once thriving, just like our own, but it has been reduced to rubble and death. The only thing that separates them from us is where they were born. What makes their lives worth less than ours? What makes their children's lives worth less than ours? We will be worth less if we just stand by. One question we need to ask ourselves is: in the twilight of our own lives, will we be able to look at ourselves in the mirror, in the privacy of our own minds, and know we really did all we could? Our choice is simple: will we be governed by fear or will we be led by our conscience?

2.48 pm

**Stephen Doughty** (Cardiff South and Penarth) (Lab/Co-op): I spoke earlier of my experience visiting Sarajevo and Srebrenica two years ago and of the exhibition that I saw, but one thing that will never leave me was entering a musty room in a mortuary where bags full of bodies and skeletons were still being examined 20 years after that crisis. These were people whose graves had been disinterred and attempts had been made to hide the evidence, and their families were still not able to get closure on the atrocities committed at that time, when the world stood by. When I hear the stories of men and boys being disappeared, of summary executions, of mass graves and of attempts to hide the evidence and to kill those who were witnessing the evidence, I have all the same fears that we will be looking in one of those mortuaries 20 years from now, wondering just what on earth we did.

That leads me to reflect on the decisions that we in this House have made. I have to reflect on whether the decision I took in 2013, with other people in this House, was the right one. I sat through that entire debate, and I did not feel that the Government came forward with a comprehensive plan or that they had clarity about where they were going, but I have to accept that our decision may well have been wrong.

I agree with the right hon. Member for Tatton (Mr Osborne) that the real question was: why did we not act in 2011? Why did we not act right at the beginning of this conflict? Why were we trying to make decisions when already hundreds of thousands of lives had been lost and when already this conflict had spiralled out of control? We have to look at not just one decision, but the collectivity of the decisions that we took over time.

**Toby Perkins:** I am grateful to my hon. Friend for giving way and for the contribution that he is making. I have felt incredibly proud to listen to many of the speeches that colleagues have made during this debate. I hope and pray that the actions that follow this debate are as great as the speeches. Once this two-hour debate is finished, we will have a five-hour debate on the Neighbourhood Planning Bill. Does he, like me, have a sense of how ludicrous we will look when we are discussing that?

**Stephen Doughty:** Absolutely. I also fear that many will ask where the rest of the House is today. Where is the Prime Minister? Where is the Leader of the Opposition?

[Stephen Doughty]

[*Interruption.*] I know that the Leader of the Opposition was here, but in a such a debate, we should have senior people in our country standing up and taking part and taking responsibility for the decisions of this House.

All our hand wringing will do nothing to solve the problems that we face today and that the citizens of Aleppo face right now.

I wish to turn now to Russia. I agree with much of what my hon. Friend the Member for Barrow and Furness (John Woodcock) said about Russia. We have to end this fetishisation of Russia by both the populist right and the left and make it face up to the consequences of its action. We must stand up against what it is doing and make it recognise that there are consequences for stepping over these lines and that there will be a response. I must ask the Foreign Secretary a sincere question. We have heard the Government say that they have been doing all they can to bring action against Russia, but the EU High Representative, Federica Mogherini, said this week:

“No, we didn’t discuss at all sanctions”—

at the EU Foreign Affairs Council—

“and there was no member state asking for additional work on sanctions”—

against Russia. I would like some clarity from the Foreign Secretary on what efforts have been made on this matter. Those sanctions were having an impact. What other member states support him?

**Stewart Malcolm McDonald** (Glasgow South) (SNP): Does the hon. Gentleman share my concern over the incoming US Administration and some of the individuals’ relationships with Russia? Does it not highlight the need for the UK Government to press seriously on the sanctions issue?

**Stephen Doughty:** I agree with the hon. Gentleman. Indeed, much of what the new President-elect has said about Russia is deeply worrying and should concern us all, not least whether he is willing to stand up for NATO allies and against aggression in the east of Europe.

I wonder why we have not done more to support the efforts of other countries in the United Nations. We talk about the failures of the UN Security Council, but there are other means by which we can authorise action. The “Uniting for Peace” resolution process has been used before, and Canada has been pushing it this week. The General Assembly took a vote and made a decision. Why are we not at the forefront of leading those efforts when the Security Council fails? I fear that if we do not take such action we will see the breakdown of all those systems of international agreement.

Fundamentally, we can make a difference today. I make this appeal to the Foreign Secretary: what are we doing to secure a ceasefire, even a ceasefire of a few hours, to get out the injured, the women and children, the aid workers and those others who are trapped? The UN is there and ready to assist. It can get the people out, but we need the agreement of Russia and others. If the Foreign Secretary is saying that we cannot do airdrops, what can we do with our military assets to provide air cover for UN aid convoys leaving Aleppo? UN convoys have been attacked in the past, so what can we do to

provide the assurance that they will not be attacked leaving the scene of this atrocity? What can we do to provide access for neutral humanitarian monitors—those people from the International Committee of the Red Cross and other organisations—to ensure that the evidence is not destroyed and that those who are responsible for these atrocities cannot cover up what they are doing?

What can we do to ensure the evacuation of the White Helmets—people who have been responding and doing amazing work there on the ground? I have read some disgraceful things in recent days about the work of the White Helmets. I can tell Members that they are not true and that those people are helping to save lives. I am proud that we are supporting them, and that Jo Cox supported them and that her foundation supports them now. Any suggestion that those people are doing anything other than a good job is simply unacceptable.

Finally, we must look at the precedent. If we see what is happening in Aleppo today, we can see that it will happen also in Dara, Raqqa and Idlib. If this is the approach that we are going to take and we are not going to stand up at this moment, we will only see these kind of atrocities played out again and again over the weeks and months to come. We must stand up and show that we have some common humanity. We have to do the extraordinary and step outside our natural caution and our fear of these events. People are dying right now and we need to act.

2.54 pm

**Tom Brake** (Carshalton and Wallington) (LD): I thank the right hon. Member for Sutton Coldfield (Mr Mitchell) and the hon. Member for Wirral South (Alison McGovern) for securing this debate and you, Mr Speaker, for granting it.

The war in Syria and the slaughter of more than 450,000 innocent civilians, overwhelmingly by Assad’s barrel bombs, is without a doubt the 21st century’s most shocking and deplorable bloodletting. The carnage has been unparalleled since Rwanda and the Democratic Republic of the Congo. The international community’s response has been lamentable. Parliament’s reaction to events, which started in 2013, has been feeble. Assad, Russia and Iran’s response has been criminal and the repercussions and shock waves will be felt for decades.

What we need to hear from the Foreign Secretary today is this: what are the Government doing with their allies to push for a meaningful immediate ceasefire and safe passage for any remaining civilians, of which there are believed to be between 50,000 and 80,000? I have a 15-year-old son. He is nearly my size, but—he will not thank me for saying this—he is still a child. If he was leaving Aleppo, what chance would he have of getting through Assad’s soldiers and surviving that experience? There are hundreds of thousands of civilians out there who are worried about their children.

We heard from the hon. Member for Beckenham (Bob Stewart), who is no longer in his place, about his concerns with airdrops, which clearly cannot be undertaken lightly. We need to hear from the Foreign Secretary what recent acts of consideration the Government have given to airdrops and the solutions that do not involve pilots advocated by the Opposition. Are those airdrops relevant to other parts of the country? Even if they are

not relevant in Aleppo, other parts of Syria are clearly still under siege and may benefit from airdrops.

The Foreign Secretary needs to tell us what the Government are doing in relation to documenting human rights abuses. From a sedentary position, the Under-Secretary of State for Foreign and Commonwealth Affairs, the hon. Member for Bournemouth East (Mr Ellwood), has indicated that the Government are working on that issue. I hope that we can hear as much as possible about that. The Government, for very obvious reasons, may not want to reveal how that is being documented, but we do need to hear what work is being done.

We also need to hear what work can be done to hit the Russians where it really hurts them. Clearly, we will not engage in military action with the Russians, but what we can do—the Government will have an opportunity with the Criminal Finances Bill—is hit them in their pockets. Many Russians love to spend their money in the UK. They love to buy properties here; love to buy their cars here; and love to send their children to school here. That is an area where the Government can do something. The Magnitsky amendment that is being proposed to the Criminal Finances Bill is about seizing the assets of foreigners who have committed gross human rights abuses. I want to hear from the Foreign Secretary that the Government will support that amendment, because we know that many of the Russians involved in Syria will have assets here that we could seize.

The Government of Syria have tied themselves to Russia and Iran, which see it to their advantage to encourage Syria's atrocious behaviour and so perpetuate Assad's reliance on their support. Assad's position, for the time being at least, is secure. What new initiatives can the UK, working with its allies, offer to help bring the fighting to an end. Some call for the creation of an enclave in eastern Syria, which would be free of Assad and ISIS forces and which is, as I understand it, where the Kurds and the UK and French special forces are active at the moment. Could such an enclave provide part of a solution?

Only after the violence stops will people begin to recover from the trauma of this horrible war and only then will it be possible for Syrians to think and talk productively about how to begin transforming Syria into a country in which all its people can live in security and dignity. The UK must be prepared, if it is allowed, to play its part then. Will we be ready?

2.59 pm

**Hywel Williams** (Arfon) (PC): As we have heard, in the opposition areas of Aleppo, people are fearing retribution for all—men, women and children alike. There are reports of extra-judicial killings, mass detentions and arrests. Just a few minutes ago, the BBC reported that the UN's human rights office said that it has reliable evidence that in four areas 82 civilians were shot on sight. We all fear that this is just one example.

All this adds horribly to the imperative for urgent international action. With hindsight, we can see that when in 2011 the peaceful Syrian democracy movement was largely ignored by the international community, it was inevitable that others, wedded neither to peace nor to democracy, would step in. The regime's response was

predictable, not least given the vicious response of the President's late father, Hafiz al-Assad, to previous uprisings, such as the one in Hama in 1982, where reportedly 20,000 people were killed, the vast majority of them civilians, and the city was destroyed by heavy weapons.

Some years ago, a very close relative of mine spent some time in Syria, working in Damascus in the education system. She tells me that the memories of Hama were very live even at that time, 20-odd years later. Terror was being used as a deliberate part of the regime's armoury, as it has been since the Ba'ath party seized power in 1963.

The White Helmets now report that tens of thousands of people are trapped as indiscriminate attacks, both ground and air attacks, continue with even greater ferocity, following on from the previous inhuman attacks on the very weakest points, deliberately targeting hospitals, water and food supplies, and aid convoys.

My colleagues in Plaid Cymru support the calls for an immediate ceasefire and safe passage for civilians and rebels out of Aleppo.

The international community has largely failed the people of Syria so far. One redeeming aspect is this Government's current policy of commitment to material aid. I am happy to salute them for that. Does the Foreign Secretary therefore agree that now is not the time to cut the foreign aid budget?

I fear that the current inhuman conflict is sowing the seeds of future horrors in Syria, the middle east and western Europe, so, irrespective of the humanitarian argument, it is very much in our interest that we take action on the side of humanitarianism, democracy and eventual peace.

3.2 pm

**Mary Creagh** (Wakefield) (Lab): Thank you, Mr Speaker, for calling me. I follow on from the many excellent speeches that we have heard in today's debate. Like my hon. Friend the Member for Cardiff South and Penarth (Stephen Doughty), I have visited—in my then role as chair of the all-party group on genocide prevention, alongside you, Mr Speaker—Rwanda, Burundi, Democratic Republic of Congo and, more recently, South Sudan, and I have seen there the long, painful process of rebuilding in countries where genocides have taken place.

One of the many problems when genocide and war crimes take place is that there is a fog of war around them. I remember living and working in Brussels during the Rwanda genocide and not really understanding, as I was reading the newspapers in French, what was happening between Hutu and Tutsi, who were the good guys and who were the bad guys, but seeing the people fleeing from Rwanda and later from Zaire, now DRC.

In the Syrian conflict, however, there has been no lack of information. Everything has been appearing on social media. People have been live tweeting their own suffering and their own death. That is why the citizen journalists and the humanitarian workers are more feared by the regime and by the Russians than the rebel fighters. We have seen the images—images that I personally would rather not have seen—of dead children who were murdered in Homs and Hama in 2011 and 2012. We in the west, in particular the US and the UK, drew a red line by saying that we would intervene if chemical

[Mary Creagh]

weapons were used. That fatal vote in August 2013, as the right hon. Member for Tatton (Mr Osborne) said, has had long and very significant consequences.

Our inaction created the political space for the Russians to move in and to offer to decommission the chemical weapons. We have all seen how successful that decommissioning process has been—we have watched as sarin gas, chlorine gas and napalm have been dropped on schools and hospitals in Aleppo and throughout Syria. We have seen the Russian propaganda campaign of misinformation and their pretence of being honest brokers when the west failed or stood by.

Our inaction also opened up military space—Assad released the jihadis from jail to go out and create mayhem in his country. It served as a recruiting sergeant for 30,000 jihadi fighters from more than 100 countries to go and fight for Islamic State, and it served to create the geographical space where Daesh could claim its caliphate, and groom and lure our own young people to go over there and waste their lives as jihadi brides or jihadi fighters. They now find themselves stuck there in the horror of a nihilistic death cult.

The result has been political space captured by the Russians and military space given to Islamic State-Daesh, enabling them to create mayhem in the region and to export it to Turkey and to Iraq where, let us not forget, Mosul has been under Daesh rule for two years, notwithstanding the long and painful efforts of a coalition trying to take back the space in Iraq. The export of chaos from Syria has resulted in 11 million refugees, 7 million of them in their own country, and 400,000 dead. We cannot claim that we did not know what was happening. That toll has been the result of our own political inaction.

It is a bitter irony that this country went to war in Iraq over weapons of mass destruction which were subsequently found not to be there, possibly having gone over the border to Syria, where we see that they have been used. Now, when we see weapons of mass destruction being used in Syria, we are not prepared to take action. How weak, how diminished, how futile is the rules-based international order. We see Secretary of State Lavrov, the Russian Foreign Minister, telling the US Secretary of State to “stop whining”. That is the contempt in which Assad and Putin hold western powers in the region.

When the Foreign Secretary replies to this debate, will he tell us how the workers of UK charities who are currently in east Aleppo will be evacuated and rescued? They have not been spoken about in the debate. When we had our first debate on Syria in October, I contacted Bana Alabed and Omar Ibrahim, who was a neurosurgeon working in east Aleppo. Bana Alabed is still alive.

**Alison McGovern:** My hon. Friend is making a characteristically detailed and important speech. Will she say a little more about the fate of civilians who have put themselves at risk?

**Mary Creagh:** Absolutely. Civilians have put themselves at risk as citizen journalists, going out while the bombs are falling and filming what is happening. There is also solidarity between our national health service and Dr David Nott, whose foundation is doing excellent

work, training people in Turkey to go back into the hell hole that is Aleppo or that is Idlib to perform life-saving surgery.

I have been in contact with Omar Ibrahim during this debate and I have been telling him what we are doing. He has live tweeted to us and shared what he is doing; it is only fair to live tweet back. I said that we are calling on the US and Russia to create safe corridors for humanitarians and civilians to leave. His response is, “It will take a lot more than calling.” These are people facing imminent death or torture from the pro-Assad regime. We have seen the pictures of the 100 or so civilian men and boys in that compound with the Syrian army general in front of them. We do not know their fate. We are back to Bosnia, back to Srebrenica. When we say never again, we must put force behind those words.

I would like to conclude by asking the Foreign Secretary what the Prime Minister will do at the EU Council this weekend. Will she work with our European allies and our NATO allies to make sure we get a speedy humanitarian resolution to this conflict?

3.9 pm

**Tommy Sheppard** (Edinburgh East) (SNP): I would like to start with a quote from a constituent’s letter. Dr Amer Masri left Damascus a few years ago and now works as a researcher in Edinburgh. He says:

“It is a shame for the free world to see the massacres and mass executions happening to the civilians that are trying to flee Aleppo right now and no action is being taken.

I am very, very disappointed and heartbroken that the free world has left civilians who chanted the values the west believes in like freedom, democracy and dignity, and they are left starving and facing the Russian, Iranian and Assad regime brutality alone. We are left alone.

I urge the UK not to bomb Syria but we need aid drops. It is not too late. There are besieged areas in Damascus suburbs, besieged areas all over Syria. Use these planes to create safe corridors to protect the civilians—not to bomb them.”

I cannot add to the many comments that have been made on both sides of the House that sum up the despair and frustration that people in this country and others feel about the situation in Aleppo. However, I want to reflect on the fact that it is just over a year since we had a vote in this House on whether to join military action in Syria. Those of us on the SNP Benches opposed that motion, yet we were assured that if we voted to join that military action, we would cut off the head of ISIS, provide air support for 70,000 ground troops and be part of co-ordinated military action that would lead to and enhance a political solution. It is now terrifyingly obvious that none of those things has come to pass.

Another thing suggested was that joining that military action would give this country and this Government greater leverage in trying to influence events as they unfolded in Syria. It seems terrifyingly obvious that that is not the case either, and I am sure that there are many in this House, and many throughout the country watching their television screens, whose main feeling is one of frustration at the apparent impotence of our Government when it comes to getting involved and doing anything.

I think that some people—perhaps not those sitting on the Government Front Bench, but certainly some people in the Foreign Office—need to go on an assertiveness

training course. They need to speak a lot more loudly and more emphatically than they have thus far. I would like to see this country leading, not following; not being a bystander watching the discussions of others, but getting involved, getting our hands dirty and trying to sort the problem out. After all, if this problem was not caused by France and our own country, whose problem is it? We have a responsibility to the world to show leadership, and I hope very much that we will do that.

Along with many in this House, I am very angry at, and opposed to, the actions that Russia has taken militarily in recent months. However, I would say this to the House: the way forward is not going to be to demonise President Putin, to try to move to a new cold war or to try to pretend that Russia does not have legitimate interests in the region. I would like to see firm but emphatic engagement with the Russian authorities and an insistence from this Government that they need to be part of the equation and part of the plan.

We should call Russia to account and insist that humanitarian aid is prioritised and that corridors are allowed so that it can be delivered. We should stand up and be seen to be doing that. Let us get on the planes. Let us have the shuttle diplomacy. Let us be seen to speak out for the people of this country, to lead international opinion and to put pressure on the Russians and others who are trying to make a bad situation worse.

We also need to call out the Turkish Government on their actions in this affair, because they have been none too helpful. Turkey's support for the al-Nusra front has created a fig leaf of credibility for the Russian military's excuse that the people of eastern Aleppo are somehow in a terrorist enclave that needs to be liquidated. That is unhelpful, as is the hostility of the Turkish Government to pretty much any sentiment expressed by the Kurdish population in the region.

So, let us take action now to deliver the humanitarian aid, to make sure there is a ceasefire that can be policed and, most of all, to make sure that war crimes, if they have been committed, will be recorded and that those responsible will be brought to book in the future.

**Patrick Grady** (Glasgow North) (SNP) *rose*—

**Mr Speaker:** Order. The hon. Gentleman, whom I am about to call, needs to sit down by 3.23 pm so that I can call the Foreign Secretary, from whom I think the House will very much want to hear.

3.14 pm

**Patrick Grady** (Glasgow North) (SNP): Here we are once again: once again congratulating the right hon. Member for Sutton Coldfield (Mr Mitchell) on securing an emergency debate on the situation in Syria; once again hearing from both sides of the House of the atrocities and the unimaginable horror of life in the city of Aleppo; once again asking the same questions to the Government. Where is the head of the snake that our bombs were going to cut off? Why is the United Nations so powerless in the face of this disaster? Why is it that we can drop bombs, but not bread?

In the time I have, I want to reflect on the situation on the ground, on some of the practical solutions we have heard about and on the role the Government can play. We hear that the Assad forces are on the brink of

seizing control of the city, but in doing so it seems they are playing out the ancient saying: they have made a desert and called it peace.

**Graham Jones:** Will the hon. Gentleman give way?

**Patrick Grady:** No, I have very little time.

Quite how the word “victory” could apply to the almost utter destruction of a city and to the death and displacement of so many people is beyond me and, I suspect, most of us. The destruction continues, with both sides responsible for atrocities and horror. The number of people displaced within the country and over its borders is greater than the population of Scotland and just slightly greater than the population of London.

While we recognise the humanitarian contribution the United Kingdom has made, there must be more it can do. That must extend to the welcome it provides to the Syrian refugees who make it to the United Kingdom—20,000 refugees from Syria over the lifetime of this Parliament is simply not enough. It would be helpful to hear from the Government how they want to work with humanitarian organisations on the ground in Syria and in neighbouring countries. Local organisations have a much deeper reach and much better understanding of the immediate situation than multilateral or bilateral agencies.

In Aleppo itself, as many Members have said, we now surely require an urgent and specific response. We on the SNP Benches have repeatedly called for aid drops, and the Government have repeatedly said that that would be an option of last resort. Well, what is the penultimate resort? What is preventing these aid drops? No food has been delivered to Aleppo for seven months. What alternatives are the Government pursuing?

We have heard repeatedly of the risks and of the difficult logistics of aid drops, but we have also heard of the proposals from graduates at the University of Aleppo about how the United States joint precision airdrop system could be deployed. I have asked the Minister written questions about that. It would be helpful to hear from him what discussions the UK is having with the US and other allies about the applicability of that system, and whether it presents a more secure way of delivering aid by air.

The Minister might also be aware of proposals in recent days from members of the Disasters Emergency Committee and other non-governmental organisations for use of an air bridge system to deliver aid by helicopter to safe landing sites identified by the White Helmets and others. In their letter to the Prime Minister, the agencies cite the UK's role in the 1948-49 Berlin airlift, when over 2 million tonnes of cargo were delivered to 2 million residents of west Berlin. Will the Prime Minister be responding to that letter from some of the most respected aid agencies in this country?

The agencies also make the point that UN Security Council resolution 2165 authorises the UN to undertake cross-border aid delivery without the permission of the Syrian Government. Indeed, the International Syria Support Group, of which Russia remains a member, called on the World Food Programme to use air bridges and airdrops if land access continues to be denied. So what steps are the Government taking to be ready when, or if, the situation stabilises?

**Joanna Cherry** (Edinburgh South West) (SNP): Yesterday I spoke at a conference for Syrian refugees living in my constituency and across Edinburgh, and I met an accomplished artist from Aleppo, Nihad Al Turk, who berated me for the lack of action on all our parts. Has my hon. Friend just described practical steps that we could take at this stage of last resort so that perhaps the next time I meet this gentleman, and other Syrian refugees, in Edinburgh I will have something concrete to say?

**Patrick Grady:** I thank my hon. and learned Friend. That is the point: concrete, specific proposals are brought forward and we get told, “No, they’re not practical—they’re not possible.” So what are the alternatives? How will this aid otherwise be delivered?

As other Members have said, this situation brings into question the entire multilateral system and the role of the UN Security Council in its seeming inability to respond to the regime. The Government will be aware of statements signed by faith leaders, and a statement co-ordinated by Amnesty, supported by over 200 civil society organisations, calling for a greater role for the General Assembly of the United Nations and a special emergency session of the assembly

“to demand an end to all unlawful attacks in Aleppo and elsewhere in Syria, and immediate and unhindered...access”

for humanitarian aid. Will the UK Government support this call? As I said in the previous debate, the UK’s position on the Security Council is supposed to be one of the great advantages of the Union—Britain’s force in the world—so how is that diplomacy going to be used as a force for good?

SNP Members have repeatedly said that if we can drop bombs in Syria, we should be able to drop bread. The need is great, and the technology and the solutions are there. If stability comes, irrespective of the horrific circumstances, then aid must be allowed in. The Government must be preparing now so that as soon as an opportunity arises they can show leadership and begin to help people to rebuild a city and their lives, which currently lie in ruins.

3.20 pm

**The Secretary of State for Foreign and Commonwealth Affairs (Boris Johnson):** I am very grateful to my right hon. Friend the Member for Sutton Coldfield (Mr Mitchell) for securing this debate on a matter that the whole House feels so strongly about. I listened very carefully to all the speeches and found myself greatly in agreement with much that has been said by Members on both sides of the House.

After five months of siege and almost a year of bombardment, we are now reaching the end of the siege of Aleppo, and Assad’s forces are doing their utmost to stamp out the last embers of revolt. The dictator’s militias have carved paths of destruction through crowded streets destroying hospitals, severing water supplies and herding thousands of people from their homes. I will come in a minute to what we have tried to do as the UK Government, what we continue to do and what we will do in future. I will also, of course, discuss the tragic limitations that we have faced in our actions so far.

First, it is worth going back and remembering how this tragedy has unfolded. As long ago as July, the regime sealed off eastern Aleppo and then defeated two

abortive efforts to break the siege. Notch by notch, Assad tightened the noose. The last UN convoy entered eastern Aleppo on 7 July. The last food rations were handed out on 10 November. The last functioning hospital was targeted by an airstrike and knocked out of action on 19 November. Some 275,000 men, women and children were then trapped in eastern Aleppo without food, medical care, or even, in many cases, electricity and water. In this piteous condition, they endured ceaseless attack from air and ground, notably by barrel bombs dropped from Syrian military helicopters.

I know that time is short, but it is worth reminding the House of exactly what a barrel bomb is and why it makes such a hideous weapon. Imagine a metal drum filled with petrol and explosives, and laced with nails and jagged shards of metal. These objects—*[Interruption.]* People watching and listening around the world may not know what they are. These objects are loaded on board helicopters, which then hover over civilian areas. The men on the helicopters simply light the fuses of the barrels before rolling them out of the door, leaving them to fall to the ground where they shred and incinerate any human being with range. There is no guidance system or targeting. Barrel bombs have no military purpose; they cannot be dropped near a frontline for fear of striking friendly forces. Their sole purpose is to murder civilians. Scores of these awful weapons have been used against the people of eastern Aleppo by Assad every day.

The collapse of the rebel-held districts began on 26 November and has gathered pace. In the areas recaptured by the dictator, we have already heard reports today of hundreds of young males being separated from their families and marched away to an unknown fate. The UN High Commissioner for Human Rights today reported that civilians have been “killed on the spot”.

As this tragedy has unfolded, the Government have sought to reduce the suffering with every diplomatic and humanitarian lever at our command. I must tell the House that we have used every effort at the UN. Even today, we are, along with the French, calling for an emergency meeting of the Security Council. I know that our excellent ambassador, Matthew Rycroft, will be conveying at the UN many of the sentiments expressed in the House.

On 8 October, we tried to secure a UN resolution that would have urged a ceasefire. It demanded that “all parties immediately end all aerial bombardments of...Aleppo”. That resolution was vetoed by the Russians. On Monday of last week we tried again, throwing our weight behind a draft resolution co-sponsored by Egypt, Spain and New Zealand that urged a seven-day ceasefire in Aleppo to allow the evacuation of casualties and the delivery of aid. Once again, Russia vetoed the resolution, joined by China. I think that the House will join me in condemning those in Moscow and Beijing who would not allow the people of Aleppo even a seven-day respite. I must say to my right hon. Friend the Member for Sutton Coldfield that I have had information from Aleppo—I am sure that other Members have, too—that even today the Russians are blocking the evacuation of the injured and of medical staff from the very zones they are attacking.

**Stephen Doughty:** Given what the Foreign Secretary has said about Russia and China’s behaviour and their failures, what will the consequences be for Moscow and Beijing?

**Boris Johnson:** We are gathering all the information that we think will be necessary for the prosecution of those guilty of war crimes, but the diplomatic pressure must continue. It was asked earlier what we are doing in the EU; I can tell the House that the UK stood up at the last meeting of the Foreign Affairs Council and argued for tightening sanctions against Russia in respect of Syria as well. I wish that the rest of the EU would follow suit.

Last Saturday I broke off a visit to the middle east to fly to Paris to discuss these matters with Secretary Kerry. I pay tribute to John Kerry for his efforts, but they have not prevailed. We jointly demanded that the “regime and its backers” allowed the UN to deliver aid “with immediate effect.” Assad has doggedly refused to allow the UN to deliver supplies to hundreds of thousands of people, many of whom are now starving. He is content for his own people to be reduced to starvation, even though there are UN warehouses full of food within easy reach.

**Alison McGovern:** What specific action to protect civilians will the Foreign Secretary tell the Prime Minister that she should propose to our European colleagues when she goes to the European Council next week?

**Boris Johnson:** What the Russians need to do—this is what our European colleagues should do as well—is to institute an immediate ceasefire. It is up to the Russians, and, I am afraid, to the Assad regime, to institute a ceasefire. I will come in a minute to the deficiencies and problems that our decision in 2013 left us with today. Many Members have sought to find fault with the UK Government and what we have tried to do. Given that we are contributing £2.3 billion of aid, many Members have asked an entirely legitimate question: why we do not fly in aid ourselves? Labour Members have asked that very question: why do we not drop aid on eastern Aleppo from the air? Many have spoken in favour of airdrops. In recent weeks since we last discussed this matter in the House, we have studied that option with great care. Working with my colleagues across Whitehall, and working with my right hon. Friend the Secretary of State for Defence and the RAF, I must tell the House that we have come up against some hard realities.

**Mr Bradshaw:** When the Foreign Secretary complains, as he repeatedly does, about Russian behaviour and Russian vetoes, does he understand that he sounds exactly like the Conservative Foreign Secretaries in the early 1990s who said exactly the same thing about the Balkans? We subsequently had a Labour Government who showed leadership, assembled a coalition and got American support to do something to stop the genocide. What is he doing?

**Boris Johnson:** That comes a little ill from a Labour Member because the right hon. Gentleman remembers fine well that the Labour party was whipped to oppose any action in 2013.

I want to return to the current situation because Members have asked some very reasonable questions that I think I must answer.

**Anna Turley:** Will the Foreign Secretary give way?

**Boris Johnson:** I hope that the hon. Lady will forgive me if I make some progress, because I have very little time left.

For airdrops to be accurate, they must be conducted at low level and low speed. Russia has deployed its most advanced jet fighters and surface-to-air missiles in Syria, which makes it impossible for us to carry out airdrops without Russian permission. Even if Russia were to give its consent, our aircraft would still have to fly over areas of Syria that are hotly contested by a multitude of armed groups, including Daesh and al-Qaeda. They would make every effort to shoot down a British plane, and a lumbering, low-flying transport aircraft would be a sitting duck. We came reluctantly to the conclusion that airdrops over Syria, under those conditions, would pose too great a risk.

When it comes to drones and other devices, we still face the problem that the Syrians and the Russians control the airspace. Of course it is possible that circumstances might change, so I will not rule out any option for delivering aid today, but nor will I give false hope. As things stand, we would be risking the lives of our aircrew if we tried to drop supplies into eastern Aleppo.

I pay tribute to those who have made brave efforts to evacuate wounded children. All those efforts depend on Russia and the Assad regime, and it is up to them to agree a truce. By far the most effective way of delivering aid would be for them to give permission to the UN to distribute the supplies that are piled high inside its warehouses. As long ago as December 2015, Russia voted in favour of UN resolution 2254, which urged all parties to “allow humanitarian agencies rapid, safe and unhindered access throughout Syria”.

Russia must now obey the very resolution that it supported and compel Assad to allow the UN to feed his people—*[Interruption.]* I say to Opposition Members who are objecting to this that if we take the pressure off Russia, we are serving the purposes of the Assad regime.

**John Woodcock:** Will the Foreign Secretary give way?

**Boris Johnson:** I am afraid I will not.

There is another inescapable reality that Members must accept. On 29 August 2013, this House voted by 13 votes not to use force against Assad, even after he had poisoned hundreds of his people with sarin nerve gas. We, as a House of Commons and as a country, vacated the space into which Russia stepped, beginning its own bombing campaign on behalf of Assad in 2015. Ever since that vote, our ability to influence events in Syria, to protect civilians or to compel the delivery of aid has been severely limited. The dictator was left to do his worst—along with his allies, Russia and Iran—and the bloodiest tragedy of the 21st century has since unfolded.

I must say—the House should listen to this—that Assad’s conquest of Aleppo will not mark the end of the war. The victory will turn to ashes in his mouth, because even if he reimposes his rule over the rubble of that city, about two thirds of Syria will remain outside his control. Millions of Syrians are viscerally hostile to the rule of a tyrant who has the blood of hundreds of thousands on his hands. Already Daesh has taken the opportunity created by Assad’s assault on Aleppo to surge forwards and capture again the ancient Roman

[Boris Johnson]

city of Palmyra. Assad has repeatedly said that his aim is nothing less than the re-conquest of “every inch” of Syria. If he is allowed to pursue that goal, I fear that this war will continue for more years, and victory will still elude him.

My question to those who ask what we would do—let us turn the question around—is: do Russia and Iran want to stand behind Assad in this futile and indefinite struggle to subdue Syria? Do they want to be with him siege for siege, barrel bomb for barrel bomb and gas attack for gas attack, as the tyrant reduces his country to ashes? In the months or perhaps years ahead, does Russia still wish to be dispatching warplanes to bomb Syrian cities while casting votes in the Security Council on behalf of Assad, a man for whom it has no great regard?

**Alison McGovern:** The Foreign Secretary mentions the vote in 2013; I will live with that for the rest of my life. May I ask again the question that I asked him earlier? There is no pressure on Russia at the moment, so why does he not tell the Prime Minister to go to the European Council and propose action that is led by the UK and supported by our European allies?

**Boris Johnson:** I can tell the hon. Lady that we are doing everything that we can within the constraints we face. I have described the restrictions on military options, which I think most people in this country understand.

**Tom Brake:** Will the Foreign Secretary give way?

**Boris Johnson:** I am afraid that I must now wind up.

I hope that Russia will see sense and join us to secure the transition away from Assad that is the only hope for a peaceful Syria. It is up to them—the Russians and Iran—and they have the future of Syria in their hands. This is one of the darkest hours in Aleppo’s four millennia of recorded history. One day, that city will rise again, and one day, Britain will be among the countries that help to restore Aleppo to the greatness it once had. That day might seem far off now, but it will come all the faster if the Russians and the Iranians do the right thing, abandon their puppet, and promote the peaceful and political solution that is the only way forward.

*Question put and agreed to.*

*Resolved,*

That this House has considered international action to protect civilians in Aleppo and more widely across Syria.

**Mr Mitchell:** On a point of order, Mr Speaker. Following the emergency debate, may I seek your advice? There has clearly been a profound re-examination of some of the arguments that led to the result of the vote in August 2013, when Parliament was recalled during a recess. Will you advise me whether there may therefore be a case for the Government to come back to the House with a substantive motion to reflect the changed circumstances since that time?

**Mr Speaker:** It would absolutely be open to the Government to return to the matter, and to put before the House a substantive motion for a debate and a vote. Such an opportunity most certainly exists.

**Mary Creagh:** On a point of order, Mr Speaker. During my speech, I requested that the Foreign Secretary describe the actions he has taken to evacuate the staff of UK-based humanitarian organisations. He failed to answer that point. Will you, on behalf of the House, seek answers from the Foreign Secretary on that specific point, which is of the utmost gravity and urgency? [Interruption.]

**Mr Speaker:** All I can say to the hon. Lady is that I have just heard the Foreign Secretary indicate from a sedentary position that he will write to her. Might I politely ask that the Foreign Secretary place a copy of the letter in the Library of the House, because I think his answer will be of interest not only to the hon. Lady, but to many Members on both sides of the House?

**Tom Brake:** Further to that point of order, Mr Speaker.

**Mr Speaker:** I am not sure there is anything further, but I will indulge the right hon. Gentleman.

**Tom Brake:** I asked the Foreign Secretary whether he would support the Magnitsky Act amendments to the Criminal Finances Bill. I wonder whether he might be willing to indicate that he will respond on that point.

**Mr Speaker:** He might. I say to the right hon. Gentleman and any other Member who feels that his or her point has been inadequately addressed, or not addressed at all, that I am sure that the Foreign Secretary will study what has been said by colleagues and that, if he feels there are points that are unaddressed, he will write to all such colleagues. I am quite sure that the Foreign Secretary will do that.

We have to leave it there for now. We cannot continue the debate at this time, although there is plenty of scope for doing so subsequently.

## NEIGHBOURHOOD PLANNING BILL (PROGRAMME) (NO. 2)

*Ordered,*

That the Order of 10 October 2016 (Neighbourhood Planning Bill (Programme)) be varied as follows:

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

(2) Proceedings on Consideration and proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion, at today’s sitting, four hours after the commencement of proceedings on the motion for this order.

(3) Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion, at today’s sitting, five hours after the commencement of proceedings on the motion for this order.—(Gavin Barwell.)

## Neighbourhood Planning Bill

*Consideration of Bill, as amended in the Public Bill Committee*

### New Clause 6

#### COMPENSATION FOR TEMPORARY SEVERANCE OF LAND AFTER VESTING DECLARATION

“In Schedule A1 to the Compulsory Purchase (Vesting Declarations) Act 1981 (counter-notice requiring purchase of land not in general vesting declaration), in paragraph 16, after sub-paragraph (3) insert—

“(4) If the vesting date for the specified land is after the vesting date for any land proposed to be acquired, the Upper Tribunal’s power to award compensation under section 7 of the Compulsory Purchase Act 1965 includes power to award compensation for any loss suffered by the owner by reason of the temporary severance of the land proposed to be acquired from the specified land.”—(*Gavin Barwell*.)

*This amendment ensures that, when an acquiring authority is required to take more land than it had planned to take when it executed a general vesting declaration and the additional land vests in the authority after the land which it had planned to take, the Upper Tribunal may require it to pay compensation for the temporary severance of the land it had planned to take from the additional land.*

*Brought up, and read the First time.*

3.41 pm

**The Minister for Housing and Planning (Gavin Barwell):** I beg to move, That the clause be read a Second time.

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

New clause 3—*Review of compulsory purchase*—

“Before exercising his powers under section 35(1) the Secretary of State must carry out a review of the entire compulsory purchase order process.”

*This amendment ensures that there is clarity on appeal routes, pre-completion and pre-occupation conditions.*

New clause 12—*Rates of interest and advance payments*—

“Within 14 days of the Neighbourhood Planning Bill receiving Royal Assent the Secretary of State for Communities and Local Government and the Chancellor of the Exchequer must bring forward outstanding regulations relating to Clauses 192 to 198 of the Housing and Planning Act 2016 and Clauses 19 to 21 and 33 to 35 of the Neighbourhood Planning Bill.”

*The Housing and Planning Act includes measures requiring further regulations in order to come into force. This new clause requires that, once the Neighbourhood Planning Bill receives Royal Assent, these regulations should be brought into force to ensure that all farmers, business owners and landowners benefit from the Government’s commitment to improve interest rates on late payments as soon as possible.*

Amendment 26, in clause 15, page 14, line 12, leave out

“as well as, or instead of, compulsory acquisition”

and insert

“or compulsory acquisition, but not both”.

*This amendment would ensure that where an acquiring authority seeks temporary possession rights it cannot at the same time also seek permanent possession rights. It would not stop the acquiring authority at a later date seeking permanent acquisition rights via a fresh compulsory purchase order should it be required to complete the project.*

Government amendment 21.

Amendment 27, page 25, line 36, leave out clause 28.

*This would remove changes which would prevent landowners who have land compulsorily purchased for a particular purpose seeking additional compensation should the land end up being used for a different purpose. It ensures that, where the original calculation of compensation that was paid did not take into account the possibility of the development that the land is now being used for, the claimant receives the correct level of compensation.*

**Gavin Barwell:** Government new clause 6 deals with the ability to claim compensation for temporary severance when a material detriment claim has been referred to the upper tribunal. This will arise when the acquiring authority has taken possession of the part of a claimant’s land that it wants before the tribunal has determined the claim, and the tribunal then decides that it must take more of the claimant’s land. The tribunal will be able to award compensation for any loss suffered by the claimant as a result of the temporary severance of their land while the matter is being determined.

A provision to ensure that the compensation is claimable is already contained in paragraph 28(5) of schedule 2A to the Compulsory Purchase Act 1965 when the acquiring authority is proceeding by notice to treat and notice of entry. The Housing and Planning Act 2016 should have included an equivalent provision in schedule A1 to the Compulsory Purchase (Vesting Declarations) Act 1981, but that was not spotted at the time, so new clause 6 fills the gap.

Government amendment 21 is a consequential amendment to the definition of “acquiring authority” in section 172 of the Housing and Planning Act 2016 on the power to enter land to survey it in connection with an acquisition proposal. The amendment aligns the definition of “acquiring authority” with that in clause 14, so that the power to enter and survey land can be used in connection with any proposal to take temporary possession of land under that clause. The new definition still works for authorities intending to acquire the land permanently. I commend the amendment to the House.

**Dr Roberta Blackman-Woods** (City of Durham) (Lab): New clause 3 calls for a comprehensive review of the entire compulsory purchase order process. There was clear consensus among the witnesses at the Public Bill Committee evidence sessions that the current CPO system is not fit for purpose. It is convoluted and puts people off using it, which in turn has a negative impact on the delivery of development. Colin Cottage of the Compulsory Purchase Association commented:

“The existing system is not helpful for reaching quick solutions. In fact, in many ways it encourages people to be fighting with each other from the outset.”—(*Official Report, Neighbourhood Planning Public Bill Committee*, 18 October 2016; c. 64, Q114.)

He said that ultimately that causes uncertainty and additional cost. Richard Asher of the Royal Institution of Chartered Surveyors said:

“I believe, and the Royal Institution of Chartered Surveyors has always believed, that codification of the whole of the CPO rules, which go back to 1845 and are highly complex, would be a sensible way forward”.—(*Official Report, Neighbourhood Planning Public Bill Committee*, 18 October 2016; c. 64, Q113.)

He said that he wanted a review of the system as it stands. Labour strongly believes that the legislation should be updated to enable the greater use of CPOs as a tool to drive effective regeneration and development

[*Dr Roberta Blackman-Woods*]

strategies and to work in partnership with developers to ensure that we get the new homes and development that we need.

More than 100 years of conflicting statute and case law makes up the current CPO legislation, so small changes will not have a significant effect. Indeed, in Committee the Minister reflected on the fact that the changes, welcome though they are, would not be a game changer. I therefore ask him why the Government continue to make small changes to the CPO system bit by bit, rather than bringing forward legislation to allow us to review it and make it fit for purpose.

**Geoffrey Clifton-Brown** (The Cotswolds) (Con): I wish to speak to new clause 12 and amendments 26 and 27, which are in my name.

On new clause 12, both the Housing and Planning Act 2016 and the Bill contain welcome measures to make it clear that an acquiring authority should make payments of compensation in advance—that is the important bit—of taking possession of land. They also provide a mechanism for improving the rates of interest on late compensation payments, which is important because it will hopefully encourage acquiring authorities to pay in advance, and to pay a reasonable interest rate, rather than delaying payment.

Those measures require further regulations to bring them into force. As soon as the Bill becomes law, those regulations should be brought forward without delay to ensure that landowners and business owners benefit from the Government's previous commitment to improve interest rates on late payments.

On amendment 26, I welcome the Bill's provisions to allow acquiring authorities to take land on a temporary basis. That will provide much-needed flexibility within the compulsory purchase system and stop acquiring authorities having to take land on a permanent basis that is required only temporarily. However, they should not be allowed to take land on both those bases. If, having taken land on a temporary basis, an acquiring authority finds that it needs to take it on a permanent basis, that should be subject to a second notice to treat and a compulsory purchase procedure.

Finally, amendment 27 is the most important, in my view. It would remove clause 28, which repeals part 4 of the Land Compensation Act 1961. That repeal will prevent landowners who have had land compulsorily purchased for a particular purpose from seeking additional compensation should the land end up being used for a different, more lucrative development. I will briefly try to explain that to the House.

The general principle of compulsory purchase is that if someone's land is being compulsorily acquired, they should be paid the same price as if that land were being acquired on a voluntary, willing-seller willing-buyer basis in the private commercial sector. Abolishing part 4 of the 1961 Act will mean that if the land subsequently has a different use—for example, if the planning zoning changes so that it suddenly becomes extremely valuable because it could be developed for housing or commercial purposes—the person having his land acquired will not get the benefit of that uplift. As a chartered surveyor—I declare that in my entry in the Register of Members'

Financial Interests—if I were ever selling land that I felt was likely to have such an uplift, I would always insist on an overage clause being placed on the sale, not for 10 years but for 20 or 25 years. During that time the vendor would get 50% of the value of the uplift.

I say to my hon. Friend the Minister, loud and clear, that in clause 28 he is enabling acquiring authorities to acquire land on the cheap at the expense of private landowners, and I think that is unfair.

**Robert Neill** (Bromley and Chislehurst) (Con): I apologise for missing the beginning of the debate—I was chairing a Select Committee.

**Mr Deputy Speaker (Mr Lindsay Hoyle)**: You only missed one minute.

**Robert Neill**: I am sure it was a very important and fascinating minute, Mr Deputy Speaker, particularly as the hon. Member for City of Durham (*Dr Blackman-Woods*) was speaking—I have great regard for her.

I support my hon. Friend the Member for The Cotswolds (*Geoffrey Clifton-Brown*) and the amendments in our names. We put them forward in an endeavour to be constructive. They reflect areas where the Government have taken valuable and worthwhile steps. New clause 12 is built on the fact that they rightly increased the rates of interest, but it is important that there is not a lacuna between the enabling legislation and the practical application of the regulations. The Minister might say, "There is another means whereby I can achieve the same objective as the new clause," in which case my hon. Friend the Member for The Cotswolds and I will be perfectly happy, but it is important to flag that up, particularly because the Treasury has to deal with the regulations, although I could be wrong about that. We would not want anything to fall between the gaps and prevent the Government's good intention from being delivered in practice.

**Tom Elliott** (Fermanagh and South Tyrone) (UUP): Does the hon. Gentleman have any idea of the time limit? How long would it be before that measure comes to an end, during which time the Government would be bound to give that additional compensation?

**Robert Neill**: We are putting the ball in the Government's court in that regard. We have the commencement date for the relevant provisions. It seems to my hon. Friend and I that the regulation to implement them ought to follow at the time of commencement, or as close as practically possible thereto. That is what we are seeking to achieve, so that there is a smooth transition.

**Geoffrey Clifton-Brown**: My hon. Friend rightly points out that the Government have agreed to the provisions, and therefore that Treasury approval has presumably been given because the measure will cost a certain amount of money. It would therefore be logical that, as soon as the Bill comes into force, the provisions should come into force. That is the strength of our joint proposals.

**Robert Neill**: I entirely agree with my hon. Friend. I could not put it better and need not say more on that aspect.

The key point on amendment 26 is that the word "certainty" is fashionable in the current political climate. Businesses want certainty about a number of things,

and the proposal is another example. They may well have to make contingency arrangements to relocate all or part of their operations. It is obviously much better for them to know at the earliest stage what is to be acquired on a permanent basis and what is to be acquired on a temporary basis. If it is temporary, they can plan accordingly. Nothing stops the acquiring authority from coming back for a second bite of the cherry, but businesses—it need not be a large business, and could be a small or medium-sized enterprise or a family firm—would not be left in limbo about their long-term future.

My final point is on amendment 27, and the situation is as my hon. Friend rightly says. I respect his professional expertise as a surveyor, and my experience as a lawyer leads me to the same conclusion. My experience in the local government world leads me to expect that of any local authority. My local authority is active and has a good investment fund in property in Bromley. If we acquire by private treaty, we expect to enter into overage payments. It would be the norm. We are seeking to address an equality-of-arms argument.

**Rob Marris** (Wolverhampton South West) (Lab): I understand the point the hon. Gentleman and the hon. Member for The Cotswolds (Geoffrey Clifton-Brown) are making, but are they talking about a one-way ratchet? If the “different purpose” helpfully referred to in the Member’s explanatory note to amendment 27 meant that the land was worth less than the original purpose, would the landowner get a lower compensation, or is it a one-way ratchet?

**Robert Neill:** It is a one-way ratchet because it is designed to prevent somebody in a monopoly bargaining position from putting unfair pressure on the owner. If somebody has compulsory acquisition powers, they are not obliged to go through the free bargaining process. That is why the ratchet deliberately goes in that direction. It would prevent what I hope responsible acquiring authorities would not generally do. However, there is a risk that instead of using compulsory acquisition as a last resort, which is what we all want, acquiring authorities have a perverse incentive to say, “We will use the compulsory powers early on in the process, because otherwise, if we acquire by private treaty, we might be forced into an overage.” We would not want that where the powers or the agencies of the state are potentially bearing down on individuals or small businesses. That is the thinking behind the amendments and new clauses.

**John Redwood** (Wokingham) (Con) *rose*—

**Mr Deputy Speaker (Mr Lindsay Hoyle):** Mr John Redwood!

**John Redwood:** I rise, Mr Deputy Speaker, to support—

**Mr Deputy Speaker:** I sounded shocked because I had not realised you were here at the beginning.

**John Redwood:** I was in at the beginning. I have come because this an important subject and I want to support my colleagues in saying that where land is being compulsorily acquired, the aim should be to ensure that the owner gets the open market value that they would have got had they been a voluntary seller in the private

sector market without the distortion of the public sector purchaser. As my hon. Friend the Member for The Cotswolds (Geoffrey Clifton-Brown) indicated, that surely means that if there is hope value in the land, it should be included in the price. It might be possible to take care of hope value with an overage, or it might be that we can express a capital value of the hope value and clean the whole thing up in one go. Either way, it needs to be sorted out, and I hope that will be confirmed by the Minister. I believe that that is the intention.

As to the Opposition argument, I think that sometimes the best is the enemy of the good. We already have 17 pages of additional legislation on compulsory purchase, and if the Opposition thought that something needed fixing or improving, this was their opportunity to table amendments to do so. The new clause is the Government’s best fix for the current legislation. I think we can do it by means of amendment to existing law. We need not redesign the whole thing. A redesign could create added hazards and complexities and bring scope for mistakes.

**Rob Marris:** The right hon. Gentleman will be aware of the Housing and Planning Act 2016. This is the second time that this issue has come before the House, so the idea that we do not want additional legislation or the review process proposed by my hon. Friend the Member for City of Durham (Dr Blackman-Woods) looks a bit thin, given that this is our second bite of the cherry in primary legislation.

**John Redwood:** I think we have agreement. I am saying that this is a process of continuous review and incremental improvement. The Opposition are entitled to join in—this Bill was another opportunity for them to do so—although I am pleased that we have been spared a complete rewrite of the whole legislation, as that might not have produced extra advantages and would have brought with it all sorts of hazards. I support the Government in what I assume will be their wish not to proceed with new clause 3.

**Gavin Barwell:** This has been a short debate on a technical but important area of the Bill that cuts to the core of our belief in this country in the importance of people’s property rights and the rightly very clear restrictions we place on the circumstances in which the state can compulsorily acquire people’s property.

I will start by responding to the official Opposition’s new clause 3. The hon. Member for City of Durham (Dr Blackman-Woods) explained to the House why she believed there should be a fundamental review of compulsory purchase law. A similar new clause was debated in Committee. She also made this point in the debate last week on the affirmative regulations arising from the Housing and Planning Act 2016. I suspect that compulsory purchase is one area on which it is easier to agree on the need for fundamental reform than on what that fundamental reform should be. She is right that most of the people who gave evidence to the Committee, while supporting what the Government were doing, believed that there was the potential for more far-reaching reform, but there was no consensus on what it should be.

The Law Commission looked at this issue, and what the Government did in the Housing and Planning Act, and what we are doing in the Bill, reflected its conclusions.

[Gavin Barwell]

It came up not with a complete rewrite of the law, but with a focused set of reforms. To come to the point raised by the hon. Member for Wolverhampton South West (Rob Marris), the reason we are coming back to this is that when we consulted on the previous legislation, people raised some fresh points around which there was a consensus, and that is why the Government have proceeded.

Let us see what impact the reforms in the 2016 Act, which are only just being implemented, and the reforms in the Bill will have. I hope that they will make it easier for people to use compulsory purchase when it is necessary to do so, and make the process a simpler and clearer one. We will then be in a better position to consider whether any further reform is necessary.

4 pm

I am happy to confirm to the hon. Member for City of Durham, as I have said to her before, that if there was a growing consensus about a specific package of more wide-ranging reform, the Government would look at it, as we have proved we will do in respect of the 2016 Act and this Bill. What I do not want to do, however, is to write into legislation a statutory requirement to conduct a review. My experience on inheriting the 2016 Act is that it is full of requirements for the Government to review this and that, but I want my officials focused on the fundamental issue of how to get this country to build the homes that we desperately need, not on conducting endless reviews.

It is worth putting on record that the Opposition amendment would prevent the Secretary of State from commencing the provisions in the Bill—we all agree that they are an improvement—until we had conducted the review. The Secretary of State and I are of one mind that what we need in this area of policy is to get on with things and not have further delay. Although I am sympathetic to the view of the hon. Member for City of Durham that if a consensus for a more radical review develops over time, we should look at it, I urge her to withdraw new clause 3.

Three amendments were tabled by my hon. Friends the Members for The Cotswolds (Geoffrey Clifton-Brown) and for Bromley and Chislehurst (Robert Neill). Let me begin by reassuring my near neighbour and hon. Friend the Member for Bromley and Chislehurst that he did not miss much at all in the first minute of the debate. He missed me trying to explain two very technical amendments, so he will probably consider that time well saved. I have had the opportunity to meet both my hon. Friends to discuss these issues, and I am grateful to both of them for the time they took to raise their concerns with me. I hope that I can offer at least partial reassurance on the points that their amendments were designed to raise.

In new clause 12, my hon. Friends sought to obtain a commitment on when the Government will make regulations in three areas of the reformed compulsory purchase regime. The most pressing, it was clear, are the regulations to impose a penal rate of interest on late payments for advance payments of compensation for compulsory acquisition. Allied to these are the powers to make regulations prescribing claim forms for compulsory purchase compensation and advance payments for compensation. Those powers are contained in sections 192 and 194 of the 2016 Act.

My hon. Friends also asked, understandably, when the regulations setting the rates of interest for outstanding payments of compensation and late payments for advance payments of compensation for temporary possession of land under clauses 19 to 21 will be made. I shall outline to my hon. Friend the Member for The Cotswolds and the House what we have to do to make these things happen.

I shall deal first with late payments and advanced payments of compensation for compulsory acquisition. The power for the Treasury to make regulations to set the interest rate is contained within section 196 of the Housing and Planning Act 2016. The provisions in that section are, however, being amended by clauses 34 and 35. Once the Bill receives Royal Assent, subject to the will of this House and the other place, we shall commence clauses 34 and 35 as soon as possible, together with section 196 of the 2016 Act. My colleagues in the Treasury will arrange for the regulations setting the penal rate of interest on late payments of advance payments to come into force alongside the substantive provisions.

We shall commence the other substantive provisions on compensation and advance payments in sections 192 to 198 of the 2016 Act and clause 33 of this Bill on the same day. Clearly, I cannot predict precisely when that day will be, because it depends on the passing of this Bill, but I am happy to put on record that I recognise the extreme importance for those whose land is being taken that advance payments are made on time so that they can make alternative arrangements. The Government are therefore committed to bringing these provisions into force as soon as they are able to do so.

On the powers in sections 192 and 194 of the 2016 Act, the Government do not intend to make regulations to prescribe claim forms immediately. We intend to start with non-statutory forms in guidance, which will allow them to be easily amended in the light of initial experience. If they are a success, there would not be a need to legislate. I am sure hon. Members would agree that we should legislate only when there is a clear need to do so.

Finally, on the rates of interest for temporary possession, the commencement strategy for the new temporary possession regime is still in its infancy. I can say, however, that there should be no difficulty in bringing the interest rate regulations into force at the same time as the commencement of the substantive provision. I hope that that has reassured my hon. Friend the Member for The Cotswolds.

**Geoffrey Clifton-Brown** *indicated assent.*

**Gavin Barwell:** My hon. Friend is nodding, and I hope he will therefore withdraw new clause 12.

My hon. Friend went on to raise one of the more difficult points in the new temporary possession regime. As he said, amendment 26 would permit either temporary possession or permanent acquisition of a particular parcel of land, but not both at the same time. A balance has to be struck between certainty for the landowner—he made that point very powerfully—and flexibility for acquiring authorities who are tasked with providing what is often vital national infrastructure.

For linear transport schemes, it is not always possible to determine the precise line of a route at the time of taking compulsory powers. The final details might not be confirmed until a late stage. The acquiring authority

must always work within the lines of the limits of deviation, but it will often be necessary to occupy much of the land temporarily in order to construct the scheme, but only take permanent possession of the land that is actually built on. Where this is required, clause 15(3) currently provides flexibility for an authorising instrument to authorise temporary possession of land needed for carrying out construction works, as well as compulsory acquisition of the land needed permanently for the actual scheme, although clause 15(3) does not of course enable temporary possession or compulsory acquisition of the same land at the same time.

On the other hand, I would not wish, for the reasons my hon. Friend so eloquently set out, to give *carte blanche* to lazy acquiring authorities who cannot make up their minds early enough about what land they need on a permanent basis and what land they need temporarily just to carry out the scheme. I hope it will satisfy him if I say that I propose to issue guidance on what an acquiring authority would have to demonstrate before the confirming authority, which would be the relevant Secretary of State, confirmed an order that attempted to authorise both temporary and permanent acquisition of the same land. With that reassurance, I hope my hon. Friend will withdraw his amendment.

Finally, amendment 27 seeks to ensure that part IV of the Land Compensation Act 1961 would remain in force. The majority of those who responded to the Government consultation on further reform of the compulsory purchase order system in March 2016 were in favour of repeal of part IV, as was the Law Commission. I reassure my right hon. Friend the Member for Wokingham (John Redwood), that compensation under the ordinary rules already reflects the full market value of the land at the valuation date with all its present and future potential, including any hope value for future development—a point he made very forcefully.

The balance has moved more in favour of repeal since the reform of the planning assumptions for compensation in the Localism Act 2011, as these specifically take the conditions as known to the market at the time into account. I accept however that the arguments for and against repeal are finely balanced. In favour of repealing part IV is the argument that it introduces an element of uncertainty and unknown risk about liability for compensation for the acquiring authority, which leads to increased cost for the public sector, for example often through insurance premiums. The Government believe that repeal of part IV will reduce the risk and uncertainty, while maintaining the principle of fair compensation.

My hon. Friends the Members for The Cotswolds and for Bromley and Chislehurst (Robert Neill) have argued passionately that the repeal of part IV would create uncertainty for claimants. Under part IV, a claimant is treated as though they have retained their investment and interest in the acquired land so that they can benefit from any increase in value generated by a subsequent planning permission. My hon. Friends argued that that reflects commercial practice in that overage clauses are routinely included in land transactions.

The perceived clash between commercial practice and the compensation rules might be reconciled if after the repeal of part IV, landowners pressed for overage clauses when negotiating with acquiring authorities over the sale of their land. That might enable deals by

agreement to be struck without recourse to compulsory purchase. That is what all of us should aspire to: that acquiring authorities agree deals voluntarily with those who own land.

**Robert Neill:** That is a helpful point. Could the Minister provide some assistance by way of guidance for acquiring authorities to press them into adopting that kind of good practice?

**Gavin Barwell:** I am happy to look at that. I was just about to say that the Government are not at present wholly persuaded by the arguments of my hon. Friends the Members for Bromley and Chislehurst and for The Cotswolds, so I ask them not to press their amendments on this occasion. As I said, however, the arguments are finely balanced and I look forward to them being explored further in the other place. I am certainly happy to reflect on whether we could strengthen the guidance for acquiring authorities to seek to achieve normal commercial deals in the way that my hon. Friends have described.

**Robert Neill:** I take it that the Minister is not ruling out returning to the matter if more evidence can be put forward.

**Gavin Barwell:** As I think I have made clear, we want to proceed with the maximum possible consensus on the right way of getting a set of rules on compulsory purchase that are fair to the taxpayer, the acquiring authority and landowners.

**John Redwood:** When the Minister drafts that guidance, he may like to include the obvious point that if those whose land is subject to compulsory purchase can reach a voluntary agreement, it will probably speed up the compensation and reduce the legal costs. There is something in it for both parties if the local authority has goodwill towards landowners. Some of our local authorities have such goodwill, but others do not. That is what the guidance must address.

**Gavin Barwell:** My right hon. Friend makes a perfect point on which to end this section of the debate. The point is that compulsory purchase should be a last resort. We should encourage all acquiring authorities to seek to secure land that is needed for major infrastructure projects or redevelopment schemes on commercial terms, which is quicker and cheaper and avoids all the legal costs, as he said. What we are legislating for here should be a last resort for when it is overwhelmingly in the public interest and necessary to acquire sites in order to allow projects to go ahead. With that, I hope that hon. Members will not press their amendments and that we can proceed to the next part of the Bill.

*Question put and agreed to.*

*New clause 6 accordingly read a Second time, and added to the Bill.*

### New Clause 1

#### GUIDANCE ON CLUSTERING OF BETTING OFFICES AND PAY DAY LOAN SHOPS

“(1) Before exercising his powers under section 36(1) the Secretary of State must issue guidance to local authorities on the granting of planning for permission change of use to betting offices and pay day loan shops.

(2) This guidance must set out the manner in which policies in neighbourhood plans and local plans about the number, density and impact of betting offices and pay day loan shops shall be taken into account when determining applications for change of use, to prevent a deleterious effect on the neighbourhood or local area.”—(*Graham Jones.*)

*Brought up, and read the First time.*

**Graham Jones** (Hyndburn) (Lab): I beg to move, That the clause be read a Second time.

**Mr Deputy Speaker (Mr Lindsay Hoyle):** With this it will be convenient to discuss the following:

New clause 2—*Planning Applications: award of costs*—

“(1) Where a planning application for development meets the terms of subsection (2), and is—

- (a) refused by a local authority, or
- (b) an appeal under section 78 of the TCPA 1990 which is dismissed,

the planning authority may apply to the Secretary of State for an award of costs to reimburse the expenses incurred by individuals who submitted objections to the unsuccessful application or appeal.

(2) A planning authority may only use this power if the following conditions are met—

- (a) the unsuccessful application or appeal concerned a new commercial or residential development; and
- (b) the application or appeal was unsuccessful, at least in part, due to its incompatibility with the relevant approved neighbourhood development plan.”

New clause 4—*Sustainable development and placemaking*—

“(1) The Secretary of State must issue guidance setting out how the principles of sustainable development and placemaking can be—

- (a) reflected in neighbourhood development plans;
- (b) used by local authorities to support neighbourhood planning.

(2) “Sustainable development and placemaking” means managing the use, development and protection of land and natural resources in a way which enables people and communities to provide for their legitimate social, economic and cultural wellbeing while sustaining the potential of future generations to meet their own needs.

(3) To support this aim local planning authorities should—

- (a) identify suitable land for development in line with the economic, social and environmental objectives so as to improve the quality of life, wellbeing and health of people and the community;
- (b) contribute to the sustainable economic development of the community;
- (c) contribute to the vibrant cultural and artistic development of the community;
- (d) protect and enhance the natural and historic environment;
- (e) contribute to mitigation and adaptation to climate change in line with the objectives of the Climate Change Act 2008;
- (f) promote high quality and inclusive design;
- (g) ensure that decision-making is open, transparent, participative and accountable; and
- (h) ensure that assets are managed for long-term interest of the community.”

*This new clause would clarify in statute that neighbourhood planning should be focused on the public interest and in achieving quality outcomes including placemaking.*

New clause 5—*Neighbourhood Planning: Payments to support production of plans*—

“(1) Where a parish is designated as a neighbourhood area under the Neighbourhood Planning (General) Regulations 2012, and where the parish council agrees to forego some or all of the relevant Community Infrastructure Levy Monies, the Local Planning Authority may make available the amounts foregone to support the parish council in the production of a Neighbourhood Plan or a Neighbourhood Development Order.

(2) For the purposes of subsection (1) the relevant Community Infrastructure Levy Monies are those that will be payable to the Local Planning Authority under Regulation 8 of the CIL (Amendment) Regulations 2013 if the Neighbourhood Plan or Neighbourhood Development Order, when made—

- (a) provides for the number of houses specified for development in that neighbourhood area under the relevant Local Plan, and
- (b) those houses are built.”

*This amendment would require Local Planning Authorities to make advances available to parish councils to support the production of Neighbourhood Plan or a Neighbourhood Development Order. The advances will equal the amount of income that the parish council agrees to forego out of the CIL revenues that would otherwise be paid to them by the Local Planning Authority once the housing specified in the Plan or Order is built.*

New clause 7—*Planning decisions: involvement of neighbourhood planning bodies*—

“In place of section 75ZB of the Town and Country Planning Act 1990 (as inserted by section 156 of the Housing and Planning Act 2016) insert—

“**75ZB Responsibilities of decision-makers in respect of Neighbourhood Development Plans in the exercise of planning functions**

(1) In considering whether to grant planning permission or permission in principle for development which affects land all or part of which is included within the area covered by a made or emerging Neighbourhood Development Plan, the local planning authority must—

- (a) have regard to the desirability of upholding the policies and proposals contained in the Neighbourhood Development Plan;
- (b) send a copy of the application to the relevant neighbourhood planning body;
- (c) allow the relevant neighbourhood planning body a period of 21 days from receipt of the application to make recommendations about how the application should be determined; and
- (d) take into account any recommendations made under paragraph (c).

(2) Where a neighbourhood planning body recommended against the application, under subsection (1), and the following conditions are met, the local planning authority may not approve the application without first consulting with the Secretary of State.

(3) The conditions mentioned in subsection (2) are—

- (a) the development is not classed as a householder development;
- (b) the development is not on a site identified for the proposed development in the relevant neighbourhood development plan.

(4) Consultations with the Secretary of State under subsection (2) must follow the procedures set out in provisions 10 to 12 of the Town & Country Planning (Consultation) (England) Direction 2009.

(5) In this section—

“emerging Neighbourhood Development Plan” means a Neighbourhood Development Plan that has been examined, is being examined, or is due to be examined, having met the public consultation requirements necessary to proceed to this stage.

“householder development” means proposals to alter or enlarge a single house, including works within the curtilage (boundary/garden) of the house.

“neighbourhood planning body” means a town or parish council or neighbourhood forum, as defined in section 61F of the 1990 Act (authorisation to act in relation to neighbourhood areas).”

*This new clause would require planning authorities to consult neighbourhood planning bodies on decisions to grant planning permission. Where a planning authority wants to approve a major development against the wishes of a neighbourhood planning body, the planning authority will be required to consult the Secretary of State before granting permission.*

**New clause 8—Delivery of housing development—**

“After section 74 of the Town and Country Planning Act 1990 insert—

**“74A Delivery of housing development**

(1) The Secretary of State may make provision, by a development order, for regulating the manner in which applications for planning permission for housing development are to be determined by local planning authorities with regard to the assessment of a five year supply of housing land.

(2) A development order issued under subsection (1) may in particular—

- (a) define a methodology to be used by local planning authorities to assess a deliverable five-year supply of housing land, including confirmation of types of sites that may be included;
- (b) specify the minimum period of time after which, if a local authority has not demonstrated a five-year supply of housing land, the presumption in favour of sustainable development should be applied in accordance with paragraph 49 of the National Planning Policy Framework;
- (c) set out the desirability of upholding policies and proposals of made or emerging neighbourhood plans, where these are positive towards housing development, notwithstanding any lack of a five-year supply of housing land in the local authority area in which the neighbourhood plan is wholly or partly situated.

(3) In this section “five year supply of housing land” means specified deliverable sites identified as sufficient to provide five years’ worth of housing against the area’s housing requirements (see paragraph 47 of the National Planning Policy Framework).”

*The proposal would empower the Secretary of State to issue a development order to: clarify the means by which housing land supply is assessed; define the minimum amount of time before a local planning authority’s failure to meet its housing targets results in its local plan being “out of date”; and specify that neighbourhood plans should be taken into account notwithstanding the lack of a five-year supply of housing land.*

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

“(c) it has been examined by an independent examiner who is registered with the Royal Town Planning Institute.”

*This amendment ensures that the examination of a neighbourhood plan is conducted by an RTPPI registered examiner.*

**Amendment 2, in clause 2, page 2, line 19, at end insert—**

“(3C) To support Neighbourhood Plans, the Secretary of State should set out the weight that should be given to approved neighbourhood development plans at key stages in the planning process.”

*This amendment gives weight to the Neighbourhood Plans at key stages along the process and not just at the post- referendum stage.*

**Amendment 3, in clause 3, page 2, line 28, at end insert**

“after consultation with the local area involved.”

*This amendment ensure that any changes to a neighbourhood development order or plan are first subject to consultation with the local area involved.*

**Amendment 4, in clause 4, page 4, line 7, at end insert** “providing that the subsequent area is not smaller than a parish or town council area or local authority ward.”

*This amendment ensures that the size of a neighbourhood area is not smaller than a parish or town council area or local authority ward.*

**Amendment 7, in clause 5, page 5, line 10, at end insert—**

“(c) reasonable payments made by local authorities for the purpose set out in paragraph (a) and (b) shall be recovered from the Secretary of State’s department.”

*This amendment allows for the full recovery of costs of assisting with the development of a neighbourhood plan to be recovered to the local authority.*

**Amendment 5, page 5, line 11, at end insert—**

“(2BA) Such statements of community involvement must include a right for members of the community to make representations.”

*This amendment would give local people and communities a statutory “right to be heard”.*

**Amendment 6, page 5, line 11, at end insert—**

“(2BA) Such statements of community involvement shall include measures to enable local parish councils to be set up in a streamlined and speedy manner.”

*This amendment would make it easier for new parish and town councils to be formed.*

**Amendment 8, page 5, line 21, after subsection (3) insert—**

“(4) Section 120 of the Localism Act 2011 (Financial assistance in relation to neighbourhood planning) is amended as follows—

(a) at the end of subsection (2)(a) leave out “, and” and insert “subject to the condition that such assistance is prioritised for bodies or persons in deprived communities, and”;

(b) after subsection (3)(b), insert—

“(ba) a deprived community is defined as being any area which is among the 20 per cent most deprived Lower Layer Super Output Areas according to the most recently published English Indices of Deprivation,

(bb) prioritised financial assistance is defined to mean that no less than 50 per cent of the total value of the financial assistance provided under this section is provided to deprived communities.”

*This amendment would require the Secretary of State to prioritise deprived communities when making available financial assistance to support the development of neighbourhood plans.*

**Amendment 23, page 5, line 21, at end insert—**

“(4) To support Neighbourhood Plans, all councils should have a Local Development Plan in place by December 2017.”

*This amendment ensures that Local Plans are in place so Neighbourhood Plans can be made in line with the strategic aims of Local Plans.*

**Amendment 24, in clause 6, page 5, line 26, at end insert**

“which must consider the current and future housing needs of the whole population including older and disabled people”.

**Amendment 25, page 6, line 7, after “strategy” insert**

“which must consider the current and future housing needs of the whole population including older and disabled people”.

**Amendment 28, page 6, line 21, at end insert—**

“(3) In section 70 of the Town and Country Planning Act 1990 ((determination of applications for planning permission: general considerations) after subsection (4) insert—

(5) No grant or other financial assistance shall be payable by the Secretary of State in connection with development of land in the circumstances set out in subsection (6) below.

(6) The circumstances are where a development plan document includes any of the following policies—

- (a) the removal of the Green Belt designation from land in order to accommodate 10 or more dwellings;
- (b) the designation of land that falls within a designated National Park, Area of Outstanding Natural Beauty, or Site of Special Scientific Interest to allow major housing development;
- (c) the designation of land that falls within a designated Site of Special Scientific Interest to allow major housing development.

(7) The Secretary of State must by regulation set out—

- (a) what constitutes “major” development for the purposes of subsection (6) (c); and
- (b) any exceptions to subsection (5).”

*This amendment would have the effect of preventing the Government from making payments under the New Homes Bonus scheme for developments proposed in development plan documents on land (i) where the Green Belt boundary had been redrawn or (ii) within a National Park or Area of Outstanding Natural Beauty, where a development is considered to be “major”. The amendment also allows the Secretary of State to set out exceptions to this provision within policies or guidance, which would include the NPPF.*

Amendment 10, in clause 10, page 10, line 19, at end insert—

“(c) they must set out a timetable to review the need for technical documents.”

Government amendments 17 to 19.

Amendment 29, in clause 11, page 10, line 35, at end insert—

“(4) Such Statements of Community Involvement must outline—

- (a) the links between Neighbourhood Plans and Local Plans; and
- (b) consultation arrangements for Parish and Town Councils in the drawing up of Local Plans.”

*This amendment outlines the relationship between local and neighbourhood plans and the role parish and town councils would play in their development.*

Government amendment 22.

Amendment 9, in schedule 2, page 42, line 15, at end insert

“must consult the relevant lower-tier planning authority.”

*This amendment ensures that district councils are consulted before a county council writes a local plan for their area.*

**Graham Jones:** I want to speak to new clause 1, tabled in my name and those of many hon. Members from across the House, and planning guidance on the clustering of betting offices and payday lenders. Fixed odds betting terminals have been described as the crack cocaine of gambling and plague our high streets. Members have witnessed innumerable issues following the explosive growth in betting shops on their constituency’s high streets. Given the number, clustering and impact of betting shops, it is high time that there was clarity in planning law on this significant problem, which my moderate new clause seeks to address.

Research by the Local Government Association reveals a clear correlation between high-density betting shop clustering and problem gambling. Betting shop loyalty cards show that 28% of people living within 400 metres

of betting shop clusters are problem gamblers, compared with 22% of those who do not live near a cluster. Research from the Institute for Public Policy Research shows that problem gambling, exacerbated by clustering, costs secondary mental health services and the taxpayer £100 million a year. Further academic research has revealed that clustering disproportionately affects vulnerable communities. The poorest 55 boroughs have more than twice as many betting shops compared with the most affluent 115 boroughs. There has been an adverse impact on our high streets. Those findings were summed up by Mary Portas, who said that

“the influx of betting shops, often in more deprived areas, is blighting our high streets”.

I remind some Members who might disagree that the Portas review was set up by Conservative Members when they were in the coalition Government, in the previous Parliament.

To date, deficiencies in the legislative framework have hampered efforts to address the effects of clustering on local communities. We have only to walk down any high street in a deprived area to see clusters of payday lenders and betting shops, which are affecting the vitality of our high streets.

4.15 pm

**Rob Marris:** I support my hon. Friend’s excellent proposal. He, like me, will be aware that for some people gambling is an addiction. This House has repeatedly passed measures in relation to addiction to alcohol and tobacco to restrict the availability of those legal products. Surely, that is all he is seeking to do here: place restrictions, through guidance, on the availability of a legal product, to cut down on its availability and lessen its attraction to addicts.

**Graham Jones:** My hon. Friend is absolutely right. I could add that we also have planning frameworks and guidance in place for things such as supermarkets, so why not do the same for betting shops? It seems remarkable that we can pick on supermarkets—

**Philip Davies (Shipley) (Con):** There are far more pubs and fast-food takeaways per square mile in poorer areas than betting shops. Does the hon. Gentleman also want to restrict them, to protect the people in the poorest communities?

**Graham Jones:** I presume the hon. Gentleman has done an impact survey and a geographical study of the number of alcoholics and whether they live near pubs and of the number of people who may be obese because they live near takeaways, but he did not offer that information, so I presume that he has no argument and is just trying to make an invalid point. *[Interruption.]* Caring about this issue is caring about the people who go into these bookmakers and get caught by these FOBTs, because there are clusters and these things are attractive. We also have to look at the impact on the viability of our high streets, on communities and on other retailers.

**Fiona Bruce (Congleton) (Con):** Is it not also true that there is a traumatic impact on the children and families of those who spend money on these terminals? Should we not also be conscious of that?

**Graham Jones:** Absolutely, we should be. A societal concern about this issue is about licensing, where we have the review, but this debate is about planning, because it is about clustering. That issue is separate from licensing and whether we have a limit of £2 instead of £100, or whatever the Government's review decides. Licensing is one aspect, but today we are here to discuss the completely different issue of the impact of clustering and density and the planning provisions, or the lack of them, in legislation that allow significant clustering on our high streets. We have all read about the situation in Newham, where bookmakers face bookmakers of the same franchise.

**John Redwood:** Can the hon. Gentleman give the House some idea of how many would be a reasonable number on a high street, so that we know what he is talking about?

**Graham Jones:** The right hon. Gentleman makes my point for me; he shows why this is a modest proposal, as it asks the Secretary of State to make that designation. It is not for the Opposition or for me to prescribe this, but for the Secretary of State to provide that clear guidance to local authorities. I thank the right hon. Gentleman for making his point, because he, along with his Conservative colleagues in government, will be able to decide what the density, impact and clustering should be. I hope that he joins me in the Lobby when this is pressed to a vote.

**Philip Davies:** As the hon. Gentleman seems so concerned about evidence and facts, can he tell us whether the number of betting shops is going up or down?

**Graham Jones:** The issue is not whether the number of betting shops is going up or down, but whether ordinary people are affected by the consequences of this product. If there are 1 million smokers now but 999,999 tomorrow, the number is going down, but still, as Philip Morris said this week, this is a disease. No matter whether the number is going down or up, the people who are affected should be our primary concern.

**Rob Marris:** We are discussing a planning issue, and no doubt my hon. Friend will be aware that the density is decreasing in some neighbourhoods, whereas it is increasing in others. That is precisely the sort of thing that the new clause and the pursuant guidance would address.

**Graham Jones:** Absolutely. The new clause asks the Government to provide clarity. It is not a prescriptive. It does not say that the number should be x, y or z. It asks the Government to produce clear guidance for local authorities.

**Mr Stewart Jackson (Peterborough) (Con):** I commend the hon. Gentleman for speaking quite a bit of sense. I do not often disagree with my hon. Friend the Member for Shipley (Philip Davies), but he is wrong on a few occasions. Does the hon. Gentleman agree that the key issue is the proliferation of fixed odds betting terminals and not betting shops per se? It is quite in order for local planning authorities to bring forward supplementary planning documents to address specific issues such as antisocial behaviour; it is normal in planning law.

**Graham Jones:** The hon. Gentleman is talking about the licensing aspect and the planning aspect. The answer is both. What we want is licensing. The Government are reviewing that and the number of fixed odds betting terminals in a bookmakers. I do not want to prejudice the outcome of that review or the Government's decision. What we are talking about is the failure of the planning system, because we are dealing with planning in the Bill. The straight answer to the hon. Gentleman, with whom I am familiar, is that it is both. It is not one or the other. It is licensing and planning.

Too often, it seems that neither central Government nor local government have the capacity or the will to take responsibility in planning law for the proliferation and concentration of betting offices and payday loan shops on the high street. I want to stress here that new clause 1 is also about payday lenders. The current planning legislation is very weak at best. Any Member knows from looking down their high street and speaking to their councillors that planning law is weak on this issue, so local councillors on planning committees often err on the side of caution and grant permission to bookmakers, because their budgets are under pressure and they do not want to lose appeals. Therefore, there is a secondary reason why clarity is really important—why the law must be tightened up.

Despite the protestations of the Government and the hon. Member for Shipley (Philip Davies), article 4, which is often used by the Government as a reason in law to assist local authorities in dealing with this matter, is totally fallacious and unhelpful. Local authorities do not use it. It is not the tool that the Government say that it is. It is completely counterproductive, because it just adds to the confusion of local authority members on planning committees. They are unsure about the law and whether they can act, which is why they often grant planning permission for bookmakers.

In theory, a direction under article 4 can require bookmakers to seek planning permission, but in practice, a direction must be justified according to the strict criteria, can be overturned by the Government and is likely to be legally challenged. Its cost and complexity mean that councils are unwilling to utilise such measures. Not many local authorities use article 4. I have not made a freedom of information request recently, but when I speak to Local Government Association members and local authorities, no one tells me that they find this aspect of the law suitable for the purpose for which it was designed.

**Geoffrey Clifton-Brown:** I am sure that the House will be aware that the reason local authorities very rarely use article 4 is that they can be involved in paying substantial sums in compensation for using that power.

**Graham Jones:** Absolutely. That returns to the point that I have just made, which is that we need clarity. The new clause is an opportunity to bring clarity. It is not about the Opposition trying to be prescriptive. If Members read new clause 1, they will see that it asks the Government to come forward with what they think is reasonable. It just clarifies the law and takes up the point that we do not have clarity now. It will bring clarity, so the consequences on planning committees in making decisions and compensation claims are there for all to see. That is why the LGA, the all-party group on fixed odds betting

[Graham Jones]

terminals and local authorities have all demanded a clearer framework for granting planning permission to these types of development, so avoiding the problem of clustering. The new clause does exactly that, and I intend to press it to a vote.

By setting out guidelines that lay down parameters for quantity, density and the impact of those businesses on the high street, central Government will assist local authorities in their efforts to ensure that proposals for new developments are approved on public interest grounds. Accordingly, this cross-party proposal seeks to address these concerns by injecting greater accountability and responsibility into planning considerations.

**John Redwood:** I am still trying to learn how the measure would work. Is there a danger that, if it were adopted, there would be more betting shops in other communities that currently do not have them, because there would be a spread-out effect and more people would have easier access to betting shops?

**Graham Jones:** I reject that argument. It does not stand up. As I said, I shall seek to divide the House on new clause 1. The nation wants action on FOBTs, betting shops and payday lenders, and this is the opportunity.

**Nick Herbert (Arundel and South Downs) (Con):** I welcome the opportunity to talk about neighbourhood planning, not betting shops. I shall speak to new clauses 7 and 8, which attempt to deal with the problem of undermining a very good policy that the Government have pioneered. The good policy is that of neighbourhood planning, which embodies the spirit of localism by giving local communities control over where development takes place. People are empowered to take responsible decisions about development. It changes the terms of the conversation from communities resisting the imposition of development to one where communities ask themselves what they want in their area. Where communities have taken neighbourhood plans forward, they have produced more housing than was anticipated in local plans. Neighbourhood plans are therefore not a means by which development can be resisted. Rather, they ensure that communities have a proper say in where development should go.

The basis on which communities have been encouraged to embark on neighbourhood plans is that for a period of 15 years they will be able to allocate sites where development will take place, and sites where development will definitely not take place and which will be protected green spaces. Many hon. Members, including me, appeared before our local parish or town councils and encouraged them to take forward neighbourhood plans on the basis that they would be protecting themselves from future development if they did so.

These neighbourhood plans are a very good thing, but they are immensely burdensome on local communities. It is volunteers who draw up the plans, and the process takes years. We are probably making it unnecessarily complex, with much inspection of the plans; they have to go through many hoops. The responsible volunteers who sit on the neighbourhood planning committees to draw up the plans often face a great deal of criticism

from parts of their community that may not want development on sites whose suitability the committees have to assess. The individuals concerned put a great deal of time and effort into the plans.

West Sussex was one of the earliest counties to produce neighbourhood plans. When they were submitted to referendum, support for the plans was very high among the local communities. One of the thorniest questions in planning is what happens when communities are confronted with development that they really do not want. We embarked on the policy of neighbourhood plans with confidence that they may be a means of settling that question in a way that produced local housing in the area. One small village in my constituency, Kirdford, has only 120 houses at its centre. People there actually produced a neighbourhood plan for another 50 houses—a very big number of additional houses—because that was what they wanted, and they wanted that housing to be affordable and for local people.

4.30 pm

So, turning around the incentives is a policy that works, but what has happened subsequently is a matter of considerable concern to those who have embarked on these plans and to many hon. Members on both sides of the House, because the plans have unexpectedly been undermined by speculative developers in two ways. First, even when a plan is made—in other words, when it has gained approval in a referendum—the local authority may not have a five-year land supply. As a consequence, a planning permission is allowed that goes against what is provided for in the neighbourhood plan. It is allowed either by the local authority, which is fearful of an appeal by the developer, or on appeal. If there is not a five-year land supply, that is held against the neighbourhood plan, and that has, in some cases, allowed development to go through, even where local communities thought they were protecting their area.

**Rob Marris:** Reading new clauses 7 and 8 carefully, I am not sure they cover the situation to which the right hon. Gentleman has adverted. Briefly, in the Tettenhall area of my constituency, the local neighbourhood plan had a more than 50% turnout on a referendum in July 2014; the local neighbourhood plan goes through; there is then an application for a site called the Clock House; the local authority refuses planning permission; the case goes to the Planning Inspectorate in Bristol, which, in a 17-page decision, makes two brief references to the neighbourhood plan—and allows the appeal. Can the right hon. Gentleman assure me that new clauses 7 and 8 would deal with the local neighbourhood plan being overturned by the Planning Inspectorate in contradiction to the planning authority—in this case, Wolverhampton City Council, which refused the application?

**Nick Herbert:** It may be a weakness in these new clauses that they may not deal with a situation where the Planning Inspectorate takes such a decision. I will not be tempted down a line I have pursued in the past, which is to question whether we should have a Planning Inspectorate at all under the provisions of localism; indeed, one Conservative manifesto promise was to abolish the power of the Planning Inspectorate to rewrite local plans, but we seem to have lost sight of that.

**Mr Andrew Mitchell** (Sutton Coldfield) (Con): Will my right hon. Friend just expand on that point? Why is he no longer in favour of abolishing the Planning Inspectorate? In my experience in Sutton Coldfield, it adds precisely nothing to the process.

**Nick Herbert:** I am very glad to be pushed into a more moderate and Conservative position on this issue than the one I previously took. What I am focused on is ensuring that the Planning Inspectorate takes the right decisions should such developments be called in, and, more particularly, that local authorities take the right decisions in the first place. We should be minimising the number of appeals that have to go to the Planning Inspectorate because a wrong decision is made or because a decision appears to be in breach of national policy, and that means getting the national policy right. My contention is that national policy should give primacy to made neighbourhood plans, because these have been approved in local referendums.

**John Redwood:** Has my right hon. Friend also come across cases, which I am now seeing, where the local plan clearly has a five-year supply of land, but because it is concentrated in a major settlement—to concentrate the infrastructure and the development gain—an appeal can still be lost in another village, which naturally wants to protect itself because the development the local community agreed to was going to be concentrated in a new settlement?

**Nick Herbert:** Yes, my right hon. Friend makes the point very well.

The first way in which neighbourhood plans can be vulnerable to speculative development—even when it was thought that they would protect areas—is when there is not a sufficient five-year land supply in the local authority. The problem with that is that the five-year supply is not always properly in the hands of the local authority, but depends on the ability and willingness of local developers to build. Developers are undoubtedly gaming the system so as to secure speculative development applications and planning permissions, in a way that is deeply cynical and that is undermining the principles of localism and community control.

**Sir Nicholas Soames** (Mid Sussex) (Con): My right hon. Friend is very good to give way on this matter. Does he agree that in mid-Sussex, which he and I both represent, we have seen some extraordinarily unscrupulous behaviour by the house builders, who have been gaming the situation and abusing the plans, and thus have done something very bad for Government policy by undermining the credibility of a really good idea?

**Nick Herbert:** I strongly agree with my right hon. Friend. The actions and behaviour of developers in mid-Sussex have also caused a delay of the plan, which has delayed the building of essential new housing as well as undermining neighbourhood plans.

There is a problem with the measure of the five-year land supply, which should be assessed in an accurate and honest way and not in a way that is capable of being gamed by the developers.

The second way in which neighbourhood plans can be overridden is when local authorities do not have a plan. Clearly, that is not a satisfactory situation, and the Government are seeking to address it. The problem is

that this allows for a free-for-all in the area. Apparently that free-for-all can include neighbourhood plans, in the sense that when the local authority is drawing up its plan, it can override the neighbourhood plans not just with the allocation of strategic levels of housing, as was always envisaged, but with the requirement that neighbourhood plans wholesale are rewritten, as has been suggested to some communities in my area. Neighbourhood plans can also be overridden because the needs of a local plan, which often now have to provide far more housing than was originally intended, are said to come first. Those are problems for the principle of responsible neighbourhood plan making and local democracy.

**Mr Jackson:** Is my right hon. Friend aware that in its call for evidence in October 2015, the Local Government Association invited the Government to look again at the methodology for five-year land supply in local planning authorities? Does he not think that it might be considered potentially quite draconian to put a de facto moratorium into this Bill?

**Nick Herbert:** I am not proposing a moratorium, because I think it is essential that we build houses in this country and, as I have said, neighbourhood planning has produced more housing than was expected.

There is a real danger that if we undermine public support for neighbourhood planning we will undermine the principles of localism and will not get people to participate in neighbourhood planning in future. As I have seen in my constituency, neighbourhood planning, about which people were slightly cynical in the first place but became enthusiastic, is now being described in a very detrimental way, and some communities are saying that they will not go ahead with neighbourhood plans.

**Sir Oliver Letwin** (West Dorset) (Con): I very much agree with my right hon. Friend, as he knows, and he is making an impeccable defence of the position, but may I urge him to correct one tiny point? It was never envisaged in the first place that there would be a sequence that involved a neighbourhood plan first and a local plan second. It was, on the contrary, envisaged that all local authorities would proceed immediately towards the new-style local plans. It is a gross dereliction of duty on the part of those that have not thus proceeded. He is therefore right, and my hon. Friend the Minister is right, to press forward with new-style local plans everywhere without delay.

**Nick Herbert:** Yes, I agree with my right hon. Friend. The authorities should come forward with the plans. It is also true, though, that sometimes the plans have not come forward, as in mid-Sussex and in Arun, because they have been sent back by the inspector, and the inspector, in causing delay, has allowed a situation where the housing number increases. That then puts at risk all the areas that created neighbourhood plans with an allocation that they thought was accurate according to the original assessment in the draft plan, but now is not so. It is not just the fault of local authorities that plans have been delayed, and it is undesirable that we have a situation where the cart has come before the horse.

**Geoffrey Clifton-Brown:** My right hon. Friend the Member for West Dorset (Sir Oliver Letwin) is absolutely right that it is a gross dereliction of duty. My local authority is in that category, and the net result is that we do not have a single neighbourhood plan, despite the fact that I have written to every single clerk and every single town and parish councillor in my constituency. We need to put powers in the Bill to make sure that every local authority has a local plan, so that the good people in our constituencies can go forward with their local plans in the confidence that they will not be derailed by speculative developers.

**Nick Herbert:** I agree with my hon. Friend. I hope that if the Government are willing to listen to this argument, as I believe they are, and come forward with proposals to deal with the situation—should the measures I have tabled not be the right way to do so—we will rebuild confidence in neighbourhood planning and it will proceed.

The measures I have tabled work as follows. New clause 7 addresses the first problem I set out. It would require planning authorities to consult neighbourhood planning bodies on decisions to grant planning permission. Where a planning authority wanted to approve a major development against the wishes of a neighbourhood planning body, the planning authority would be required to consult the Secretary of State before granting permission.

The five-year land supply is dealt with by new clause 8, which would empower the Secretary of State to issue a development order to: clarify the means by which housing land supply is assessed; define the minimum amount of time before a local planning authority's failure to meet its housing targets would result in its local plan being out of date; and specify that neighbourhood plans should be taken into account, notwithstanding the lack of a five-year supply of housing land.

I very much hope that the Minister will respond to the new clauses in the spirit in which I have tabled them. There is a genuine problem here, but it is capable of being addressed without undermining the need to build more houses in this country. We must respect local communities that do the right thing and embark on the plans, because there is a real danger of undermining localism and communities if we do not act to ensure both that the principles of neighbourhood plans are upheld and that made neighbourhood plans that have been approved by the local population in a democratic vote cannot be overturned by speculative developers.

**Sir Edward Garnier (Harborough) (Con):** My right hon. Friend is being most generous in allowing interventions. Does he have the problem that I have in my constituency, namely that the district council has very nearly, but not quite, given sufficient permissions for the set number of dwellings for the planning period, but the developers given the permissions do not make the building starts, so when the next scheming developer comes along, the district authority says no, but the planning inspector says yes, because the area has not built up to the number? Building is in the control of the developers, but the permissions are in the hands of the council.

**Nick Herbert:** My right hon. and learned Friend puts the point incredibly well. That is exactly how developers are able to game the system and why the way in which

we calculate the five-year land supply is fundamentally flawed and is giving rise to this injustice. The loophole has to be closed, and I very much hope that the Government will do so.

**Mr Mitchell:** I apologise for troubling the House twice in one day, not least since I only very rarely intervene in this area of public policy, but in Sutton Coldfield we are absolutely astonished and mystified by the Secretary of State's unwise and illogical decision to lift the stop imposed by his predecessor on the plans from Labour-controlled Birmingham City Council to build 6,000 new houses on Sutton Coldfield's green belt. I should make it clear that we are strongly in favour of building more homes in Sutton Coldfield. My excellent local councillors—11 out of 12 of them are Conservative—have consistently sought to ensure that, where appropriate, we build new homes, because we are conscious that we want our children and grandchildren to benefit in the same way as my generation has, but those homes have to be built in the right places.

4.45 pm

I support the measures tabled by my right hon. Friend the Member for Arundel and South Downs (Nick Herbert) and by my hon. Friend the Member for South Cambridgeshire (Heidi Allen), and wish to speak to amendments 28 and 29, which stand in my name and those of right hon. and hon. Friends. Amendment 28 would stop the Government from paying, under the new homes bonus scheme, a bonus to those who want to build on the green belt. Such a payment is clearly a perverse incentive that encourages developers to do precisely what the Government do not want them to do—build on the green belt. I am pleased to help the Government out by tabling the amendment.

Amendment 29 addresses the importance of including town and parish councils in local plans, and the role that they can play in the development of those plans. Once again, the amendment is four-square behind the Government's wishes, so I have much pleasure, as a former Government Chief Whip, in assisting the Government. It is inconceivable that the Minister would not accept both amendments with gratitude for my helping him out in such a way.

The Secretary of State recently said, and I quote him exactly:

“The green belt is absolutely sacrosanct... Unless there are very exceptional circumstances”—

note that he said “very exceptional circumstances”, not “exceptional circumstances”—

“we should not be carrying out any development on it.”—[*Official Report*, 18 July 2016; Vol. 613, c. 544.]

Call me old-fashioned, but I think that if a Minister, and particularly a Secretary of State, makes such a statement to Parliament, he should stand by it absolutely. However, on 24 November, speaking at a National House Building Council annual lunch—I applaud what my hon. and right hon. Friends have said about the pernicious effect of some developers—the Secretary of State agreed to lift the moratorium on Labour's plans to build 6,000 homes on our green belt. I do not know whether he was not expecting his words to be reported, but he said:

“Birmingham City Council has put forward a plan to meet some of its local housing need by removing green belt designation from a small area of land...it’s fundamentally a local decision made by local people. They’ve looked at all the options. They’ve considered all the implications.”

It must have been a very good lunch indeed because those claims are wholly fallacious. Saying one thing in the House of Commons and saying another at a lunch with developers is precisely the sort of thing that brings politicians and Ministers into disrepute. The fact that people behave in that way is why we have seen the election of President-elect Trump in America, the growth of Nigel Farage in this country, and the growth of the people versus the establishment.

**Mr Jackson:** I am fully supportive of, and sympathetic to, my right hon. Friend’s concerns about the 2016 Birmingham local plan. Nevertheless, as of March 2016, 216,000 homes have already been allocated in emerging and existing approved local plans.

**Mr Mitchell:** I am coming directly to that point, but let me go back to parsing, for the benefit of the House, what the Secretary of State said at the developers’ lunch. First, he said that this was a local decision. It is not a local decision; it is made by Birmingham City Council, which is one of the largest authorities in Europe, and the views of my constituents—100,000 residents of the royal town of Sutton Coldfield—have been completely blocked out. Our 2015 manifesto stated that we would “ensure local people have more control over planning and protect the Green Belt”.

The action that the Secretary of State has allowed flies absolutely and categorically in the face of that. Entirely ignored are the 100,000 citizens of the royal town of Sutton Coldfield, virtually all of whom are totally opposed to the development. They have marched in their hundreds and protested in their thousands, and 11 out of 12 Conservative councillors have opposed the process.

We have the largest town council in the country. It is totally and unanimously opposed to the development, but it has not even been consulted. Will the junior Minister commit to going back to Birmingham City Council and suggesting—I do not think he has the power to force the council to do this—that common decency expects it to go back to the 24 elected members of the largest town council in the country, formally consult them and listen to what they have to say?

Labour has been trying to build around and emasculate the royal town of Sutton Coldfield for 30 years—it refers to us as “North Birmingham”—and, thanks to the Secretary of State, it now might well succeed. My 100,000 constituents have been totally and completely disfranchised. That is the very definition of the tyranny of the majority over the minority, and the Department and the Secretary of State have now made themselves complicit in this.

On the second point that the Secretary of State raised, neither the council nor the Department, and certainly not the inspector, has looked at the patently obvious alternatives. There could be a much more comprehensive regional approach, which the excellent Conservative mayoral candidate for the west midlands, Andy Street, has spoken up for. There are superb plans to build a Wolverhampton garden city, almost all of

which would be on brownfield land, to provide 45,000 houses. There are small brownfield sites in Birmingham that have specifically not been included for consideration. We in Sutton Coldfield came up with the very reasonable proposal that there should be an eight-year moratorium on building 6,000 homes on the green belt while the other 45,000-plus were built on brownfield sites. That approach would enable the Government and the council to review the extent to which building on the green belt might be needed or acceptable. However, the proposal was rejected, without even any consideration by the inspector.

The Campaign to Protect Rural England made an excellent submission in February, which I sent to the Minister on 16 August. It made many excellent points that have not been addressed. I point out that when Birmingham was controlled by a coalition of the Conservatives and Liberal Democrats, Tory councillors had plans to build the same number of houses as are now proposed by Labour-controlled Birmingham City Council, but without needing to encroach on the green belt. By definition, there are not even exceptional circumstances for building on the green belt, let alone “very exceptional circumstances”, which were the words used by the Secretary of State.

I accept of course that these are Labour plans, but Sutton Coldfield has been grievously let down. I believe that we were and are entitled to expect the protection of the Government, based on their manifesto commitment, and I am deeply disappointed that we have not been able to rely on that. The transport problems on our side of the Birmingham conurbation that will be caused by the development will be acute and horrific. There is no guarantee that the Labour council will spend the necessary money on infrastructure for these new builds. There was no proper consultation with the relevant health services and authorities, although the council was obliged to carry that out.

The Government have got themselves into a mess on the green belt by trying to face both ways at the same time. With this decision, they have massively shot themselves in the foot. My right hon. and hon. Friends will not trust the Department on issues involving the green belt, about which many of them are extremely sensitive, because of the ludicrous nature of this decision. Building more homes, which we all want, will therefore be much more difficult for the Department.

**Geoffrey Clifton-Brown:** I congratulate my right hon. Friend on making a very cogent case. Does he accept that the reason the green belt has a high designation is that such areas are very special—they are green lungs in and around our great cities? Once they are built over, they are very difficult to recreate.

**Mr Mitchell:** My hon. Friend puts the argument eloquently. That is exactly what my constituents feel. The west midlands has less green-belt land than many parts of the country, which is another reason why there should have been a much more holistic and imaginative approach, rather than this appalling scheme.

Amendments 28 and 29 offer the Government a chance to show good faith with regard to our 2015 election manifesto. I do not propose to trouble the House by pressing them to a Division, but I warn the Government that if they do not accept the principle

[Mr Mitchell]

behind what I am saying, if not the amendments, not only will they have great difficulty on house building, because they will not be trusted on the green belt, but I have no doubt that the other place, which has a strong history of looking at these matters, will oblige this House to think again.

**Sir Oliver Letwin:** I rise with three purposes, the first of which is to support my right hon. Friend the Member for Arundel and South Downs (Nick Herbert), whose new clauses I have put my name to. The purport of what he said is clearly right. Those of us who were in on the birth of neighbourhood planning and believe in it are troubled by things that have happened more recently, among which are those that he described. Clearly some remedy is needed.

The only thing that I want to add to what my right hon. Friend said so clearly and well is that the written ministerial statement that we have now seen is an admirable way to deal with those issues. Clearly we will want to ensure that the statement is observed in the observance and not in the breach.

**Gavin Barwell:** It may help the House and my right hon. Friend if I let him know that I have written today to the chief executive of the Planning Inspectorate and to chief planning officers across the country to draw their attention to the guidance.

**Sir Oliver Letwin:** I am delighted to hear that. I wish I could be absolutely confident that the inspectorate will always listen to the guidance it receives from Ministers, but I hope that it will on this occasion. If it does, I believe that the written ministerial statement will do the trick that we were trying to perform with the new clauses. If it does not, I am sure the Minister will come back with further evolutions of planning policy, of which, effectively, the written ministerial statement is a part.

Secondly, I want to refer briefly to the powerful speech made by the hon. Member for Hyndburn (Graham Jones) on new clause 1, which relates to clusters. Unlike my hon. Friend the Member for Peterborough (Mr Jackson), I usually do disagree with my hon. Friend the Member for Shipley (Philip Davies), amiable and enthusiastic though he is, and this is one of the many occasions on which I disagree with him profoundly. It is a very sad spectacle to see our fellow citizens—I have watched them do this—moving from payday lending shops directly into betting places. Nothing could be more deleterious to the things that this Government hold dear and that my party has fought for over many years—since the days when my right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith) first brought out “Breakdown Britain” and “Breakthrough Britain” to try to restore the stability of family life and workfulness in households that suffer all too often from a desperate effort, as part of a chaotic lifestyle, to improve their lot through betting, which is a snare and a delusion.

It is extremely reprehensible that there has been a focus on building payday lending and betting shops right by each other. It is also extremely reprehensible that betting shops have been built in the poorest areas. If they were built in the middle of the richest areas of

our cities, one would object to them much less, because people there can afford to bet. I am therefore very much on the side of the hon. Member for Hyndburn and those, including hon. Friends of mine, who have signed his new clause to try to ensure that the Government come forward with measures to limit such clustering. The reason I shall not join him in the Lobby this afternoon is solely that the new clause would require the Government to do so before going forward with the rest of the Bill, and I cannot accept that. I hope that Ministers will respond by taking forward the spirit of the new clause without that caveat.

**Graham Jones:** I appreciate the right hon. Gentleman’s generous comments. The Government are taking forward licensing, but this is probably the last chance to deal with the planning element, which is not part of the Government’s review—those are two separate entities. I wondered whether that was the point he was raising.

**Sir Oliver Letwin:** I do not think this is the last chance anybody will have to reflect on the planning element, partly because the Bill will be considered in another place and partly because history shows that there is roughly one planning Bill a Session. As we can never get these things right, there is a process of continuous revision. It is also partly because I hope that, as part of the licensing review, the Government will look at the issue of clustering—it might be possible to approach it in that way—and partly because it is open to the Minister to produce the kind of guidance that the new clause seeks without turning that into a precondition for moving forward with the rest of the Bill.

**Gavin Barwell** *indicated assent.*

**Sir Oliver Letwin:** I see the Minister nodding and hope that, apart from my hon. Friend the Member for Shipley, we can move by consensus in that direction.

The third reason—the main reason—why I rose was to speak to new clause 5, which I tabled. I am grateful to the Minister for meeting me and talking through the proposition. I tabled the new clause in the hope not that it would be accepted immediately, but that it would induce the Department to bring forward an array of policies—I doubt it can be just one—to solve a particular problem. The new clause would help to solve it in a particular way, and I hope that the measure might come back in some form as a Government amendment in the other place.

5 pm

The problem is cognate with the one that my right hon. Friend the Member for Arundel and South Downs talked about—it is another aspect of the same problem. As he rightly pointed out, the formation of a neighbourhood plan is quite a complicated and arduous undertaking. Those of us who are passionate about neighbourhood planning believe that, in the long run, those plans are the way to resolve the tension that has hitherto existed between the desire to maintain communities and the appearance of the places in which we live, and the need to house our people. The problem that neighbourhood planners face in trying to achieve that noble goal is that they are all too often daunted by the immense amount of work involved.

The only way in which that problem can really be resolved is for neighbourhood planners to employ professionals, particularly of two kinds. The first type of professionals can help with knotty questions of law and planning guidance. It takes someone who is fully paid up and knowledgeable to guide those involved in a neighbourhood plan through the questions that have to be answered: what are the strategic elements of the plan that will have to be observed; what constraints related to areas of outstanding natural beauty and sites of special scientific interest have to be observed; and how does the whole thing have to work to cohere with law and guidance?

The second type of professionals whom neighbourhood planners need to be able to employ are of a quite different kind: those with the imagination to enable people who are not in any sense experts, but who have a feel for their neighbourhood, to envisage what a particular set of policies in a neighbourhood plan, and ideally in a neighbourhood development order, will produce on the ground. Such professionals can conceptualise and draw what that will look like—literally, on pieces of paper or for display on overhead projectors—and work with the neighbourhood interactively at meetings. They can enable people to see what they cannot yet see so that they will know whether it is what they were looking for. That is actually quite a talent. Many hon. Members spend time in neighbourhoods talking about these things, and they will know how difficult it is to engage in conversation with 100 or 200 people who are all stirred up about local planning, to calm the atmosphere, to engage emotionally, to be imaginative, and to end up with something that the neighbourhood actually likes.

**Richard Drax** (South Dorset) (Con): I am listening intently to the excellent speech of my right hon. Friend and neighbour. Does he agree that the planning process is often not clear, especially regarding the points that he mentions? In my area—the Purbeck District Council area—people have a lot of different views about how many houses there should be. Two numbers have been suggested, but we cannot find anyone who can agree on a number without fear of going to the planning inspector. The lack of clarity, or the lack of guidelines or of regulation—I do not know what it is the lack of—leads to chaos, anger and confusion.

**Sir Oliver Letwin:** My hon. Friend illustrates very well the point I am trying to make. There is actually perfect clarity on that subject in the local plan that his local authority and mine have jointly drawn up, but an expert is needed to interpret it for the neighbourhood. We cannot expect the parish council to know the answers to the questions, and if it asks inexperienced people, it will get conflicting answers—very possibly more than two wrong answers if it consults more than two inexperienced experts. A certain amount of money is required so that the parish council can employ a genuine expert who can give it good, clear answers to questions. As I have said, a second person is also needed—quite a different sort of person who can imagine for the neighbourhood what things could look like. By putting those together, we can overcome the obstacles to neighbourhood planning.

Unfortunately, those people do not come for free; they have to be paid for. Over the years, the Department has rightly produced funds to enable parish and town councils and neighbourhood forums to employ people,

but unfortunately the funds were based on the presumption, which is now mercifully falsified, that neighbourhood planning would be slow to take off, and that very few plans would be produced at any given moment.

I am delighted that the number of neighbourhood plans is very great, and I hope it will be much greater—I hope that they become the norm and that tens of thousands arise in our country in the coming years. However, I very much doubt that the Chancellor of Exchequer, who faces one of the most difficult fiscal situations in our history, will come up with the funds required to meet that need, given the other priorities he faces. New clause 5 would find a solution to that problem and provide the money to employ experts on behalf of neighbourhood planners in parish and town councils. It would do so by using an existing pool of funds, as there is already a provision to share the community infrastructure levy that arises from each house built. Under the law, 25% is due to the parish or town council in the area where the neighbourhood plan is drawn up.

One problem is that the CIL money comes in after the houses are built, whereas the money is needed before—it is needed even before the neighbourhood plan is in place so that experts can be employed to help its production. The question is how we advance those funds. The new clause suggests that we could, through the Bill, put beyond doubt a local planning authority's lawful ability to advance sums that would accrue to the neighbourhood when the neighbourhood plan is up and running and the houses are built for the purpose of employing experts to assist in the production of the neighbourhood plan. In that way, the houses could be built and the money could come in from the community infrastructure levy, meaning that the local planning authority could be repaid.

Despite the helpful way in which the Minister has engaged in the discussion, I do not say that the mechanics of the proposal are perfect. I hope he is willing to look at it in detail as part of a range of options for solving the problem to which I allude. I hope that, when the matter is considered in the other place, the Government will come forward with their own vastly superior, rock-solid measure to solve the problem. Otherwise, neighbourhood planning could be stymied not just by the problems that my right hon. Friend the Member for Arundel and South Downs cited, but by an inability to pay for the expertise required.

**Rob Marris:** I know you have kindly expressed an interest in my occupational history previously, Mr Speaker. At one point very briefly many years ago, I practised planning law. I remember two things about it. First, it is incredibly technical. Secondly, as adverted to by the right hon. Member for West Dorset (Sir Oliver Letwin), it seems to change. Like criminal law, we seem to have an annual Bill on planning or matters relating thereto before Parliament. This year we have had a bumper year and two Bills, one of which is now the Housing and Planning Act 2016.

I hope we can have a brief discussion at least on amendments 24 and 25, which are part of this group, and which urge planners to take into account the needs of older people and people with disabilities. That is important anyway in terms of equalities, but it is relevant to planning matters when we have a changing population. The population is getting older. With that, but not just

[*Rob Marris*]

because of it, it also has a higher rate of disabilities, some of which are susceptible to being accommodated, in both senses of the word, within the planning system.

I cannot resist making some brief remarks about the speech of the right hon. Member for Sutton Coldfield (Mr Mitchell). I remember, as he might or might not, that before 1974, when I was a lad, Sutton Coldfield was not part of Birmingham. It was subsumed within Birmingham—against its wishes, I suspect, but I was not that old, so I do not recall—in 1974 and now has the town council. I was not clear—I might have nodded during his speech when he referred to the 6,000 houses—whether Sutton Coldfield has a local neighbourhood plan. He rightly referred to the concerns of Sutton Coldfield residents—concerns shared by residents elsewhere, I am sure, including in my natal city, Wolverhampton, which I represent and where I live—that there should be sufficient housing for coming generations.

The right hon. Gentleman also mentioned the 45,000 houses and Wolverhampton garden city. Wolverhampton is already a garden city, of course, having as it does more trees than almost any city in Europe, relative to its size, but we welcome more gardens and more people, and we are trying to build. As he might know, however, and as I know from visiting relatives in Sutton Coldfield, it is an awfully long journey, temporally, from Wolverhampton to Sutton Coldfield, so it cannot be a Sutton Coldfield overspill. On a more serious note, however, I find it strange that he berates Birmingham City Council for its spending on transport infrastructure, when Governments of which he was a member and which he continues to support—broadly—have cut its total income in the last six years by over 40%. He is right that there are transport infrastructure problems in the urban west midlands and within the city of Birmingham, as administratively constituted, including in Sutton Coldfield, but some of those problems—not all of them, but some of them—come from the huge Government cuts that he broadly supported.

**Mr Mitchell:** None of what the hon. Gentleman says detracts from my central argument. The important point about Wolverhampton garden city, which the Conservative mayoral candidate in the west midlands, Andy Street, makes so eloquently, is that we need a much more holistic, regional approach to ensure that the needs of his constituents and mine are met in a sensible way.

**Rob Marris:** I agree. I suspect that all candidates, including the Labour candidate, for the West Midlands Combined Authority mayoralty agree with the holistic approach and devolution, but we always have problems, in the House and in our constituencies, when trying to agree on what local means, as the right hon. Gentleman has eloquently set out. Someone from Bromsgrove, for example, might see Birmingham as all one place, whereas those of us who grew up in the region know that there are districts within Birmingham, and then there is the royal town, which is now part of the administrative sub-region of Birmingham City Council, many of whose 100,000 residents would not I suspect—he can correct me if I am wrong—consider themselves as Brummies, just as those of us from the black country would not consider ourselves Brummies, although we are in administratively different areas.

On the speech by the right hon. Member for Arundel and South Downs (Nick Herbert), I have sympathy with new clauses 7 and 8, and I hope that if the Government want to take them forward, they will address the issue—one that I do not think they currently address but which I suspect he would support—that I raised when he kindly allowed me to intervene. Tettenhall district, in my constituency, was a separate entity until 1966, when it was folded into Wolverhampton, which in the millennium itself became a city but which before had been a metropolitan district borough. Tettenhall district, which I have the honour to represent, had a local neighbourhood plan. People, including close friends of mine, worked incredibly hard on it and knocked on an awful lot of doors, and in July 2014, the turnout—from memory—was over 50% in the referendum on whether to adopt that plan, and it was overwhelmingly adopted.

I do not expect the Minister to comment on a particular application, but I use this as an example. I have raised it in the House before, because I and the residents of Tettenhall have a real beef about it. The local neighbourhood plan set out certain parameters for how housing might be incorporated. The good people of Tettenhall are not opposed to new housing, just as the good people of Sutton Coldfield are not opposed to new housing—it just depends on where it is. Labour-controlled Wolverhampton City Council acceded to the demands of the local neighbourhood plan and the two wards in Tettenhall, which have between them six Conservative councillors, and to the surprise of some agreed that the planning application for the site known as the Clock House should not be given planning permission. It was refused by the city council. The developers, McCarthy & Stone—many Members will have come across them, with their retirement home juggernaut—then put in an appeal to Bristol. I am speaking now as a lay person, because I have not practised planning law for a very long time, but the planning inspector in Bristol totally ignored the local neighbourhood plan. He did not say, “We disagree with the local neighbourhood plan” or that “other factors override what is in the local neighbourhood plan.” The long written decision, which overturned the city council’s decision to reject and allowed the application to proceed, made almost no reference to the local neighbourhood plan.

5.15 pm

If new clauses 7 and 8 address that issue and it is in the spirit of what they provide for—I will be corrected if I am wrong—I hope that the Government can take it into account. This is not to say that local neighbourhood plans should be able to trump everything else, but they should be given due weight, not just by the local authority as the planning authority, but by the Planning Inspectorate.

One reason why I am raising this issue at some length today is that when I have raised it in oral questions and debates before, I have been told, “Well, the Neighbourhood Planning Bill is coming down the pipe, so raise the issue then.” Well, Minister, I am raising it, and I would like an answer. New clauses 7 and 8 offer a convenient peg on which to hang it. I am grateful to see the Minister nodding his head. I hope I will get an answer—perhaps not the one I want—because an answer would be helpful.

**Graham Jones:** My hon. Friend mentions that the Minister has said that a Bill is coming down the track, so I would like to draw attention to new clause 1. There is a Bill coming down the track, and we have an opportunity to include new clause 1 in it.

**Rob Marris:** I am grateful to my hon. Friend, because that segues me nicely into the next and final section of my speech, which is about new clause 1. I hope that the Government will accept it, but if not, it looks as if we will have a Division tonight. I believe that new clause 1 is quite mildly worded, and the Minister may say that he accepts its spirit. As for the possible restriction on the rest of the Bill coming into force—that this provision might be a block, which was raised by the right hon. Member for West Dorset (Sir Oliver Letwin)—if the Minister says to my hon. Friend that he agrees with the spirit of the provision and wants the guidance, but fears that it will act as a block, that would be great. In that case, I suspect that we will not have a Division. The Minister will guide us on that.

The content of new clause 1 seeks to have the Secretary of State “issue guidance”, not to make detailed rules about whether a betting shop or payday loan shop should be open in a given high street. If the hon. Member for Shipley (Philip Davies) visited his salad days again, having been to school in the west midlands, and went back to Dudley borough, he would see the transformation there as in other black country boroughs in respect of clusters of payday loan shops and betting shops. Those clusters are not helpful to community cohesion, or to some of the most disadvantaged people in our society.

My hon. Friend and I have made it clear that, in asking the Government to issue guidance, we are not seeking to ban payday loan shops or betting shops, but to restrict the density of them. What seems to be happening—this is anecdotal; I have no statistical evidence to present—is that we are getting a clustering of such outlets in different areas, which is often, but not always, deleterious to those areas. We have an over-concentration of them. The same thing was happening, until the law was changed, with off-licences. Older Members might remember when getting a licence to sell alcohol was quite difficult because there was an unofficial density system operated by planning authorities. That went out the window, and every place—including petrol stations, for goodness’ sake—seemed to get licences to sell alcohol. We saw the same over-concentration with attendant social problems in some places, and we are rightly rowing back from that.

My hon. Friend wants guidance—I fully support him—so that we can row back from over-concentration of payday loan shops and betting shops. Part of this problem comes from a mistake made by the Labour Government, and some Back Benchers pointed out to them at the time that fixed odds betting terminals were bad news and should not be encouraged. I have to say, to my chagrin, that my own Government did not listen, just as they only partially listened—some longer-standing Members and you, Mr Speaker, will remember this—when there were proposals for 16 super-casinos. There was a lot of to do on the Labour Back Benches at the time, and we got it down to two super-casinos. On fixed-odds betting terminals, we made a mistake.

**Graham Jones:** I take my hon. Friend’s point that the Labour Government were responsible for bringing in the Gambling Act 2005. In trying to be responsible about the problem we face, does he agree that the Government should accept that their own 2011 Portas review talked about clustering and density as being a problem? We are now five years on from that; time has passed and mistakes have been made. We need to tackle those mistakes today, not tomorrow, next week or next year.

**Rob Marris:** I agree with my hon. Friend. We need to learn from our mistakes, just as I hope any Labour Members who were on the Front Bench in 2005 when they were pushing fixed odds betting terminals have now done their mea culpas and recognised that they made a mistake then, because it is still rebounding on many urban constituencies around the country, including mine. We need to row back from that, but part of the mechanism, which is being reviewed, for doing so is not, and cannot be, the subject of this Bill. We can address another part of it, however: the over-concentration and the guidance which this Government ought responsibly to be issuing. They ought to have the statutory authority to do so within primary legislation, which is the very reasonable measure put forward by my hon. Friend in new clause 1. I hope that the Minister can support the spirit of it, if not the exact wording.

**Mr Jackson:** I begin by declaring an interest: for six years I have been honorary vice-president of the Local Government Association. I congratulate my right hon. Friend the Member for West Dorset (Sir Oliver Letwin). I hope his amendment finds success in the other place. I also want to mention the doughty champion, the hon. Member for Hyndburn (Graham Jones), who, together with my hon. Friends the Members for Congleton (Fiona Bruce) and for Enfield, Southgate (Mr Burrowes), has been very much at the sharp end of this important debate, as indeed I was at one time with my “stop the FOBTs” campaign in Peterborough city centre.

I ask the House to look at the wider context of the practical implications of new clauses 7 and 8, and also amendment 28 tabled by my right hon. Friend the Member for Sutton Coldfield (Mr Mitchell). We were all elected on a manifesto commitment to increase the supply of housing, and we all, I think, agree with the national consensus that we are in the middle of a housing crisis at present. We also need to look at this Bill within the wider context of generational fairness and social equity between those who own capital and those who wish to acquire capital. That is an important issue. I strongly welcome the likely publication in January of the housing White Paper and I hope that this important debate and Bill feed into that.

In that context, I draw the attention of the House to a useful paper published today by Daniel Bentley for the Civitas think-tank, “Housing supply and household growth, national and local”. It examines housing supply projections and puts a nominal figure on the real impact of the housing crisis. My right hon. Friend the Member for Arundel and South Downs (Nick Herbert) put his case in his usual erudite and well thought-through way, but my challenge to him and others is this: will their new clauses and amendments improve the position? The projected housing supply for the county of Sussex

[Mr Stewart Jackson]

in 2015-16 did not even meet 50% of the figure for projected annual household formations from 2014 to 2039. Few local authorities are meeting those targets. Even the Secretary of State for Communities and Local Government has used the conservative figure of 220,000 new homes being needed to keep pace with population change over the period to 2039. Some estimates, including those in the paper, suggest that the figure may be as high 330,000. I will not proceed down the path of discussing immigration, but, according to the Local Government Association, 49% of household formation over that period will come from net migration, so it is a big issue.

In 2015-16, we physically built only 163,940 new homes, although more were created through 5,000 conversions and 35,000 changes of use. In the 30 fastest-growing non-London local authorities only five managed to outstrip the difference between housing supply and housing growth by percentage increase: Dartford; Uttlesford; Aylesbury Vale; Slough; and Ashford. Of the 30 non-London local authorities with the highest population growth, in nominal terms only eight built enough houses to meet long-term need. While not perfect, the national planning policy framework has helped in some respects. Oxford, for example, has produced only 66% of its need based on population growth, but thanks to its duty to co-operate with other local authorities, such as South Oxfordshire District Council or Vale of White Horse District Council, it is meeting its targets on a sub-regional strategic housing level, which is good.

My right hon. Friend the Member for Arundel and South Downs and I have crossed swords before on the NPPF way back in 2012, but we must not put in the Bill a potentially wide-ranging and draconian measure that would effectively stymie the building and development of appropriate homes. We all have horror stories about the Planning Inspectorate. For example, the village of Eye near Peterborough was grossly overprovisioned with residential accommodation, with the inspectorate completely ignoring the hundreds of petition signatures, public meetings and so on, but we are where we are with the current system. Nevertheless, the NPPF already sets out the appropriate weight to be given to relevant policies between neighbourhood plans and the adoption and development of local plans, structure plans and site allocation plans.

New clause 7 would discriminate against local planning authorities that produce timely, robust local plans and that have adhered to the correct procedure for consultation, public inquiries and the Planning Inspectorate. We must bear it in mind that there might be an inadvertent consequence.

**Nick Herbert:** I am listening carefully to my hon. Friend, and I do not want him to traduce the intention of the new clause, which is not to prevent house building, but to ensure that neighbourhood plans are protected. I repeat my earlier point: neighbourhood plans have produced more housing than was anticipated. As he took such an interest in Sussex, I should point out that many district councils in West Sussex, including in my constituency, are producing housing far in excess of the south-east plan to meet local demand.

5.30 pm

**Mr Jackson:** I pay tribute to the neighbourhood plans being produced by volunteers in my right hon. Friend's constituency and throughout our country. They do an excellent job and I support the policy four-square. My point is about opportunity cost: is this approach going to have a detrimental effect on the Government's strategic housing objective, which is to deliver large-scale housing for people who need it? When we look at the age of people buying their first house and at the availability or otherwise of affordable housing across the country, we see that this proposal has the potential to undermine the authority of the local planning authority to meet wider, long-term strategic housing and planning objectives. These things are already in place via the emerging or adopted local plan. The proposal will inevitably give rise to conflict between the local planning authority and the neighbourhood planning bodies, with the possible perverse consequence that we will see the establishment of neighbourhood planning bodies merely in order to thwart development.

Let me move on to deal quickly with new clause 8. I used the correct word "moratorium" in respect of the use by the Minister of development orders. On the specific issue of five-year land supply, again, this proposal seeks to put a draconian policy in the Bill, rather than, as I suggested in my intervention—my right hon. Friend the Member for Arundel and South Downs was generous in accepting interventions—waiting for a response from Government, by means other than primary legislation, to do as the LGA has suggested, which is to review the policy and look for a more consistent and better understood methodology for both developers and local authorities in respect of the policy under the current auspices of the national planning policy framework.

At the moment, we still have a robust system that tests the efficacy of five-year land supply through planning appeals and local plans. We should encourage greater incentives from local planning authorities. It is as well to make the point that, in some parts of the country, they lack the appropriate resources to carry out the proper work in that respect.

My final point is about amendment 28, which was tabled by my right hon. Friend the Member for Sutton Coldfield. I can understand the anger, passion and resentment that he articulated in his usual powerful way, but this is probably the most inappropriate amendment, because preventing payment of the new homes bonus when we already have strong protections in place for the green belt and other designated areas to prevent inappropriate development will have consequences.

**Mr Mitchell:** This may be my lack of understanding of planning matters, but can my hon. Friend explain how a Government who say they are committed to protecting the green belt then pay people a subsidy to build on the green belt, rather than paying them a bigger subsidy to build on brownfield sites, while protecting the green belt? Perhaps he can explain that conundrum.

**Mr Jackson:** My right hon. Friend makes a good point, but I am saying that we have less than benign financial circumstances and, were his policy to be followed, the city of Birmingham might lose £54 million in income through the new homes bonus. There are other ways in which we can toughen protections for the green belt,

while allowing discretion for some exceptional sites. I made the point in my intervention that 216,000 homes had already been placed in emerging and completed local plans in the green belt by March. I accept that there is a problem, but I am not convinced that this amendment will sort the issue out.

In reducing the income stream and funding to local planning authorities, the perverse ramification may well be that those hard-pressed authorities cannot therefore put in the effort to properly manage well-funded speculative developers with their land grabs. There might also be an impact on rural housing schemes, which are very important and necessary for many of my hon. Friends.

For those reasons, I ask my right hon. and hon. Friends—I think they have already acceded to my request—not to push these matters to a vote. Ministers will have heard the points that have been raised on both sides of the House and will correctly identify methods to ameliorate the problems that have been raised.

**Antoinette Sandbach** (Eddisbury) (Con): I rise to support to new clause 2 tabled in my name and to support new clauses 7 and 8 tabled in the name of my right hon. Friend the Member for Arundel and South Downs (Nick Herbert).

The aim of new clause 2 is to permit the Secretary of State to impose what would in effect be penalty costs on appeal. My constituency of Eddisbury has a wealth of picturesque villages, located in the most beautiful settings and with excellent schools. These villages are now finding that they are the target of a large number of planning applications, which are often totally against the emerging or adopted neighbourhood plan.

In Cheshire West and Chester, which has a five-year land supply, the council has rightly turned down those applications as being against the neighbourhood plan, yet developers persist in appealing. Local councils and the Planning Inspectorate have to spend valuable resources dealing with appeals that fall squarely against the ambitions and the principles of the neighbourhood plan.

My local parish councils, just like those in the constituency of my right hon. Friend the Member for Arundel and South Downs, have embraced neighbourhood planning. They have committed months of work—sometimes even years of work—to this and have relished the fact that they can bring forward a mix of housing that includes, for example, first-time starter homes as well as executive homes. They want to see starter homes, so that people can get on to the housing ladder and live in the community in which they have grown up, and they want to see smaller homes—bungalow-style homes—for the older people in my constituency who want to downsize. Given the part of Cheshire in which we live, developers invariably build five-bedroom executive homes. My local parish councils have relished the fact that they can plan for a mix of homes that allows for a varied community and enables people to remain in the community in which they have lived and grown up.

Like Arundel and South Downs, we have seen an increased offer and an increased acceptance of housing coming forward. None the less, we still see attempts by developers to drive a coach and horses through those neighbourhood plans. The aim of the new clause is to ensure that there is a financial disincentive in respect of

appeals. It raises the prospect of a serious financial penalty for those developers seeking to have a go, as it was described in earlier contributions.

Constituents feel that their rural villages are under siege and that, at every point, their wishes as expressed and adopted in neighbourhood plan are being ignored. The new clause seeks to allow the full recovery of costs, with an additional punitive element, where it is clear that the refusal has been on the basis of the application being against the local neighbourhood plan. These speculative appeals impact on local council resources, and developers constantly feel that they can effectively try to push and break the plan, and it is deeply frustrating.

**Sir Nicholas Soames:** My hon. Friend is speaking for many of us whose councils are constantly abused by the disgraceful behaviour of house builders. In my constituency—I intend to deal with the matter at some length—they have spent a very great deal of time and money trying to undermine the local plan.

**Antoinette Sandbach:** It becomes almost a war of attrition. The behaviour of developers appears to be designed to break local neighbourhood plans, so that they can drive through their ambitions, which ignore the wishes of local people and go against the commitment shown by local communities in producing those plans.

**Christian Matheson** (City of Chester) (Lab): The hon. Lady is my constituency neighbour. As we are in the same part of Cheshire, I can confirm everything that she is saying. Does she share my concerns that, as things stand, planning law is stacked far too much in favour of the developers and that there are not enough tools in the armoury of local authorities and neighbourhood plans to resist them?

**Antoinette Sandbach:** That is the very reason that I tabled new clause 2. I wanted to give the Secretary of State an additional power in relation to costs when developers try to drive a coach and horses through neighbourhood plans. That is also why I support new clauses 7 and 8 tabled by my right hon. Friend the Member for Arundel and South Downs.

**Geoffrey Clifton-Brown:** I agree with much of what my hon. Friend says. When she drew up her new clause, did she think about encouraging the planning inspector to award costs to the local authority where the developer was turned down at appeal and the conditions in her new clause were met? I have one case in my constituency where the council had to pay the developer's costs, even though the council had won.

**Antoinette Sandbach:** I am grateful for my hon. Friend's intervention. That seems a very strange case indeed. I am aware that councils often do not apply for costs and, when they do, they get only a proportion of their costs back, not their full costs. By tabling the new clause, I hope to give additional powers to rectify that position and to discourage developers from such behaviour.

The Minister will be aware that I have campaigned long on this issue because of the actions of developers in my constituency. I know that there are issues affecting the Cheshire East half of my constituency, which does not have a local plan. Where communities have worked

[Antoinette Sandbach]

hard and put in place their neighbourhood plans, it is deeply frustrating for them to be put at risk because the methodology for calculating the five-year housing land supply was not correct. It seems ironic that Cheshire East used exactly the same methodology as Cheshire West and Chester, whose five-year land supply was accepted, yet that of Cheshire East was not. I can only assume that that is because there was no build-out of the housing that was described in earlier contributions.

I support new clause 8 because where a defect in the five-year supply is caused by the failure of developers to build out that causes the problem. The council has granted planning permission, but the developments are not being started. For those reasons, I support these new clauses.

**Philip Davies:** I should say in passing that I agree with my hon. Friend the Member for Eddisbury (Antoinette Sandbach) on her new clause 2, and with my right hon. Friend the Member for Arundel and South Downs (Nick Herbert) on new clause 7. I particularly agree with my right hon. Friend the Member for Sutton Coldfield (Mr Mitchell) on amendment 29. He is absolutely right and he may or may not know that I faced exactly the same situation in Bradford as he did in Sutton Coldfield. The Minister has put a stop on the core strategy plan of Bradford Council, but I hope for a much more favourable outcome from those deliberations than my right hon. Friend the Member for Sutton Coldfield received. I assure my hon. Friend the Minister that I will feel equally aggrieved should the decision be as it was in Birmingham.

I want to speak about new clause 1, and in doing so I should begin by referring people to my entry in the Register of Members' Financial Interests. The hon. Member for Hyndburn (Graham Jones) made it clear once again that he is the biggest devotee in the House of Donald Trump. He quoted him, as he usually does, when he referred to fixed odds betting terminals as the "crack cocaine of gambling". Anybody who knows anything about this subject knows that the term was first used by Donald Trump in the 1980s to refer to video keno games, which he saw as a threat to his casino businesses. Ever since he first used the phrase, any new form of gambling—in fact, every new form of gambling—has been referred to at various times as the "crack cocaine of gambling". That has included casinos themselves at certain points and lottery scratchcards—name any form of gambling, and I can point to somebody who has called it the crack cocaine of gambling. So, of course, fixed odds betting terminals have been called the same—not because they are considered to be that, but just because the same old phrase is trotted out every time we have a new form of gambling.

5.45 pm

The hon. Gentleman talked about the massive public concern about these issues. I suspect, Mr Speaker, that if you were to go out on to the street and ask 1,000 people what their views of fixed odds betting terminals were, 999 would say, "What's a fixed odds betting terminal?" In fact, when people in the House have been out knocking on doors in their constituencies at election time—those who do so—I wonder how many people have said to

them, "Do you know, the main thing that concerns me is FOBTs. My vote at the election will be determined by your policy on FOBTs." I suspect nobody in the House can put their hand on their heart and say that that has ever been their experience. So the idea that this is a massive social concern for the vast majority of our constituents is a—

**Dr Daniel Poulter** (Central Suffolk and North Ipswich) (Con): Will my hon. Friend give way?

**Philip Davies:** No, I am going to press on. I will take some interventions in a bit, but I will press on, because other people wish to speak.

In his briefing notes on the new clause, the hon. Gentleman said he wanted to deal with the proliferation of betting shops. I know he would not want to mislead the House deliberately, so I will say charitably that he does not understand the meaning of the word proliferation. I will try to help him out. The dictionary defines proliferation as the rapid increase in the number of something. The hon. Gentleman is trying to tell us that we have a proliferation of betting shops. Well, the facts are the exact opposite.

The number of betting shops in the UK peaked in the mid-1970s, at about 16,000, and it has dropped since then. It was 9,128 in 2012. There are 8,709 this year. I suspect—in fact, I can virtually guarantee—that there will be fewer next year and fewer the year after that. There is not a proliferation of betting shops in this country; there is a reduction in the number of betting shops, and that reduction is getting steeper and steeper every year. These firms employ people, including lots of younger people and lots of women. I know that the Labour party no longer cares about working-class people, but when it did, these firms were an essential part of a working-class community.

**Mr David Burrowes** (Enfield, Southgate) (Con): Would my hon. Friend prefer the word "clustering"? I know he did when he was an esteemed member of the Culture, Media and Sport Committee. In its report of 2012, it recognised the consequences of encouraging the clustering of betting shops and said that it was "a local problem which calls for a local solution."

Does new clause 1 not want to empower people to use that local solution?

**Philip Davies:** No, the new clause is all about being against betting shops. It is a solution looking for a problem.

The reason there is concern about fixed odds betting terminals is a chap called Mr Derek Webb. The hon. Member for Hyndburn knows him very well, but for those who do not know him, he made millions—tens of millions and maybe even hundreds of millions—out of making gambling machines. When the Labour party allowed bookmakers in 2005 to introduce fixed odds betting terminals, Mr Derek Webb was so concerned that he wanted his machines to be installed in betting shops, and the bookmakers turned him down—probably the biggest mistake they have ever made in their business. So he has made it his business ever since to make sure that his machines cannot be in betting shops and people have to go to casinos where they are installed. That is basically what all this is about. It is, in effect, a rich

man's grudge match. He has spent millions trying to get these machines out of betting shops for no other reason than vindictiveness; that is the long and short of it. He set up the Campaign for Fairer Gambling on the back of this issue. He has spent millions. He gave half a million pounds to the Lib Dems in the previous Parliament, trying to buy their support, and he has now started giving a great deal of money to the Labour party in the hope of buying some influence with it.

**Graham Jones:** What would be the hon. Gentleman's comments on Channel 4's exposés on "Dispatches" and on the BBC's "Panorama" where people just made up fake news?

**Philip Davies:** That bears no relation to the facts. We all know that people can make a hour-long TV programme and portray anything in any way they want to if they are so determined.

**Dr Poulter** *rose*—

**Philip Davies:** I am going to press on if my hon. Friend does not mind.

These are the facts, whether people like them or not. The average time that somebody spends on a fixed odds betting terminal is about 10 minutes. Their average loss in that time is about £7. These machines make a profit of about £11 an hour; people may say that that is excessive, but I do not believe it is. The rate of problem gambling in the UK has not altered one jot since fixed odds betting terminals were introduced—it is still about 0.6% of the population, as it was before. The biggest problem-gambling charity in the UK, the Gordon Moody Association, was established in 1971, 30-odd years before fixed odds betting terminals were even introduced in the UK. The idea that we will eliminate problem gambling by getting rid of fixed odds betting terminals is for the birds. People who have a gambling addiction will bet on two flies going up a wall if they get half a chance. The answer is to solve their addiction, not just to ban a particular product in a way that will make not one blind bit of difference.

In this House we have an awful lot of upper-class and middle-class people who like to tell working-class people how they should spend their money and how they should not spend their money.

**Graham Jones** *rose*—

**Philip Davies:** Well, if the cap fits—I give way the hon. Gentleman.

**Graham Jones:** I came here from a factory where I was on £10 an hour. I went straight from the factory into Parliament. I am not one of the middle-class or upper-class people the hon. Gentleman is talking about. Unlike him, I am one of the normal working-class people.

**Philip Davies:** It is a shame that the hon. Gentleman has become so detached from his roots, along with the rest of his party. Perhaps Labour would not be in such a mess if it stuck a bit more closely to its working-class roots.

I was astonished to hear my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) talk about all those people in West Dorset going from payday loan

companies into betting shops. It is a while since I have been in West Dorset, but it has clearly changed an awful lot since the last time I was there.

**Sir Oliver Letwin:** My hon. Friend misunderstood me. My point was that I do not have this problem in leafy West Dorset: the places I have seen people go directly from payday lenders into betting shops are in inner-city areas, where there are people far harder pressed than most, though not all, of my constituents. That is the worry.

**Philip Davies:** I will be interested to find out about my right hon. Friend's habit of spending lots of time in inner-city areas where he watches people's activities going between betting shops and payday lending companies, but we can discuss that later.

**Sir Oliver Letwin:** Will my hon. Friend give way?

**Philip Davies:** No, I will not.

I did not come into Parliament to ban people from doing all the things that I do not happen to like myself. I think that our duty in this House is to try to protect people's freedoms, even the freedom to do things that we do not choose to do ourselves. Unfortunately, there are lots of people in this House who do nothing other than try to ban people from doing all the things that they personally do not happen to like themselves. Many people in this House do not like gambling and betting, and want to stop anyone else doing it.

As I made clear in an intervention, there are far more pubs in poorer communities, per square mile, than betting shops. How many Members of this House want to restrict the number of pubs so that poor working-class people do not waste their money down at the pub? None, or hardly any. Why? Because MPs like a drink themselves, and they do not want to ban anybody from doing anything that they happen to like themselves. There are far more takeaway food outlets per square mile in poor working-class areas than there are betting shops. How many Members want to ban all those takeaways? None. Why? Look at everyone—we all like a good takeaway ourselves, and do not want to do ourselves out of it. This is all about people in this House telling other people what they should and should not be doing in a rather patronising way that does not give a very good image of this place. They do not want to stop people doing things that they themselves like doing—only the things that they do not happen to like.

**Mr Charles Walker (Broxbourne) (Con):** My hon. Friend is putting a very sincere argument. I know he holds these views sincerely and his integrity is beyond question. I do not want him to ban anything he does not want to ban, but on this occasion I am happy to do it for him.

**Philip Davies:** I am very grateful to my hon. Friend.

If people are not allowed to bet on a fixed odds betting terminal, the idea that they will all of a sudden not bet at all is for the birds. What will they do? I will tell the House. They will go from the roulette machine in a betting shop, where staff are keeping an eye on them and intervening when they show concerning behaviours and referring them to problem-gambling

[Philip Davies]

charities for help, but they will not just stop gambling. They will go on to the internet, and play exactly the same roulette game, but for unlimited stakes and unlimited prizes. Why on earth do people in this House want people to go from a product that has a stake limit and a prize limit, in a place where there are people keeping an eye on them, on to the internet, where there are unlimited stakes and prizes? That is complete nonsense.

**Rob Marris:** I caution the hon. Gentleman on that point. I do not know what he did, but I remember that when I voted for the ban on smoking in workplaces, one argument put forward by opponents was that people would still continue to consume tobacco, and just do so in a different venue. That is manifestly not the case. The number of people giving up smoking or smoking less has increased very considerably because of that legislation. I am not saying that it is entirely due to the legislation, but the consensus among medical experts is that the legislation has been a major contributory factor in people's abandoning or lessening personally harmful behaviour.

**Philip Davies:** The problem with the hon. Gentleman's argument is that smoking has gone down in this country every single year, without fail, since 1975—every single year, without fail, whether before or after the smoking ban. It was therefore inevitable that after a ban on smoking it would go down, because it would have gone down if there had been no ban. That cause and effect argument does not wash with me, I am afraid. People who bet will go on to the internet.

To give another argument, *The Times* had an article based on information from the Gambling Commission showing that 16% of under-16s were gambling every week. What were they gambling on? It was not fixed odds betting terminals—they were not going into betting shops. They were gambling on fruit machines, and largely on national lottery scratchcards. People can purchase those scratchcards at 16. They can gamble at 16 on the national lottery.

Who argues against that in this House—who argues against young people getting into gambling at the age of 16 like that? I do. I think it is an absolute outrage that people can play the national lottery at 16. If we believe that gambling should be allowed only at 18, that should be the case for all gambling. But who is arguing against playing the lottery at 16? No one. Even though young people are getting into gambling on scratchcards, people do not complain. That is not because they care about the people losing money; it is because they are concerned about the people winning the money. The money from the lottery goes to good causes, so people think it is fine for others to get an addiction to scratchcards. Although they do not like to say so, and so dress it up by saying they are concerned about problem gamblers, the fact is that what lies behind measures such as the new clause is that people do not like the people who are winning the money. They do not give a stuff about the people who are losing the money. That is the sad thing.

How much did Derek Webb give to problem-gambling charities when he was accumulating his hundreds of millions of pounds? Perhaps he did give some money, but I am not aware of anything. The bookmakers give

millions and millions—about £6 million a year—to problem-gambling charities to help people with their treatment, and that would be under threat if we did away with these betting shops.

6 pm

I know my right hon. Friend the Member for Mid Sussex (Sir Nicholas Soames) cares a great deal about the racing industry, and every single betting shop in this country gives £30,000 in picture rights to racing. Every shop that closes means £30,000 less for the racing industry, which employs an awful lot of people. The proposal will have unintended consequences.

New clause 1 is a solution looking for a problem, and it is motivated by people who are simply against gambling. They do not like gambling and they do not like betting shops. That is fair enough, and it is a perfectly respectable position to hold, but they should at least be honest about it and about the motivation behind the new clause. It is not about problem gamblers. There will be problem gamblers whether we have fixed-odds betting terminals or not, and we must do everything we can to help those individuals to get out of the mess that they are in with their lives. Problem gambling will be solved by treatment, education and research, not by getting rid of a product or targeting betting shops because we do not happen to like them. Most people in here have probably never even been into a betting shop and met the customers, but that does not stop Members spouting on about something that they know next to nothing about.

The hon. Member for Hyndburn talked about the clustering of betting shops on the high street. The fact of the matter is that a person can only go into one shop at a time, and the fact that there are two, three, four or five shops on a high street does not make that person more or less of a problem gambler. Whether there is one shop or five makes absolutely no difference to problem gamblers, and it is absolute nonsense to suggest that it does.

**Fiona Bruce:** Is it not correct to say that betting shop managers have an obligation to stop a gambler if they think that that person is gambling irresponsibly, and therefore there is a reason why we should stop the proliferation of betting shops in the same locality?

**Philip Davies:** The problem with that is something that used to be called competition, which the Conservative party used to be in favour of, many moons ago. I know that it is an old-fashioned view in the Conservative party to believe in competition, but some of us still do. Self-exclusion for people who have a problem now applies across different betting shops. If someone self-excludes in one shop, it will apply in every shop in the locality, so I think my hon. Friend's concern has been allayed.

The point I want to make before I finish is that if the choice was between having a betting shop in a town centre—in Bradford or in Shipley, for example—or having Marks & Spencer or Next, I would say every single time that the local authority should look to give planning permission to Marks & Spencer or Next, because it would do much more to regenerate the high street in Shipley than another betting shop would. Absolutely—I would be with the hon. Member for Hyndburn, every single day of the week. But the reason why betting shops have gone from the side streets to the

main street is that retailers have been abandoning the high street—they have been walking away from it. The choice is now whether we have a betting shop or a closed-down, boarded-up shop down the high street. It is not a choice between a betting shop and a wonderful retailer that will do this, that and the other to the local community; it is often a choice between a betting shop and no shop whatsoever.

I would say that in a local community it is far better to have a betting shop employing people, and looking out for people who are gambling to make sure that they do not bet with a problem, than to have a boarded-up shop, which is the alternative. The Government should be very wary about doing something that will further reduce the number of betting shops when it is already going down, even without any intervention. I hope that the House will support my hon. Friends with their new clauses but reject new clause 1.

**Heidi Allen (South Cambridgeshire) (Con):** Members might be relieved to know that I shall be extremely brief. I rise to speak to my amendments 24 and 25, although I should say that there is not a new clause or an amendment that we have heard about today that I disagree with. I thank the many Members on both sides of the House who have supported my amendments.

My hon. Friends will know that I am a passionate champion of the vulnerable. I have often spoken about disability and social care issues, and today is no exception. I doubt that anyone in the House would disagree that safe, secure, affordable and appropriate housing is a basic requirement for everyone. I also doubt that many would disagree that we face an unprecedented housing challenge. When the supply of housing is tight, some in society must make do with seriously inappropriate housing. I am pleased to report that 90% of all new housing developments in London must meet building standards category 2, which concerns accessible standards, and that the remaining 10% must be totally wheelchair-friendly. That is fantastic and exactly as it should be, but no similar requirement applies outside London.

My amendments would require local planning authorities to consider the needs of elderly and disabled people when identifying strategic priorities for the development and use of land. They would support the national policy guidance on new developments outlined in the national planning policy framework. They would also, by enabling independent living, support the Government's commitment to halving the disability employment gap. Furthermore, they would reduce pressure on the social care sector and the NHS by providing more suitable accommodation for elderly people and keeping them safe in their homes for longer. In itself, achieving that is one of the biggest challenges that this country faces, and we have talked an awful lot about it recently.

The Government are tackling the housing challenge head-on. I look forward to the imminent White Paper, but as we rise to this challenge, we must not inadvertently replace it with a different kind of challenge by failing to recognise the need for accessible housing. My amendments purely seek to safeguard against that.

With an ageing population and more people living longer, with complex needs, the demand for accessible homes is set to increase rapidly. By 2030, the number of people aged 65 and over will have increased by 50%. In the next 20 years, the number of disabled people is set

to increase from 11 million to 15 million. Estimates—conservative estimates at that—show that 3 million more accessible homes will be needed by 2035. Today, we have 11.9 million disabled people in the UK, yet only 6% of the housing stock currently provides the four bare-minimum standards needed to allow a disabled person to visit, let alone live there. The number of people aged 85 and over is expected to double in the next 23 years to more than 3.4 million.

Older people should be able to live safely and with dignity in good-quality, warm and safe housing. We know that most older people want to retain their independence and to stay in their homes for as long as possible. Not only should we actively support that, but if we want to tackle the crisis in social care—it is a crisis—we must do so. The cost of hospitalisation and social care for older people, such as those who have suffered hip fractures, most of which are caused by falls but could be prevented if there was more suitable housing, is £2 billion a year.

**Dr Poulter:** My hon. Friend makes an important point. Most older people live outside London, and the demographics of local authority areas show that a higher proportion of older people live outside the metropolitan areas, which is particularly important in relation to her amendments. The preventive measures she mentions are an important aspect of social care. Will she elaborate a bit more about how early intervention could save money for the NHS and the social care system?

**Heidi Allen:** Absolutely. I see that particularly in my constituency of South Cambridgeshire, which has one of the fastest growing elderly populations. We are spending money hand over fist by acting after the event. If we can keep people safe in their homes, it does not take a genius to see, given the pressures on the NHS at the moment—hip fractures alone cost us £2 billion a year—that there are hundreds of ways in which the money could be better spent.

The amendments could have a far-reaching impact. Research by charities such as the Papworth Trust and Habinteg shows that disabled people who have a home that works for them are four times more likely to be in paid employment. If we are as serious as I believe we are about halving the disability employment gap, we need to get serious about these amendments.

I have highlighted the issues that every Member of this House knows we face and the impact that the lack of accessible housing is having and will continue to have on our economy and, more importantly, on our society. My amendments would impose no additional cost on the Government. Indeed, they would save the Government, and thus the taxpayer, a huge sum. All they ask is that we put into law the guidance already provided in the NPPF.

All I am asking is that planning authorities must consider the needs of the whole population. What arguments against the amendments could there possibly be? I do not accept that they will place an additional burden on developers, and thus a cost on the consumer. The additional cost of making a home accessible from the outset is absolutely minimal. Having run my own manufacturing business, I know how powerful competitive necessity can be to drive costs down.

**James Heapey (Wells) (Con):** My hon. Friend is making an important point about the affordability and accessibility of a property in which people are to live. Will she include the energy efficiency of homes in what she is encouraging developers and local authorities to consider so that elderly people can live in homes that are warm as well as accessible?

**Heidi Allen:** My hon. Friend makes an extremely important point. This is all about thinking about things before we have to fit them retrospectively. It is vital that we have warm and efficient homes that save money for elderly people.

Some might argue that if central Government agreed to legislate through my amendments, that would take power away from local authorities. However, the amendments would not remove any local power at all; if anything, they would bolster it.

National demographic changes are happening now. We need more accessible housing and I believe that we have an opportunity to act now. This is about how we make this country one that truly works for everyone.

**Sir Nicholas Soames:** I have been bullied by the Whips into making only a very short intervention, so I am not able to expand on the extensive views that I wished to favour the House with. However, I thought that I should not let the moment pass without my thanking my hon. Friend the Member for Shipley (Philip Davies) for his immensely touching description of betting shops, which, as we all know, are havens of peace, tranquillity, excitement and—

**Philip Davies:** Virtue.

**Sir Nicholas Soames:** Yes, virtue. They are great places to be, and they make a tremendous and important contribution to the money-lending business. I say to my hon. Friend that he was extremely patronising about my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) who, like myself, has probably spent many, many happy hours in gambling shops, as my hon. Friend the Member for Shipley knows I have. I have nothing but the very highest opinion of them. My hon. Friend gave us a particularly touching exposition and I hope the House will pay no attention to it.

I thank my hon. Friend the Housing and Planning Minister for his courtesy, kindness and consideration, and for the immense efforts he makes on behalf of all of us to try to ensure that we have a fair planning system in this country.

I, of course, support amendment 28, which was tabled by my right hon. Friend the Member for the imperial town of Sutton Coldfield (Mr Mitchell). I am delighted that he will not pressing it to a Division, but I am completely on his side and thought he made a powerful case. The decision that his constituents have had to cope with is certainly very unpleasant.

I am really speaking to support my right hon. Friend the Member for Arundel and South Downs (Nick Herbert), who is my close friend and parliamentary neighbour. He and I are currently struggling as Mid Sussex District Council is undergoing an examination in public. As my hon. Friend the Minister knows, Mid Sussex has made 14 parish and town council plans, which is something of a record. That is an extraordinary achievement. The

local communities have worked immensely hard, with great credibility and integrity, only to find that all their efforts are constantly undermined and challenged by the most unscrupulous building lobby it has ever been my pleasure to have to deal with.

At the examination in public, at which my right hon. Friend and I appeared on the second day, I was astonished to see the range of what the builders produced. They had bogus development forums that had been rushed together to try to present them as reputable. Their lobbying is aggressive and, in my view, totally unacceptable. Even our local enterprise partnership is chaired by a builder. They seek to interfere, very unhelpfully, in the work of the planning authorities.

My hon. Friend the Minister knows of the infamous application by Mayfield Market Towns to build a completely unwanted new settlement to the south of my constituency and partially in the constituency of my right hon. Friend the Member for Arundel and South Downs. It has been turned down time after time. No one wants it and it is not in any plan, yet the builders continue to chip away at the fabric, integrity and credibility of the plans.

In supporting the very sound and sensible new clauses tabled by my right hon. Friend, all I wish to say to the Minister is that I hope he understands that councils such as Mid Sussex are fighting a losing battle. There need to be clear rules and a clear understanding that there is a spirit that is entered into, because at the moment the house builders act quite outside the spirit and intention of the law. As my hon. Friend the Member for Eddisbury (Antoinette Sandbach) said in her excellent speech, it is quite unacceptable that all this hard work is undone by some completely unacceptable lobbying.

6.15 pm

**Mary Robinson (Cheadle) (Con):** I am pleased to follow my right hon. Friend the Member for Mid Sussex (Sir Nicholas Soames). I rise to support the provisions in the Bill that will identify and build the houses that the country and my constituents badly need, and to speak in support of new clause 7.

The Bill addresses many key areas to help to deliver the home building agenda. However, speeding up the delivery of homes and increasing their number should not inevitably come at the cost of valuable green-belt land. Unfortunately, the draft Greater Manchester spatial framework, which is currently under consultation, relies heavily on the release of green-belt land, particularly in my constituency, with more than 8,000 houses planned on Cheadle's green belt. My residents, especially in areas where neighbourhood plans are in progress, are extremely concerned about that. We have ambitious home building targets, but when delivering new homes, we must look at the long-term sustainability of development, rather than offering up our green spaces for easy wins for developers. We must be ambitious, direct development strategically and with a coherent vision, and value local community involvement.

Thousands of people have contacted me to raise their concerns about this issue, and I will be presenting a petition to the House later today that shows the strength of feeling in my constituency about protecting the green belt for the next generation while demonstrating the importance of local voices being heard.

It is evident that people care about their local communities. They want to see urban areas regenerated, and they love their open and rural spaces, and recognise their value for physical and mental health and wellbeing. People in Cheadle not only care about the place where they live, but want to help to shape it and to have their views heard. They want to have their say not only as individuals but in groups, such as Save Heald Green Green Belt and the Woodford Neighbourhood Forum. I want to make sure that they have their voices heard, too.

We should be proud of our record of encouraging and enabling community engagement through our localism agenda. The opportunity to help to shape the village of Woodford was taken up wholeheartedly by residents, who set up their neighbourhood forum in October 2013. Since then, the members and residents have raised funds and spent thousands of hours working on their local plan. Getting a local plan together is no mean feat. Over the past three years, they have put together a residents questionnaire and a neighbourhood plan scoping report, and they have held a neighbourhood plan exhibition. They have produced an interim analysis of data for 2015, an annual progress report, a landscape and environment studies report, a housing needs assessment, a movement study, and a heritage and character assessment. They have worked tremendously hard and know every inch of their area. They are now consulting village residents on the plan and reaching the pre-submission phase, which is a critical point in the plan's progress.

I want to encourage more residents to get involved in that way. However, an obstacle to the uptake of the opportunity for groups to put together neighbourhood plans is the perception that plans can be overturned by local planning authorities, especially if they have not reached the final stage or if the local planning authority cannot demonstrate a five-year land supply. Communities need reassurance that neighbourhood plans are given due weight in planning considerations, and that all the hard work that goes into them will be rewarded and given proper consideration.

The Bill gives us an opportunity to give our green belt further protection for years to come, and to encourage more people to get involved in neighbourhood forums to develop and shape their area. I look forward to the publication of the Government's White Paper in due course. On my Christmas card this year, I have featured the green belt at Woodford, which I look out over. I hope that, in future years, I will be able to include it on my card again.

**Several hon. Members** *rose*—

**Mr Deputy Speaker (Mr Lindsay Hoyle):** Order. We have a few more speakers and there is another group to get through after this one. The quicker we can move on, the better.

**Fiona Bruce:** I rise to speak in support of new clauses 7 and 8, to which I have added my name, but I am spurred by my hon. Friend the Member for Shipley (Philip Davies) to put on record my support for the tenor of new clause 1.

It is imperative that Ministers act to restore the confidence of my Congleton constituents in the status of neighbourhood plans specifically and in localism

more widely. My constituents consider that the status and application of neighbourhood plans is confusing, contradictory, inconsistent and unfair. The area has no local plan and no agreed five-year planned supply. For years, local communities in my constituency have been bombarded with a barrage of inappropriate planning applications by developers gobbling up green spaces, including prime agricultural land, and putting pressure on local schools, health services, roads and other services. It is essential that Ministers take action to give neighbourhood plans the full weight in practice that the Government say they have in theory. It is for that reason that residents in my constituency have in some cases taken years to prepare neighbourhood plans. I respect the Government's good intentions, but they are not being carried out.

The Government factsheet on the Bill states:

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. For the first time communities can produce plans that have real statutory weight in the planning system.”

That is the theory, but let me tell hon. Members about the practice. The parish of Brereton was the first area in my constituency to produce a neighbourhood plan. It is a rural farming area mainly—just 470 houses are dotted about it. It developed a neighbourhood plan over many years, and it was voted in with a huge 96% majority vote on a 51% turnout. It is a very intelligent document. It has no blanket objection to development, but does say that development should be appropriate in scale, design and character of the rural area of Brereton, and that it should not distort that character. It says that small groups of one or two properties built over time would be appropriate, supporting the rural economy and providing accommodation for those with local livelihoods, which seems reasonable.

I warmly welcomed the plan when it was produced and when it was adopted. However, the Brereton example is one of several in which planning applications that are contradictory to the best intentions of local residents have been approved by the inspectorate. Brereton is a parish of 470 houses. Within the last month, one development of no fewer than 190 houses has been allowed on appeal. Another application for 49 houses is coming down the track. That is more than half the size again of the parish.

Brereton has very few facilities—for example, it does not have a doctors' surgery—so nearby Holmes Chapel will be pressurised further. That village already has hundreds of recently built properties or properties for which permission has been given. The health centre is full, the schools are under pressure and traffic pressures render roads dangerous. Unlike Brereton, Holmes Chapel has not yet completed its local neighbourhood plan, but people there are now asking whether it is worth the time and effort of completing one.

The position is the same in Goostrey, another nearby village that is in the process of developing its neighbourhood plan. A resident and member of the Goostrey parish council neighbourhood plan team wrote to me. He says that such decisions are demotivating when it comes to creating neighbourhood plans, and that they make encouraging people to get involved in the Goostrey plan much harder—he refers not only to the Brereton decision, but to the inconsistency of two recent decisions

[*Fiona Bruce*]

down the road in Sandbach, where one application for a substantial housing development was dismissed based on the neighbourhood plan, and another, cheek-by-jowl down the road, was approved with the neighbourhood plan carrying little or no weight, even though there was no five-year housing supply in both cases.

I have been told by local residents that what really offended people in Brereton was the fact that

“at the public examination of the Brereton Neighbourhood Plan in November 2015 at Sandbach Town Hall, the Examiner insisted our Plan and its policies were sufficiently robust to counteract mass housing development and protect the rural character of the Parish. He asserted publicly that Brereton, as a rural Parish, did not have a responsibility to provide mass housing towards the wider strategic housing target—yet, the Appeal Inspectorate essentially has argued the complete opposite. Why are Government representatives involved in planning matters holding completely opposing and inconsistent views?”

Another resident in yet another parish who has worked for almost two years with neighbours to develop a neighbourhood plan area designation has now resigned from the steering group, in what the constituent calls “total disillusionment”, saying:

“I do not understand how this decision is either fair or reasonable...I conclude that the Neighbourhood Planning Process is a Government-sponsored confidence trick”.

Those are strong words, but they express how many of my constituents feel. Another said that

“there seems little point in producing a neighbourhood plan if it is considered irrelevant.”

**Sir Greg Knight** (East Yorkshire) (Con): Does my hon. Friend agree that consultation is meaningless if the people consulted are then ignored?

**Fiona Bruce:** That is what I am saying. Time and again, our constituents are being encouraged to produce neighbourhood plans. About two years ago, my hon. Friend the Member for Grantham and Stamford (Nick Boles), then a Minister in the Department for Communities and Local Government, came at my invitation to Sandbach town hall to talk to residents concerned about the barrage of applications by developers to build thousands of houses across my constituency. He said that the way to protect our local communities was by developing neighbourhood plans. That galvanised communities such as those that I have mentioned into working towards neighbourhood plans. As others have said, some residents have put hundreds of hours into doing so.

**James Heapey:** My hon. Friend describes a situation that I am sure we all recognise well. In my experience, many local communities engage positively with their neighbourhood and local plans to identify the housing need in their area, and then plan accordingly. Does she share my frustration, however, that because of the robust protections afforded to the Bristol and Bath green belt to the north of my constituency, despite my communities having made plans in Somerset, much of the former’s housing demand is being displaced southwards, so we end up having to absorb that as well, outwith our planning?

**Fiona Bruce:** I do very much empathise with my hon. Friend’s concerns.

Another resident says that unless neighbourhood plans are given significant weight—that is what I and many colleagues have asked the Minister to ensure—their community

“would advise others not to put the time and effort into what is increasingly looking like a futile and wasteful exercise”.

Another resident pointed out that the factsheet I referred to states, in response to the question,

“should a community produce a neighbourhood plan where the Local Plan may not be up-to-date?”,

that through

“a neighbourhood plan, communities can have a real say about local development...and protect important local green spaces”.

It also states that

“the NPPF is very clear that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted (NPPF para. 198)”.

Contradictorily, in the case of Brereton, the inspector’s report allowing the appeal for these 190 houses stated:

“Reference was made to paragraph 198 of the Framework, which provides that where a planning application conflicts with a neighbourhood plan (as in this case)”—

he acknowledged that—

“that has been brought into force, planning permission should not normally be granted”.

So far, so good. It goes on to say:

“However, the position is not ‘normal’ in that as NP policy HOU01 is clearly a relevant policy for the supply of housing, and is in conformity with LP policies which are themselves out of date”—

meaning there is no current neighbourhood plan—

“only limited weight can be afforded to the policy”.

6.30 pm

As my residents are saying, it looks as though the Department is saying that an application that conflicts with a neighbourhood plan would result in refusal of a planning permission, even though a local plan is not up to date—that is in the factsheet—but the Planning Inspectorate is saying that a neighbourhood plan can be given only limited weight for the very reason that the local plan is out of date.

In conclusion, I ask Ministers to clarify the weight—the actual weight—to be given to made neighbourhood plans in the absence of a local plan, and also to provide increased weight to a draft plan because of the stage it has reached. Many of these communities that are now in the process of developing plans have become disillusioned, as I said. There are many months still to go before their plans can be finalised, and they want to know whether it is worth continuing.

Let me finally ask if we could have a fairer methodology for calculating a deliverable five-year land supply, because the head of planning strategy at Cheshire East Council has confirmed to me:

“If we could count all our current permissions, the Borough would have a 5-year supply as things stand.”

But things do not stand there because the problem arises from the fact that developers do not build out. They are tardy, and they are deliberately tardy because they simply want to get more and more permissions. They are, as colleagues have said, gaming the system.

**Richard Drax:** It is a pleasure to participate in the debate, and, with a mainly rural constituency, I felt I must. I refer Members to my entry in the Register of Members' Financial Interests. I congratulate my hon. Friend the Member for Congleton (Fiona Bruce) and my right hon. Friends the Members for Arundel and South Downs (Nick Herbert), for Sutton Coldfield (Mr Mitchell) and for Mid Sussex (Sir Nicholas Soames) on their contributions. I entirely concur with them and share their concerns on this important issue.

Let me touch briefly—I, too, have been got at by the Whips, which is unusual for me; I have not been got at in six years, but I have been today, so I shall not be long—on regionalism, which my right hon. Friend the Member for Sutton Coldfield brought up, and localism. As I am addressing my remarks to the planning Minister, for whom I have a huge amount of respect and who is doing a wonderful job, I would also like to touch briefly on housing density.

To look at this from a more macro point of view, my concern is that we will be here for many years to come, because planning has always been a complicated issue. With the pressures on immigration—no one should get me wrong; I am all for controlled immigration—and with a net immigration of 340,000, that means that something comparable to the population of the city of Leeds, with a population of 750,000, is settling in the country about every two years.

There are pressures on us all in this House, and they are going to increase—not just in our urban areas, but in our beautiful rural areas such as South Dorset. I entirely concur with my right hon. Friend the Member for Sutton Coldfield that we must look at planning, and housing in particular, in a far more regional and holistic way. Local people entirely support the neighbourhood plans, which I think are a very good idea—as long as they are going to work, of course. Local plans must be respected and must have some statutory weight, as my hon. Friend the Member for Congleton said. A reasonable holistic approach is going to be far more pragmatic and sensible if, for example, a region with an urban and a rural area can decide where the jobs, the hospitals, the roads and all the different parts of infrastructure are. All too often, these do not come with proposals by developers because, of course, that costs money. Moving on briefly to localism, the opinion of local people must, of course, be sought, because that is going to be crucial.

Conservative Members must be very careful. I remember cursing Labour's regional spatial strategy until I was blue in the face, but I think we are in danger of not listening to local people who have genuine concerns. This is nowhere more appropriate than in my part of the world in Purbeck. As I hinted to my right hon. Friend the Member for West Dorset (Sir Oliver Letwin), I think we need more clarity on the rules and regulations governing where houses should be built. Quite apart from all the local people, who are consulted, we have the officers, who in many cases do not seem to understand what the planning regulations mean or interpret them wrongly. There are the over-enthusiastic officers who get it completely wrong, and vice versa. Then of course there are our dear councillors on all sides of the political divide, who are doing their best, but they are human beings and often make mistakes. They may make decisions for political reasons. There are all kinds of factors that we in this House know lead councillors to make decisions, and they might not always be the right ones.

Local people in Langton Matravers in my constituency know exactly who needs to have a house: it must be affordable—and I mean affordable—and they know best where to place it. They do not need to be told by planning inspectors, whom everyone is terrified of, that they must have hundreds of homes on the edge of their beautiful village, which in effect almost turns it into a sort of ghetto and ruins the reason millions of people come to our beautiful constituencies. This clearly is absolute madness.

I know other Members wish to speak and the Government want to move on, but finally I wish to make a plea on density and style of housing. I have a friend in north Yorkshire who is a landowner and who has developed truly affordable proper homes—affordable homes for rent, which is equally important as homes to buy. The following point is crucial. In too many housing developments, particularly in rural areas, there is no area for children: the cars are parked on the street, the dustbins are at the front doors, there are no green fields to run out and have fun on.

**Sir Nicholas Soames:** My hon. Friend is making a very important point. One of the things I have been horrified by in following this examination in public is that here are these builders proposing building hundreds of houses over what is already a very substantial target, which the council has agreed to, and they have made no mention at all of infrastructure. How can anyone accept that?

**Richard Drax:** My right hon. Friend represents a beautiful constituency like mine and speaks eloquently, and I entirely concur with him, as I am sure we all do. I make a plea to the Government to look at some form of legislation to ensure that developers have a duty to develop responsibly and in ways whereby they treat people and families as human beings, not animals trapped in a cage where they cannot go outside and children cannot roam without annoying the neighbours. This will lead to social breakdown, as we have seen across the country in many areas, and the worst examples lead to more social incohesion, which is the last thing we need.

**Mr Burrowes:** It is a pleasure to take part in this debate and to speak briefly to new clause 1 and amendments 24 and 25, which are both moderate amendments.

We have had a debate about betting shops and FOBTs, but Mr Deputy Speaker is giving great latitude to the discussion on new clause 1, because FOBTs and betting are the responsibility of another Department. This is essentially about the tools in relation to licensing and the welcome review. We have heard the warm-up act from my hon. Friend the Member for Shipley (Philip Davies). His speech can be rehearsed again when we come to the outcome, which hopefully will show evidence of the significant harm that is being done, particularly to the most vulnerable people.

I am not so concerned about the Derek Webbs of this world or the motivations of hon. Members or hon. Friends; I am concerned about the vulnerable people who are certainly being preyed upon, particularly in deprived communities, and especially as a result of the clustering of betting shops. There is good evidence from

[Mr David Burrowes]

the Local Government Association that in areas of clustering there is increased problem gambling. We cannot avoid that evidence. New clause 1 seeks to deal with clustering.

It is just one tool. The number of betting shops, the number of those betting, and indeed those going to payday loan companies, are thankfully being reduced because of other regulatory measures. The 2015 regulatory interventions on payday loans were very welcome, and have had an impact. The additional taxation of gaming machines has also had an impact on the number of betting shops.

These are all tools at the Government's disposal, but we are discussing planning tools and whether they are fit for purpose. In London there are local plans in Enfield and elsewhere—the borough plans that take account of impact on amenity, concentration of similar uses, security, locality and proximity to sensitive uses. That is all welcome. The previous Mayor of London also focused in his plan on the over-concentration of betting shops and prepared and issued the 2014 supplementary planning guidance. It recognised the urgent need to enable local planning authorities to control the proliferation of betting shops and to address implications of retaining the viability and vitality of town centres while protecting amenity and safety.

Governments, local councils and neighbourhood plans are all on this journey, but all of us in this place may not be on the same journey. There has been good cross-party support for the concerns about clustering, but is that adequate? Control, not least of clustering, is insufficient across the board and across the country, and we must consider the available opportunities. That is what new clause 1 is about. It provides for an assessment when an increase in the number of betting shops or payday lenders is proposed to ensure that deleterious impacts of clustering are prevented.

In many ways, the new clause pulls together the elements of the journey that the Government are on, and I look forward to hearing the Minister welcome the principles behind it. If he is unwilling to support it this time around, taking account of the concerns of my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) about blocking, I hope he recognises that there are good intentions across the House. When the review of fixed odds betting terminals is published, if there is evidence of significant harm, I hope the Government will do what is already within their power and issue appropriate guidance. It matters that betting shops are sadly disproportionately affecting vulnerable people. There is something in the fact that the poorest 55 boroughs have more than twice as many betting shops as the most affluent 115 boroughs. There needs to be an appropriate local dimension so that those poorer boroughs have the Government behind them, backing them up with local plans. I am supportive of new clause 1, but I will not join the hon. Member for Hyndburn (Graham Jones) in the Lobby tonight. I want the Government to be true to their word and take appropriate action and issue guidance at the appropriate time, such as when we hear back from the licensing review.

I support amendments 24 and 25—two welcome and moderate amendments from my hon. Friend the Member for South Cambridgeshire (Heidi Allen). She is somewhat radical on occasions, but they are moderate and simply

state what we all no doubt want to ensure. When we consider new building and the current and future projections in our areas, we must take account of the entire population, older and disabled people in particular. The amendments make sense and fit with the Government's agenda of integrating social care and with the Green Paper about integration across Departments. It is projected that over-65 households will represent almost half of all household growth up to 2026, so getting housing right for older people will have immense benefits for society and the economy. When we ask our local authorities about new higher accessibility standards, the number of retirement housing developments, easy access to public transport and other local services and facilities, home adaptations, disabled facilities grants, and proper and appropriate housing support services in sheltered housing, these amendments will give that real teeth and ensure that what we all want does happen. I look forward to the Minister's positive response.

**Geoffrey Clifton-Brown:** I am grateful for catching your eye, Mr Deputy Speaker. So troublesome am I that three Whips, including one who is sitting next to me, have encouraged me to be brief, so I will do just that.

**Mr Deputy Speaker (Mr Lindsay Hoyle):** It is in your hands.

**Geoffrey Clifton-Brown:** It is in my hands. The Whips will see whether their spell has worked.

I start by welcoming my hon. Friend the Planning Minister. He has been incredibly generous in listening to Back-Bench concerns about planning. Having practised in it as a chartered surveyor, I know that it is an incredibly difficult area. The Bill is important, because neighbourhood plans were introduced by the Localism Act 2011—the clue is in the name—and if we can devolve planning down as far as possible, many people will feel that they have ownership of the planning system and be much happier about what is being done to them. In contrast to some Members who have spoken in this debate, I warmly welcome such plans, and the Bill is a good step forward. New clauses 7 and 8 and amendments 19 and 28, which are in the name of my right hon. Friend the Member for Sutton Coldfield (Mr Mitchell), all represent improvements to the Bill.

We must ensure that neighbourhood plans work, and we need three things to do that. I represent two local authorities, Stroud District Council, which has a local district plan, and Cotswold District Council, which does not, and I have been pretty strong in my words about the latter. The net result in the Cotswold District Council area is that we do not have a single neighbourhood plan in operation.

6.45 pm

I have here a neighbourhood plan; this has 50 or 60 pages of hugely detailed stuff prepared by Fairford Town Council, dealing with not only where houses go, but a host of other aspects such as infrastructure, bus routes and community facilities. It contains a huge range of things, so it is a really good thing to get local people thinking about these plans. They cannot do that, however, unless they have a local plan in place; although they can, theoretically, produce a neighbourhood plan, they need a local plan in place. I therefore urge that we get on to local councils to get one in place.

The second thing that needs to be done is to make sure that the five-year land supply can be controlled by the local authority. As my right hon. and learned Friend the Member for Harborough (Sir Edward Garnier) has made clear, the local planning system is a system of development, not of building. Therefore, if a developer plays the system and does not develop one site but gets planning permission for another, that can throw the system. I am grateful for the Minister's written statement today, which protects the situation until this Bill comes into effect. Indeed, it goes further in some respects than the Bill, because it protects some aspects of a three-year land supply, so I am grateful for what he has done.

If we do not have confidence in the neighbourhood planning system, we will not get any of the 130 towns and villages that I represent in my huge constituency, where 80% is designated as an area of outstanding natural beauty, to produce a neighbourhood plan. Planning is as difficult in the Cotswolds as it is anywhere in the country, and if we want them to produce these neighbourhood plans, which, as others have said, are difficult, detailed, costly and time-consuming for these volunteers, we need to have confidence in the system. In order for that to happen, these plans must work and stand up to scrutiny, and where a local plan and a neighbourhood plan are in operation, it should be de rigueur that the planning inspector does not overturn them, as happened in Kingswood, in the Stroud constituency. Fortunately, this Bill would rectify that, because Kingswood's neighbourhood plan was at an advanced stage of preparation but was not actually adopted. Just to show hon. Members how neighbourhood plans should work, let me point out that in many cases well over 50%, and often 60%, vote for these neighbourhood plans in referendums, so they are very popular. As has been said by a number of others, they bring forward more houses, because when people buy in to the system, they tend to want to adopt more houses. So I think this is an excellent Bill and I commend the Minister for what he has done.

**Dr Blackman-Woods:** Given the lateness of the hour, even though we have a number of amendments in this group, I will speak only to amendments 7 and 8, and to confirm our support for a few others. Amendment 7 would allow the full recovery of costs by local authorities for assisting with the development of a neighbourhood plan. We know that planning departments are massively under-resourced and that they are hugely important in getting the housing that we so desperately need built. I wholeheartedly agree with the Minister that if we want to build the housing we need, we must make sure that planning departments are adequately resourced. I therefore hope he will bring forward something beyond simply allowing local authorities to charge higher fees to resource planning departments properly.

Amendment 8 requires the Secretary of State to prioritise deprived communities when making available financial assistance to support the development of neighbourhood plans. Again, we discussed this in Committee, and if we are really serious about ensuring that all communities across the country are able to produce neighbourhood plans, deprived communities need to be supported in that endeavour and funded properly to produce such a plan. I wish also to put on the record the fact that we support amendments 24, 25

and 29 and new clauses 7 and 1, the latter having been tabled by my hon. Friend the Member for Hyndburn (Graham Jones).

**Gavin Barwell:** In contrast with the first group of amendments, where we had a short debate on technical issues, this group has cut to the heart of our planning system, and I hope the House will bear with me, as I have a large number of amendments to respond to. Of the official Opposition amendments, I will respond only to the ones the hon. Member for City of Durham (Dr Blackman-Woods) spoke to, as I know the Opposition are keen for us to get on to the third group.

I start very quickly with four Government amendments. Three minor and technical amendments, 17, 18 and 19, are required to remove unnecessary duplication between clauses 10 and 11. Amendment 22 to clause 40 amends the commencement provision so that it no longer refers to the duplicated Bill in clause 11. If the House will take me at my word on that, I will move on to the more substantive issues. I will take them in the order in which they were raised in the debate.

Speaking to new clause 1, the hon. Member for Hyndburn (Graham Jones), my right hon. Friend the Member for West Dorset (Sir Oliver Letwin), and my hon. Friends the Members for Congleton (Fiona Bruce) and for Enfield, Southgate (Mr Burrowes) spoke movingly about problems caused by the proliferation—my hon. Friend the Member for Shipley (Philip Davies) begged to differ on that word—or clustering of betting shops in their communities. Their concerns are not just limited to the planning system, but they rightly looked to the planning system to protect their communities.

In responding, I remind the House of important recent changes to the planning system, which specifically require planning applications to be made for additional betting shops or payday loan shops. Before April 2015, under the Town and Country Planning (Use Classes) Order, a new betting shop or payday loan shop could be opened in any premises used for financial or professional services in the A2 use class. In addition, an A3 restaurant, A4 pub and A5 hot food takeaway could all change use to a betting shop or a payday loan shop under permitted development rights without the need for a planning application.

Recognising the concerns that people have expressed about that, the Government changed the Town and Country Planning (Use Classes) Order: betting shops and payday loan shops were made a use class of their own and now require a planning application, allowing proper consideration of the issues that a change of use may raise. As with any planning application, the local planning authority must determine that application in accordance with the development plan, unless material considerations indicate otherwise. Those planning authorities that have concerns about the clustering of such uses should therefore ensure that they have an up-to-date plan in place with relevant policies. As with any policy, that plan should be based on evidence and tailored to meet the needs of the local area.

Paragraph 23 of the NPPF is clear—local planning authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality and to promote a mix of uses.

[Gavin Barwell]

Betting shops and payday loan shops are not an issue everywhere. Where the ongoing clustering of them is an issue, and where that has an adverse impact on the character or balance of uses on the high street, planning authorities can ensure that they have policies in place. We have given them the tools they need to manage the issue.

My hon. Friend the Member for Enfield, Southgate said that this is a local problem that requires local solutions, and the Government agree with that. We do not see the need for national guidance that sets out what every authority should do, partly because the situation is by no means uniform across the country, and partly because there are very different opinions within this House and within local authorities about the right response to these issues. The Government's view therefore is that this is a matter that is best left to individual local authorities, as they know their circumstances.

**Rob Marris** *rose*—

**Gavin Barwell:** I will not take an intervention now, as I am conscious of the time. What I will say to the hon. Gentleman, who clearly has a real passion for this issue, is that I am prepared to talk to colleagues in the Department for Culture, Media and Sport and see, as part of its wider review of these issues, whether it would be helpful to issue guidance to local authorities so that they are aware of the powers that they have and how the NPPF works in this area.

Let me move on now to the main issue of the debate, which was in relation to neighbourhood planning. I thank all right hon. and hon. Members who put their names to new clause 7 for the opportunity to debate an issue in which so many people in this House have a strong interest. I am talking about the role of neighbourhood planning groups in our planning system.

There are many champions of neighbourhood planning in all parts of the House. As the planning Minister, I am very grateful for that support. The encouragement and support of a trusted local MP can undoubtedly help with many aspects of the neighbourhood planning process.

It is worth taking a quick moment to say why neighbourhood planning is so important. Research tells us that 42% of people say that they would be more supportive of proposed developments if local people had a say in them. There is strong evidence that those plans that have included housing allocations have increased, on average, the allocation above what their local planning authority was putting in place. To put that simply, where we give people control of the planning system, they plan for more housing. It is therefore crucial that the plans that people have worked so hard to produce are given proper consideration when local planning decisions are made.

In responding to new clause 7, I want to reassure my right hon. Friend the Member for Arundel and South Downs (Nick Herbert) that measures in the Housing and Planning Act 2016 that were commenced only on 1 October, the measures in this Bill, and in particular the written ministerial statement, which he referred to in his remarks, that I made yesterday, will address the concerns that he has raised. The national planning policy framework already says clearly that, where a

planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted. As my hon. Friend the Member for Congleton pointed out, the issue here is that, where a local planning authority does not have a five-year land supply, that is not a normal circumstance and the presumption in favour of development in some cases—not all—overrides neighbourhood plans.

In the written ministerial statement, I made it clear that from yesterday, where communities plan for housing in their area in a neighbourhood plan, those plans should not be deemed out of date unless there is a significant lack of land supply—that is, under three years. That applies to all plans for the next two years, and for the first two years of any plan that is put into place. That will give a degree of protection that has not been available. The message needs to go out clearly from this House that local authorities must get up-to-date plans in place to provide that protection for neighbourhood plans. I hope that that reassures people. As I said, I have written both to the Planning Inspectorate and to local councils on that issue.

I hope that my right hon. Friend feels that what I have said is part of the solution. I was attracted to part of his new clause 7. It refers to the idea that parish councils and neighbourhood forums should be told if there is a planning application in their area. At present, they have a right to request information, but they are not necessarily told. If he does not press new clause 7 and with his permission, I will take that proposal away and seek to insert it into the Bill in the Lords.

On new clause 8, which deals with the five-year land supply, the written ministerial statement partly addresses that concern, but the other issue that my right hon. Friend touched on was whether, once a five-year land supply has been established, there should be a period that it holds for. The local plans expert group made some very interesting recommendations in that area. We will look at them as part of the White Paper, so I can reassure him that the Government are actively considering that issue and will return to it. I hope that he feels that with the changes in the 2016 Act that have just been brought into force, the changes that we are making in this Bill, the written ministerial statement, the fact that I will accept part of his amendment and what is going to come in the White Paper, there is a package that underlines this Government's commitment to neighbourhood planning. I thank him on a personal level for the priority that he has given to the issue. I found my discussions with him very useful.

On amendments 28 and 29 in the name of my right hon. Friend the Member for Sutton Coldfield (Mr Mitchell), I should say that I am always grateful for his advice and suggestions. He is a champion for his constituency and the whole House understands how passionately he feels about the green belt in his constituency. As someone with green belt in my constituency, I both understand and share that passion. The green belt has been a feature of planning policy throughout the post-war period, and although its boundaries have changed over time, the underlying objective of preventing urban sprawl remains as relevant as ever.

I make it clear to the House that the Government's policy on protecting the green belt and national parks, areas of outstanding natural beauty and sites of special

scientific interest remains unchanged. The national planning policy framework is very clear that it is for local authorities to decide whether to review green-belt boundaries but that they should do so only in exceptional circumstances. There needs to be public consultation and independent examination of their proposals. In relation to applications to build homes on green-belt land, again there is very strong protection. The NPPF says that inappropriate development is by definition harmful to the green belt and should not be approved except in very special circumstances.

**Mr Mitchell:** Given the Minister's eloquent defence of the green belt from the Dispatch Box, can he explain to the House how on earth he reached such a ludicrous position in respect of the decision to lift the delay on Birmingham City Council?

**Gavin Barwell:** As I said, there is independent examination whenever a local authority seeks to review green-belt boundaries. The inspector looked at whether Birmingham City Council's decision passed the test of exceptional circumstances, and his judgment was that the council's proposals on density and its work with neighbouring local authorities under the duty to co-operate passed that test. As my right hon. Friend is aware, the previous Secretary of State issued the holding direction, and we looked at the inspector's decision to see whether there was any reason we might feel he had misdirected himself, and we decided there were no grounds for us to overturn the decision. I understand that my right hon. Friend does not agree with that decision and feels very angry about it, but that is a factual account of what happened.

7 pm

**Mr Mitchell:** Nevertheless, there was no consultation of the 100,000 people in Sutton Coldfield—at least, the consultation was completely ignored. We are the largest town council in the country, and every single town councillor is opposed to this plan. Will my hon. Friend at least suggest to Birmingham City Council that, before it proceeds to ratify the plan, it should consult the largest town council in the country and listen to its views?

**Gavin Barwell:** I was going to come to that issue when I came to my right hon. Friend's second new clause. Since he has raised it with me directly, I am happy to say that I would expect local authorities to consult their parish and town councils. I have no power to direct them to do so, as he alluded to in his speech, but there should clearly be consultation with large town councils and local communities should be consulted as part of the local plan process. I suspect that part of his frustration with this decision is about the fact that he does not necessarily accept the legitimacy of Birmingham imposing it on Sutton Coldfield and that perhaps speaks to his views about local governance in the area. However, the whole House will have heard his passion for this issue.

I am conscious of the time, Mr Speaker, so let me briefly reassure the House on the Government's efforts to ensure that we have a policy of brownfield first. We are introducing statutory brownfield registers. Our estate regeneration strategy, which has just been published, is looking at how we can redevelop our estates. Permitted development is about bringing old

buildings back into use. There is the release of surplus public land. The £3 billion home building fund is aimed at getting brownfield sites back into use. There are also the £1.2 billion starter home land fund and the changes to the NPPF that we are consulting on to put an even stronger emphasis on brownfield. I just want to reassure the House on that issue.

Let me turn to my right hon. Friend's second amendment, on the relationship between neighbourhood plans and local plans and on the roles of parish and town councils. He referred to Sutton Coldfield Town Council, which was recently set up under the reforms the Government brought in to allow new town and parish councils to be established. The Government have a lot of sympathy with the argument he is advancing in this amendment. There are already powers in legislation in relation to the statements of community involvement that local authorities have to produce, but I think he has found an issue where we can strengthen the statutory protections. With his leave, and if he were not to press his amendment, I would like to discuss the issue with him and come back in the Lords to see whether we can make the kind of changes he suggests.

Let me turn briefly to new clause 5 from my right hon. Friend the Member for West Dorset (Sir Oliver Letwin), which is about the resourcing of the neighbourhood planning process. The neighbourhood share of the community infrastructure levy was introduced by this Government in 2013—I suspect that he had a hand in that—to give local people a real say over infrastructure priorities in their area. Communities without a neighbourhood plan already benefit from using 15% of CIL receipts. The money is passed directly to parish and town councils, and Government guidance makes it clear that it can be used to develop a neighbourhood plan.

New clause 5 sets out that a local planning authority may make available funds where a parish agrees to forgo some of the CIL levy it expects to get over time. If communities wish to do that, they are already able to do so, because regulation 59A of the CIL regulations allows them to. However, I think that the wider point my right hon. Friend was trying to probe was about the resourcing for neighbourhood planning. We have a budget of £22.5 million for 2015 to 2018. Nearly £10 million of that has been spent so far. Clearly, if we get an acceleration in the number of neighbourhood plans, we will need to find additional resources, and I am happy to discuss further with him how we might go about doing so.

In new clause 2, my hon. Friend the Member for Eddisbury (Antoinette Sandbach) seeks to encourage developers to comply with existing local and, particularly, neighbourhood plans. At appeal, an award of costs may be made if there has been unreasonable behaviour by a party that has caused another party to incur unnecessary or wasted expenses. It is worth pointing out that Government guidance includes as an example of unreasonable behaviour a development that is clearly not in accordance with the development plan and where no other material considerations indicate that a decision should be made against the development plan. So this ability is already there. An award of costs does not determine the actual amount but states the broad extent of the expense that can be recovered, and the matter then has to be settled between the parties or in the courts.

[Gavin Barwell]

My hon. Friend's new clause raises issues that it may be of interest to explore further. We need to think about whether we can do more to ensure that the collective vision of a community as set out in its neighbourhood plan is not regularly overridden. I cannot agree with the part of the new clause that refers to initial applications to the local authority. However, in relation to award of costs in the appeals system, we can look at what more we can do to ensure that only appeals that have a legitimate chance of success go forward to the inspectorate. If she is happy not to press her new clause, I am happy to look further at that matter.

I thank my hon. Friend the Member for South Cambridgeshire (Heidi Allen) for her two amendments raising the important issue of homes for older and disabled people. The Government want to see new homes and places that stand the test of time. We therefore want to ensure that buildings and spaces work well for everyone and will adapt to the needs of future generations. Her proposal tackles a very important issue. Older and disabled people have a wide range of housing needs. As she implied, we are already seeking to address that in the NPPF. I fully understand why she wanted to further emphasise the importance of this issue by putting it into primary legislation. We need to guard against attempts to put all national planning policy into primary legislation, but she has alighted on a particularly important issue. Given that we support the spirit of her amendments, if she is happy not to press them, I am minded to accept their thrust and work with her to come back in the Lords with amendments approved by parliamentary counsel that take forward the principle of what she has been trying to achieve. I thank her for her interest in this issue.

I turn finally to the amendments tabled by the official Opposition. I will deal with just the two proposed by the hon. Member for City of Durham (Dr Blackman-Woods). On amendment 7, the Secretary of State and I have been clear that the resourcing of local authority planning departments is an issue very close to our hearts. As I set out in Committee, in the specific case of funding for neighbourhood planning duties, we believe that adequate funding is already available. Planning authorities can claim £5,000 for each of the first five neighbourhood areas they designate and, where there is no parish council, a further £5,000 for each of the first five neighbourhood forums. They can claim an additional £20,000 once they have set the date for a referendum. In addition, where a second referendum must be held, a further £10,000 is available. I know that the House is very interested in second referendums at the moment. I should stress that this relates to areas where there are businesses and local residents; it is not an attempt to rerun the argument. In total, £13 million has been paid out since 2012 to help local planning authorities to meet their responsibilities. We are committed to continuing to review the costs incurred by councils delivering neighbourhood planning as take-up increases, and we will continue to fund them. This should not be conflated with the wider issue of the funding of local planning departments. As the hon. Lady knows, we will include proposals in the White Paper to try to address that issue.

Amendment 8 raises the important issue of neighbourhood planning in deprived communities. As I said in Committee, we recognise the issues that those

communities face. Neighbourhood planning groups in these areas can apply for a grant of up to £15,000—£6,000 more than the usual limit—and, in addition, get significant technical support. I am reluctant to put specific spending requirements into primary legislation because we cannot predict the balance of schemes that will come forward, and it could mean that we could not then fund some neighbourhood planning groups in other areas. However, I assure the hon. Lady that we are committed to making sure that deprived communities get the funding they need. This should not just be a policy for wealthy rural areas. We are putting specific effort into encouraging groups in deprived urban areas to apply for neighbourhood planning.

The House has been very patient with me as I have had to deal with a large number of new clauses and amendments in a short period. I hope that Members will not press their new clauses and amendments and are happy with what I have said.

*Question put and negatived.*

### New Clause 9

#### PERMITTED DEVELOPMENT: USE CLAUSES AND DEMOLITION OF DRINKING ESTABLISHMENTS

“(1) The Town and Country Planning (Use Classes) Order 1987 (SI/1987/764) is amended as follows.

(2) At the end of section 3(6) insert—

“(p) drinking establishment.”

(3) In the Schedule, leave out the paragraph starting “Class A4. Drinking Establishments”

(4) The Town and Country Planning (General Permitted Development) Order 1995 (SI1995/418) is amended as follows.

(5) In Part 3 of Schedule 2—

(a) in Class A: Permitted development, leave out “A4 (drinking establishments)”.

(b) in Class AA: Permitted development, leave out “Class A4 (drinking establishments)”.

(c) in Class C: Permitted development, leave out “Class A4 (drinking establishments)”.

(6) In Part 31 of Schedule 2 under A.1 at end insert—

“(i) the building subject to demolition is classed as a drinking establishment”.—(Dr Blackman-Woods.)

*The purpose of this amendment is to ensure that any proposed demolition of or change of use to public houses and other drinking establishments would be subject to planning permission. Currently such buildings, unless they have been listed as Assets of Community Value with the local authority, can be demolished or have their use changed without such permission being granted.*

*Brought up, and read the First time.*

**Dr Blackman-Woods:** I beg to move, That the clause be read a Second time.

**Mr Deputy Speaker (Mr Lindsay Hoyle):** With this it will be convenient to discuss the following:

New clause 10—*Funding for local authority planning functions*—

“(1) The Secretary of State must consult local planning authorities prior to the commencement of any new statutory duties to ensure that they are—

(a) adequately resourced; and

(b) adequately funded

so that they are able to undertake the additional work.

(2) In any instance where that is not the case, an independent review of additional cost must be conducted to set out the level of resource required to allow planning authorities to fulfil any new statutory duties.”

*This new clause would ensure that the costs of new planning duties are calculated and adequately funded.*

New clause 11—*Planning obligations*—

“(1) The Town and Country Planning Act 1990 is amended as follows.

(2) In subsection (1) of section 106 (planning obligations) after paragraph (d) insert—

“(e) requiring that information submitted as part of, and in support of, a viability assessment be made available to the public.””

*This new clause would ensure that viability assessments are public documents with no commercial confidentiality restrictions, except in cases where disclosure would not be in the public interest.*

Amendment 14, page 11, line 1, leave out clause 12.

*This amendment would remove from the Bill completely the changes to planning conditions.*

Amendment 11, in clause 12, page 11, line 18, leave out subsection (2)(a).

*This amendment would ensure that “acceptable in planning terms” does not mean that conditions can be overlooked because they are unacceptable for other reasons.*

Amendment 12, page 11, line 27, leave out subsections (4) to (7).

*This amendment would ensure that local authorities are still able to make necessary pre-commencement conditions on developers.*

Amendment 13, page 11, line 34, at end insert—

“(6A) The Secretary of State should provide guidance for appeal routes where an agreement cannot be reached on pre-commencement conditions, along guidance on pre-completion and pre-occupation conditions.”

*This amendment ensures that there is clarity on appeal routes, pre-completion and pre-occupation conditions.*

Amendment 15, in clause 13, page 12, line 32, at end insert—

“(e) information on the number of permitted demolition of offices for residential use to a similar scale including—

- (i) the impact on a local plan;
- (ii) an estimate as to how many homes the development will deliver; and
- (iii) a consultation with the local authority regarding the effect of the change of use on any urban regeneration plans.”

*This amendment would ensure monitoring of the impact of permitted right of demolition on offices on urban regeneration that requires office space and on the provision of housing.*

Government amendment 20.

Amendment 16, page 13, line 21, at end insert—

“(9) The cost of compiling a register and gathering the information to underpin it should be met by the Secretary of State.”

**Dr Blackman-Woods:** I will speak to new clause 9, tabled by the hon. Member for Leeds North West (Greg Mulholland), because I have added my name to it. It would require the demolition or change of use of pubs to be subject to planning permission. That seems very sensible. It is something that I feel very strongly about. As a shadow Minister, I was at the forefront of the fight against the changes to permitted development rights that the Government started to force through two years ago. I have spoken on pubs and permitted development many times. It is very important, as a pub can often be a real central point for a local community, and so it is right that local residents are given the chance to have their say over what happens to it.

Although pubs can be protected if they are designated an asset of community value, the process for that can be very cumbersome. I believe it is much more appropriate

to return the decision on whether a pub can be demolished or converted to the local community, where it belongs, rather than dealing with it through permitted development.

I will move straight on to—

**John Redwood:** Will the hon. Lady give way?

**Dr Blackman-Woods:** If the right hon. Gentleman will forgive me, I will not, as I am very short of time. I might a bit later, once I have made a bit of progress.

I also want to speak to new clause 11, on the need for the viability assessments to be transparent to the public. Labour has consistently raised this issue, and we continue to believe it is of huge importance. If the public are to accept development in their area, they have to be absolutely certain that viability arrangements for site—in particular, safety integrity level requirements and section 106 requirements—are all that they should be.

As things stand, a viability assessment lays bare to council officers the economics of a project, providing detailed financial evidence for a developer’s claim that a particular scheme would not be viable without reducing the number of affordable homes. The problem is that the assessments are not available for public scrutiny. Labour has commented that despite planning practice guidance encouraging transparency, developers may opt not to disclose their viability assessments to the public on the grounds of commercial confidentiality. It is widely accepted that that is sometimes done so that they can negotiate down their section 106 obligations without public scrutiny. As a consequence, affordable housing may be reduced and the quality of the built environment may suffer. We need a uniform approach to transparency, across the country—I am sure the Minister supports that—so that developers know that they will be open to public scrutiny wherever they decide to operate.

I move on to amendment 14. This Bill is the Government’s sixth measure on the planning system in six years. I hope that the current Minister will not continue what we saw in the past, namely the Government blaming the planning system, or various elements of it, for their failure to build enough homes. On this occasion, pre-commencement planning conditions are in the firing line. But as the Minister well knows from our time in Committee, there is a distinct lack of evidence that pre-commencement planning conditions slow up development. In fact, we heard a lot of evidence that they often make a development acceptable for a local community.

Pre-commencement conditions are also advantageous for a number of different stakeholders in the house building industry. They have certain advantages to developers, who may not be in a position to finalise details for a scheme but wish to secure planning permission as soon as possible. They have advantages for local authorities, because councils may, in practice, have limited legal ability to enforce conditions once a scheme is under way. Conditions are useful to the development industry in general, because they make it possible to permit schemes that might otherwise have to be refused.

7.15 pm

It makes little sense to us to make such important changes as the Minister wants to make to pre-commencement planning conditions, especially as the

evidence that we received suggested that the problem was not with the conditions but with the signing off of planning conditions in a timely manner. The evidence suggested that the problem was mostly with the resourcing of planning departments and the fact that they did not have enough officers to carry out enforcement, rather than with the pre-commencement conditions. We heard that that could slow up development or result in development being rejected because the conditions are not applied to it.

We intend to press to a vote new clause 11 and amendment 14, because we want to ensure that measures are in place not only to deliver the homes that we want in this country, but to make sure that they are in communities that have access to the services, jobs and general good-quality built environment and natural environment that people want.

I will give way to the right hon. Member for Wokingham (John Redwood) if he still wants to intervene.

**John Redwood:** I am grateful to the hon. Lady. My question goes back to her first amendment on pubs. Does she not accept that there are some cases in which no one can run a commercial pub, and no one wants to? In such cases, surely, action has to be taken.

**Dr Blackman-Woods:** We are not against a change of use for a pub; we are against the fact that that change goes through permitted development, taking away local people's right to have a say over what happens to the pub. The new clause is designed to remove those changes from permitted development and put them back into the planning system, which is exactly where they should be.

**Philip Davies** *rose*—

**Dr Blackman-Woods:** I will give way very briefly to the hon. Gentleman; he spoke for a long time earlier.

**Philip Davies:** I am very sympathetic to pubs, and always voted on what we might call the pub side of the argument, including over the tenancy issue—the tied pubs issue—during the previous Parliament. I am concerned that if we say to a struggling pub that it has to get planning permission, the bank might pull the plug on it much more quickly, because there will be no guarantee that the bank will be able to get its money back—as it can at the moment—if it keeps lending the pub money. I wonder what the hon. Lady makes of the idea that the proposal could be inadvertently counterproductive for pubs that are struggling.

**Dr Blackman-Woods:** When we are considering the future of a pub, it is really important that the local community has a say in that. In the totality of the scheme, it is rarely the case that the cost of a planning application will make the whole scheme viable or unviable in the long term.

I want to speak briefly to new clause 10, which is designed to press the Minister when it comes to ensuring that planning departments are adequately resourced, not only to undertake their current work but to deal with any new burdens that the Minister places on them. I will leave it there, to allow the hon. Member for Leeds North West (Greg Mulholland) to come in on new clause 9.

**Philip Davies:** I do not intend to trouble the House for long, but I want to focus on new clause 9. I am pleased that the hon. Member for Leeds North West (Greg Mulholland) is in his place, and I pay tribute to him for the work that he has done over many years to support pubs. Just to show that I do not want to ban things that I do not do myself, I remind the House that I do not drink. I am a teetotaler, but I still believe in pubs and their importance in the local community, and in people's freedom to do as they please.

The hon. Gentleman has done a fantastic job of supporting the pub industry. As I made clear in my intervention, during the previous Parliament I voted on the side of pubs on the question of whether they should be tied. I felt that too many pubs were tied to unfair conditions that affected their viability, and I was pleased that the Government lost that vote. My instinct is to want to support the hon. Gentleman's new clause 9, because I support pubs and the work that he does.

I will not blame the hon. Member for City of Durham (Dr Blackman-Woods), who is very impressive, but I clearly did not explain myself very well when I raised my concern. It was not her lack of understanding; it was clearly the fault of my explanation. I apologise for putting her in the difficult position of trying to make sense of something that did not make any sense at all.

I would be very pleased to hear how the hon. Member for Leeds North West can address my concern about new clause 9. If a struggling pub needs support from the bank to keep it going and the bank knows that the site of the closed pub can easily be changed to an alternative use without going through a bureaucratic planning process that may end up with the plans being rejected, my fear is that the bank—it knows that if all goes wrong, it can get its money back by changing the pub's use or building something else on the site—will pull the plug on the pub much earlier in the process, instead of investing more money in the pub to help it to keep going and to turn it around. The bank might think, "If this goes on, we're not going to get our money back. If we can't get planning permission on this land, we'll be left with a debt we're never going to be able to recover. We do not want to get ourselves into that mess in the first place, so we will pull the plug on the pub."

**Greg Mulholland** (Leeds North West) (LD): I thank the hon. Gentleman, who is my constituency neighbour, for making that point—I also thank him for his support on pub issues in the past—but his concerns are entirely misplaced. I may not have the time to convince him of that today. The reality is that profitable pubs are being closed up and down the country, but that is nothing to do with the banks. No one is saying that, when a pub is not viable and no one wants to buy it as a pub, it should not be given planning permission. However, because of these absurd loopholes at the moment, people are deliberately targeting profitable pubs because they will make a good supermarket. Surely as someone who believes in localism, he cannot support that.

**Philip Davies:** The hon. Gentleman makes a very good case, although as someone who worked for a supermarket chain for 13 years, I am not sure that was the best example he could have given to try to persuade me. I take on board his point, which is a good one.

I will not go on for much longer, because I want to listen to what other Members have to say. I am genuinely in a difficult position because I can see both sides of the argument. I will, however, reiterate my fear about a new clause that has the best of intentions. It aims to do what I think we would all want, which is to help the pubs sector to flourish. Pubs are important to our local communities, and I am all for them. In some instances—perhaps not in every instance, and perhaps not even in the majority of instances—new clause 9 may have the unintended consequence of leading to the closure of pubs much sooner and much more often than would otherwise be the case.

I will listen to the cases that other Members make. I will do a rare thing in this House: I will listen to the debate before deciding how to vote.

**Greg Mulholland:** I thank my colleagues on the save the pub all-party group, particularly the hon. Members for Brighton, Pavilion (Caroline Lucas) and for Sheffield, Heeley (Louise Haigh), who are vice-chairs of it. I thank the hon. Member for City of Durham (Dr Blackman-Woods) for very kindly opening the debate for me. I apologise to you, Madam Deputy Speaker, and to the House for not being present at that time, but I was wandering over to the Chamber expecting a vote and suddenly saw that the debate on new clause 9 had begun. I also thank the hon. Lady and her colleagues for their consistent support on this issue. Above all, I thank the hon. Member for Eddisbury (Antoinette Sandbach) for having the courage to add her name to the new clause. She will be toasted by many groups around the country.

I thank Protect Pubs for its excellent campaigning. It is now the leading organisation in the country for standing up for and protecting our pubs. I also thank the British Pub Confederation, which represents 14 pub sector organisations in the UK. I declare an interest as I am its chair.

Today we are campaigning on exactly the same issue that the hon. Lady's colleague and great friend of pubs, the hon. Member for Bristol North West (Charlotte Leslie), set out in an amendment in February 2015 as vice-chair of the save the pub group. Too many pubs are still closing. The statistics go up and down slightly, but in excess of 20 pubs are closing a week.

The hon. Member for Shipley (Philip Davies) has missed the point. The new clause is not about stopping pubs that are not viable from being converted into other things. Pubs are being converted into other things all the time. Some pubs might be unviable, but a considerable number of them are viable and profitable. Unfortunately, they are closing because of permitted development rights. Surely it cannot be right that a wanted, profitable business can be closed without local people having any say.

I will not go into the detail, because I know there is limited time, but I think that people are aware of the Town and Country Planning (General Permitted Development) Order 1995, which allows people to turn pubs into shops, supermarkets and offices, or to demolish them, without planning permission. May I ask how long I have to speak, Madam Deputy Speaker?

**Madam Deputy Speaker (Mrs Eleanor Laing):** The hon. Gentleman will be aware that the debate has to finish in just over 20 minutes and that several other

Members wish to speak. Of course, if the House does not wish to hear the Minister, that is up to the House. I would like to hear the Minister, but I cannot insist upon it.

**Greg Mulholland:** Of course we must hear from the Minister, but we need to hear the argument or people will not know what the new clause is about, as is clear from the comments made by the hon. Member for Shipley.

The new clause is about the simple principle that if someone wants to demolish a pub or to convert it into anything, the proposal should go through the planning process to allow residents to have their say on whether they oppose or support it. That is all we are talking about. This simple, common-sense change would mean that—as is the case, strangely, for theatres and launderettes—proposals for pubs would have to go through the planning process.

Let me quote a Conservative councillor. Councillor Michael Iszatt of Cheshunt North ward in Hertfordshire was quoted in *The Guardian* in 2014, talking about the closure of the Victoria. He said:

“It wasn't a quiet pub”.

He clearly knew that it was not a failing pub, as did the planning authority, but it could do nothing. Councillor Iszatt said:

“Localism doesn't apply here... Localism's got to be a little village where the big supermarkets aren't interested, because there aren't thousands of people to buy things. We're not allowed to have a community. But the reality is, we do.”

That profitable and wanted pub became a Morrisons. It was the victim of the sort of predatory purchasing that we see all the time.

**Madam Deputy Speaker:** Order. I must tell the hon. Gentleman that I was mistaken and have misled him. There are only 11 minutes left in the debate.

**Greg Mulholland:** Thank you, Madam Deputy Speaker. I will speak for no more than a minute to conclude, because otherwise people will not have heard any of the arguments for the new clause.

The Victoria was a profitable, wanted pub. It was closed in 2014 and turned into a Morrisons. And guess what? Because people did not want that and did not have the chance to comment, the Morrisons has closed. Permitted development rights have doubly failed that community, because a profitable business was closed and a supermarket that was not wanted has also closed, meaning that the building is empty.

I know that the Government will not listen and make a concession; frankly, they have not had the chance to hear the arguments properly. However, I urge Ministers to sit down with me and the save the pub group, with the hon. Member for Eddisbury and with Councillor Michael Iszatt to discuss how the Government can address the problem. While communities up and down the country—and councillors, including Conservative ones—are in uproar about the situation, it cannot continue.

7.30 pm

**Mike Wood (Dudley South) (Con):** I rise as a member of the Campaign for Real Ale and one of the vice-chairmen of the all-party group on beer and brewing.

[Mike Wood]

Given what we hear about the number of pubs closing each week, a proposal such as new clause 9 has a superficial attraction. After all, pubs are at the heart of our communities not only as a place for people to come together, with all the social and health benefits that that brings, but increasingly as community hubs, as more and more services are operating out of licensed premises.

**James Morris** (Halesowen and Rowley Regis) (Con): Will my hon. Friend give way?

**Mike Wood:** I am afraid that I must continue.

Unfortunately, the new clause smacks a little of, “Something needs to be done. This is something, so it must be done.” What we really need is thriving pubs, but the new clause would do little to support them. Removing permitted development rights for change of use would put many more pubs at risk because those rights are a genuine asset that pubs can borrow against. They have a real value and mean not only that pubs can invest in development, but that they have a little more leeway when times are tough, knowing that should they fail they will still have value because a change of use is available under permitted development. Although the mind is drawn more immediately to the 21 pubs a week that close than to the many more that are just about managing to stay open, the latter would be hit the hardest by the removal of permitted development rights.

We have heard a number of examples of successful pubs being converted into supermarkets, and addressing that is the purpose of the new clause. However, where there are successful pubs at the heart of our communities, they can already be added to the register of assets of community value so that permitted development rights are suspended, or councils can use article 4 directions to suspend those rights. The new clause is therefore not necessary, which is why I shall vote against it this evening.

**Sir Oliver Letwin:** I can be brief: I hope the Minister will resist amendment 14 entirely; clause 12 is an excellent clause.

**Gavin Barwell:** I start by congratulating my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) on one of the finest speeches I have heard in this Chamber.

First, I will briefly address Government amendment 20. This minor technical amendment clarifies the fact that the Secretary of State is able to require only certain kinds of application or notification to be placed on a planning register.

In the short time available, I will do as much justice as I can to the new clauses and amendments that have been spoken to. On new clause 9, I start by saying to the hon. Member for Leeds North West (Greg Mulholland) that I would be very happy to sit down with him and other colleagues who feel strongly about the issue. I do not think that we have had the time tonight to air the issues involved properly, but I will briefly say two things to him so that he at least knows where I start from.

First, the hon. Gentleman will know that the current Government, and the coalition Government whom he supported, have done a lot to try to help our pub

industry. There is the community pub business support programme, which is providing more than £3.5 million of funding for people to buy their local pub. There is the community right to bid, and people can list their local as an asset of community value, with more than 1,280 pubs listed to date. There has been the scrapping of the beer duty escalator—appropriately, my hon. Friend the Member for Burton (Andrew Griffiths) is in his place as the Whip on the Government Front Bench. Beer duty was frozen in the 2016 Budget, having been reduced in each of the three preceding Budgets.

The Government’s starting point on the detail of the new clause—I am happy to discuss it with the hon. Gentleman—is that, from 6 April 2015, permitted development rights for the change of use or demolition of a pub were removed for those pubs that a community has demonstrated it values by nominating them as assets of community value. It is not only the Government who believe that that strikes the right balance. A briefing note from the British Beer and Pub Association makes the point that removing permitted development would not only stop the conversion of pubs to supermarkets and whatever else we would want to stop, but might prevent pubs from doing improvement works to their premises, which we clearly would not want.

**Greg Mulholland:** Surely the Minister knows what the so-called British Beer and Pub Association is—it is the representative body for the large property companies called pubcos, which are selling off pubs. Of course it wants its members to be able to continue this appalling asset-stripping and to continue doing deals with supermarkets.

**Gavin Barwell:** I am well aware of what the BBPA is, but I tend to take the approach that, when I see briefings, I look at the points they make. If they make a sensible point, they are worth looking at. The BBPA makes a serious point. As I have said, I am happy to meet the hon. Gentleman to discuss those issues further.

We discussed viability assessments, which are the subject of new clause 11, in Committee. There is existing legislation in the form of the Freedom of Information Act and environmental information regulations. The Government release information, and local authorities are free to make viability assessments publicly available.

In the time available, I shall make one simple point. The hon. Member for City of Durham (Dr Blackman-Woods) said that she wants a uniform approach across the country. I am interested in seeing councils trial different approaches to see what works most effectively. The Mayor of London is not a Conservative politician, but I was interested to see the policy that he announced recently. That policy is a different way of tackling the problem—a tariff is set, and if developers meet the requirements, they do not need to go through a viability assessment.

**Dr Blackman-Woods:** The point I was making was that people should have access to viability assessments no matter where they live.

**Gavin Barwell:** The hon. Lady is entitled to hold that view, but I take a slightly more localist one. Local authorities should decide whether they want to publish that information. Commercial confidentiality makes that difficult in some cases. To a degree, her proposal

recognises that, because it would not mean access in every single case. However, I am not persuaded of the need to legislate.

In the two or three minutes available, I want to address planning conditions, which my right hon. Friend the Member for West Dorset mentioned in his excellent brief speech. It is not the Government's approach to blame the planning system or anybody else for the housing problems the country faces. For 30 or 40 years, we have not built enough homes, and a range of people are responsible for that. Governments of different political colours have not done enough on infrastructure funding. There are problems in our planning system, but that is not a personal attack on planners. We need to reform that system to make it easier to release land and to speed up the process of building homes. We need to change the local house building politics in our communities. To a degree, that is what neighbourhood planning is all about. We need to diversify the market so that a far bigger range of people build our homes.

The Prime Minister has given me a very clear brief, however. We should look at anything that makes it more difficult to build the homes that we desperately need in this country. There is very clear evidence about this, and that is not just from developers—hon. Members might say, “Developers would say that wouldn't they”—but from the District Councils Network. In its evidence, it acknowledges that an overuse of planning conditions means that it takes longer to move from the point at which we get planning approval for housing to the point at which spades go into the ground.

In the year to June 2016, the planning reforms that the coalition Government and this Conservative Government have enacted led to the granting of a record number of planning applications for housing in this country—for 277,000 homes. Rather than being complacent about that, I take the opposite attitude. People cannot live in a planning application. It is all very well reforming the planning system and getting consent for more homes, but we need to turn those planning consents into built homes around the country. That involves looking at a range of issues, one of which, as the hon. Member for City of Durham rightly said, is the resourcing of planning departments, and their ability to deal with this work and to conclude section 106 agreements quickly. We will do something about that. Another problem is the performance of our utility companies in some parts of the country, and we will do something about that. Another is the performance sometimes of our major developers, which are too slow to build out, and we will address that.

There is clear and compelling evidence, however, that one of the factors that leads to this problem is the overuse of planning conditions and, in particular, the use of pre-commencement conditions—when a local authority essentially says, “Before you can even get a spade in the ground, here is a long list of things that need to be done.” In some cases, such conditions are justified, such as for archaeological works, when things need to be done before building starts, but there is plenty of evidence, as presented to the Public Bill Committee, that such conditions are being misused in many cases, and the Government are determined to put a stop to it. We are determined to get the homes that we desperately need in this country built, and the Bill is a first step in that process.

*Question put, That the clause be read a Second time.*

*The House divided: Ayes 161, Noes 274.*

**Division No. 108]**

**[7.40 pm**

**AYES**

Alexander, Heidi	Hillier, Meg
Allin-Khan, Dr Rosena	Hodgson, Mrs Sharon
Anderson, Mr David	Hollobone, Mr Philip
Bailey, Mr Adrian	Hopkins, Kelvin
Barron, rh Sir Kevin	Howarth, rh Mr George
Beckett, rh Margaret	Hunt, Tristram
Berger, Luciana	Huq, Dr Rupa
Blackman-Woods, Dr Roberta	Jarvis, Dan
Blenkinsop, Tom	Jones, Gerald
Blomfield, Paul	Jones, Graham
Bottomley, Sir Peter	Jones, Helen
Bradshaw, rh Mr Ben	Jones, Mr Kevan
Brake, rh Tom	Kane, Mike
Brown, Lyn	Kinnock, Stephen
Brown, rh Mr Nicholas	Knight, rh Sir Greg
Buck, Ms Karen	Kyle, Peter
Burnham, rh Andy	Lammy, rh Mr David
Byrne, rh Liam	Lavery, Ian
Cadbury, Ruth	Lewell-Buck, Mrs Emma
Campbell, rh Mr Alan	Lucas, Caroline
Chapman, Jenny	Lucas, Ian C.
Clwyd, rh Ann	Lynch, Holly
Coaker, Vernon	Mactaggart, rh Fiona
Coffey, Ann	Madders, Justin
Cooper, Rosie	Mahmood, Shabana
Cooper, rh Yvette	Malhotra, Seema
Coyle, Neil	Marris, Rob
Crausby, Mr David	Marsden, Gordon
Creasy, Stella	Maskell, Rachael
Cryer, John	Matheson, Christian
Cunningham, Mr Jim	Mathias, Dr Tania
Dakin, Nic	McCabe, Steve
Danczuk, Simon	McCarthy, Kerry
Davies, Geraint	McFadden, rh Mr Pat
De Piero, Gloria	McGovern, Alison
Doughty, Stephen	McInnes, Liz
Dowd, Jim	McKinnell, Catherine
Dowd, Peter	McMahon, Jim
Dugher, Michael	Mearns, Ian
Durkan, Mark	Moon, Mrs Madeleine
Eagle, Ms Angela	Morden, Jessica
Eagle, Maria	Mulholland, Greg
Efford, Clive	Murray, Ian
Elliott, Julie	Nandy, Lisa
Ellman, Mrs Louise	Onwurah, Chi
Elmore, Chris	Owen, Albert
Esterson, Bill	Pearce, Teresa
Evans, Chris	Pennycook, Matthew
Field, rh Frank	Perkins, Toby
Fitzpatrick, Jim	Phillips, Jess
Fiello, Robert	Powell, Lucy
Fletcher, Colleen	Reed, Mr Jamie
Flynn, Paul	Rees, Christina
Fovargue, Yvonne	Reeves, Rachel
Furniss, Gill	Reynolds, Emma
Gapes, Mike	Reynolds, Jonathan
Glass, Pat	Ritchie, Ms Margaret
Glindon, Mary	Robinson, Mr Geoffrey
Godsiff, Mr Roger	Ryan, rh Joan
Goodman, Helen	Shah, Naz
Green, Kate	Shannon, Jim
Greenwood, Margaret	Sherriff, Paula
Griffith, Nia	Shuker, Mr Gavin
Haigh, Louise	Siddiq, Tulip
Hanson, rh Mr David	Skinner, Mr Dennis
Harris, Carolyn	Slaughter, Andy

Smeeth, Ruth  
 Smith, rh Mr Andrew  
 Smith, Angela  
 Smith, Cat  
 Smith, Nick  
 Smyth, Karin  
 Stevens, Jo  
 Streeting, Wes  
 Stuart, rh Ms Gisela  
 Tami, Mark  
 Thomas, Mr Gareth  
 Thomas-Symonds, Nick  
 Timms, rh Stephen  
 Trickett, Jon  
 Turley, Anna  
 Turner, Karl

Twigg, Derek  
 Twigg, Stephen  
 Umunna, Mr Chuka  
 Vaz, rh Keith  
 Watson, Mr Tom  
 West, Catherine  
 Whitehead, Dr Alan  
 Wilson, Phil  
 Winnick, Mr David  
 Winterton, rh Dame Rosie  
 Woodcock, John  
 Wright, Mr Iain  
 Zeichner, Daniel

**Tellers for the Ayes:**  
**Jeff Smith and**  
**Vicky Foxcroft**

#### NOES

Adams, Nigel  
 Afriyie, Adam  
 Aldous, Peter  
 Allan, Lucy  
 Allen, Heidi  
 Amess, Sir David  
 Andrew, Stuart  
 Ansell, Caroline  
 Argar, Edward  
 Bacon, Mr Richard  
 Baker, Mr Steve  
 Baldwin, Harriett  
 Barclay, Stephen  
 Barwell, Gavin  
 Bellingham, Sir Henry  
 Benyon, Richard  
 Beresford, Sir Paul  
 Berry, Jake  
 Berry, James  
 Bingham, Andrew  
 Blackman, Bob  
 Blackwood, Nicola  
 Blunt, Crispin  
 Borwick, Victoria  
 Bradley, rh Karen  
 Brady, Mr Graham  
 Brazier, Mr Julian  
 Brokenshire, rh James  
 Bruce, Fiona  
 Buckland, Robert  
 Burns, Conor  
 Burns, rh Sir Simon  
 Burrowes, Mr David  
 Burt, rh Alistair  
 Campbell, Mr Gregory  
 Carmichael, Neil  
 Cartledge, James  
 Cash, Sir William  
 Caulfield, Maria  
 Chalk, Alex  
 Chishti, Rehman  
 Churchill, Jo  
 Cleverly, James  
 Clifton-Brown, Geoffrey  
 Collins, Damian  
 Colvile, Oliver  
 Costa, Alberto  
 Courts, Robert  
 Cox, Mr Geoffrey  
 Crouch, Tracey  
 Davies, Byron  
 Davies, Chris  
 Davies, David T. C.

Davies, Glyn  
 Davies, Dr James  
 Davies, Mims  
 Davies, Philip  
 Davis, rh Mr David  
 Dinenage, Caroline  
 Djanogly, Mr Jonathan  
 Dodds, rh Mr Nigel  
 Donaldson, rh Sir Jeffrey M.  
 Donelan, Michelle  
 Double, Steve  
 Dowden, Oliver  
 Doyle-Price, Jackie  
 Drax, Richard  
 Drummond, Mrs Flick  
 Duddridge, James  
 Duncan Smith, rh Mr Iain  
 Dunne, Mr Philip  
 Elliott, Tom  
 Ellis, Michael  
 Ellwood, Mr Tobias  
 Elphicke, Charlie  
 Evans, Graham  
 Evans, Mr Nigel  
 Evennett, rh David  
 Fabricant, Michael  
 Fernandes, Suella  
 Field, rh Mark  
 Foster, Kevin  
 Frazer, Lucy  
 Freeman, George  
 Freer, Mike  
 Fuller, Richard  
 Fysh, Marcus  
 Garnier, Mark  
 Ghani, Nusrat  
 Gibb, Mr Nick  
 Gillan, rh Mrs Cheryl  
 Glen, John  
 Goodwill, Mr Robert  
 Grant, Mrs Helen  
 Grayling, rh Chris  
 Green, Chris  
 Green, rh Damian  
 Greening, rh Justine  
 Gummer, rh Ben  
 Gyimah, Mr Sam  
 Halfon, rh Robert  
 Hall, Luke  
 Hammond, Stephen  
 Hancock, rh Matt  
 Harrington, Richard  
 Harris, Rebecca

Hart, Simon  
 Hayes, rh Mr John  
 Heald, rh Sir Oliver  
 Heapey, James  
 Heaton-Harris, Chris  
 Heaton-Jones, Peter  
 Henderson, Gordon  
 Herbert, rh Nick  
 Hinds, Damian  
 Hoare, Simon  
 Hollingbery, George  
 Holloway, Mr Adam  
 Hopkins, Kris  
 Howarth, Sir Gerald  
 Howlett, Ben  
 Huddleston, Nigel  
 Hunt, rh Mr Jeremy  
 Hurd, Mr Nick  
 Jackson, Mr Stewart  
 James, Margot  
 Javid, rh Sajid  
 Jayawardena, Mr Ranil  
 Jenkyns, Andrea  
 Jenrick, Robert  
 Johnson, Dr Caroline  
 Johnson, Gareth  
 Johnson, Joseph  
 Jones, Andrew  
 Jones, Mr Marcus  
 Kawczynski, Daniel  
 Kennedy, Seema  
 Kinahan, Danny  
 Knight, Julian  
 Kwarteng, Kwasi  
 Lancaster, Mark  
 Latham, Pauline  
 Leadsom, rh Andrea  
 Lee, Dr Phillip  
 Lefroy, Jeremy  
 Leigh, Sir Edward  
 Letwin, rh Sir Oliver  
 Lewis, rh Brandon  
 Lewis, rh Dr Julian  
 Liddell-Grainger, Mr Ian  
 Lidington, rh Mr David  
 Lopresti, Jack  
 Lord, Jonathan  
 Loughton, Tim  
 Lumley, Karen  
 Mackintosh, David  
 Main, Mrs Anne  
 Mak, Mr Alan  
 Malthouse, Kit  
 Mann, Scott  
 May, rh Mrs Theresa  
 Maynard, Paul  
 McCartney, Karl  
 McLoughlin, rh Sir Patrick  
 Menzies, Mark  
 Mercer, Johnny  
 Merriman, Huw  
 Metcalfe, Stephen  
 Miller, rh Mrs Maria  
 Milling, Amanda  
 Mills, Nigel  
 Milton, rh Anne  
 Mordaunt, Penny  
 Morris, Anne Marie  
 Morris, David  
 Morris, James  
 Morton, Wendy  
 Mowat, David

Murray, Mrs Sheryll  
 Murrison, Dr Andrew  
 Neill, Robert  
 Newton, Sarah  
 Nokes, Caroline  
 Norman, Jesse  
 Nuttall, Mr David  
 Offord, Dr Matthew  
 Opperman, Guy  
 Parish, Neil  
 Patel, rh Priti  
 Paterson, rh Mr Owen  
 Pawsey, Mark  
 Penning, rh Mike  
 Penrose, John  
 Percy, Andrew  
 Perry, Claire  
 Philp, Chris  
 Pincher, Christopher  
 Poulter, Dr Daniel  
 Pow, Rebecca  
 Prentis, Victoria  
 Prisk, Mr Mark  
 Pursglove, Tom  
 Quin, Jeremy  
 Quince, Will  
 Raab, Mr Dominic  
 Redwood, rh John  
 Rees-Mogg, Mr Jacob  
 Robertson, Mr Laurence  
 Robinson, Gavin  
 Robinson, Mary  
 Rosindell, Andrew  
 Rudd, rh Amber  
 Rutley, David  
 Scully, Paul  
 Selous, Andrew  
 Shapps, rh Grant  
 Sharma, Alok  
 Simpson, David  
 Skidmore, Chris  
 Smith, Henry  
 Smith, Julian  
 Smith, Royston  
 Soames, rh Sir Nicholas  
 Solloway, Amanda  
 Soubry, rh Anna  
 Spelman, rh Dame Caroline  
 Spencer, Mark  
 Stephenson, Andrew  
 Stevenson, John  
 Stewart, Iain  
 Stewart, Rory  
 Streeter, Mr Gary  
 Stride, Mel  
 Stuart, Graham  
 Sturdy, Julian  
 Sunak, Rishi  
 Swayne, rh Sir Desmond  
 Swire, rh Sir Hugo  
 Syms, Mr Robert  
 Thomas, Derek  
 Timpson, Edward  
 Tolhurst, Kelly  
 Tomlinson, Justin  
 Tomlinson, Michael  
 Tracey, Craig  
 Tredinnick, David  
 Trevelyan, Mrs Anne-Marie  
 Truss, rh Elizabeth  
 Tugendhat, Tom  
 Turner, Mr Andrew

Tyrie, rh Mr Andrew  
 Vaizey, rh Mr Edward  
 Vara, Mr Shailesh  
 Vickers, Martin  
 Villiers, rh Mrs Theresa  
 Walker, Mr Charles  
 Walker, Mr Robin  
 Wallace, Mr Ben  
 Warburton, David  
 Warman, Matt  
 Wharton, James  
 Whately, Helen  
 Wheeler, Heather  
 White, Chris

Whittaker, Craig  
 Whittingdale, rh Mr John  
 Wiggin, Bill  
 Williams, Craig  
 Williamson, rh Gavin  
 Wilson, Mr Rob  
 Wilson, Sammy  
 Wollaston, Dr Sarah  
 Wood, Mike  
 Wragg, William

**Tellers for the Noes:**  
**Andrew Griffiths and**  
**Steve Brine**

Cunningham, Mr Jim  
 Dakin, Nic  
 Danczuk, Simon  
 Davies, Geraint  
 De Piero, Gloria  
 Doughty, Stephen  
 Dowd, Jim  
 Dowd, Peter  
 Dugher, Michael  
 Durkan, Mark  
 Eagle, Ms Angela  
 Eagle, Maria  
 Efford, Clive  
 Elliott, Julie  
 Ellman, Mrs Louise  
 Elmore, Chris  
 Esterson, Bill  
 Evans, Chris  
 Field, rh Frank  
 Fello, Robert  
 Fletcher, Colleen  
 Flynn, Paul  
 Fovargue, Yvonne  
 Furniss, Gill  
 Gapes, Mike  
 Glass, Pat  
 Glindon, Mary  
 Godsiff, Mr Roger  
 Goodman, Helen  
 Green, Kate  
 Greenwood, Margaret  
 Griffith, Nia  
 Haigh, Louise  
 Hanson, rh Mr David  
 Harris, Carolyn  
 Hillier, Meg  
 Hodgson, Mrs Sharon  
 Hopkins, Kelvin  
 Howarth, rh Mr George  
 Hunt, Tristram  
 Huq, Dr Rupa  
 Jarvis, Dan  
 Jones, Gerald  
 Jones, Graham  
 Jones, Helen  
 Jones, Mr Kevan  
 Kane, Mike  
 Kinnock, Stephen  
 Kyle, Peter  
 Lammy, rh Mr David  
 Lavery, Ian  
 Lewell-Buck, Mrs Emma  
 Lucas, Caroline  
 Lucas, Ian C.  
 Lynch, Holly  
 Mactaggart, rh Fiona  
 Madders, Justin  
 Mahmood, Shabana  
 Malhotra, Seema  
 Marris, Rob  
 Marsden, Gordon  
 Maskell, Rachael  
 Matheson, Christian  
 McCabe, Steve  
 McCarthy, Kerry  
 McFadden, rh Mr Pat

McGovern, Alison  
 McInnes, Liz  
 McKinnell, Catherine  
 McMahon, Jim  
 Mearns, Ian  
 Moon, Mrs Madeleine  
 Morden, Jessica  
 Mulholland, Greg  
 Murray, Ian  
 Nandy, Lisa  
 Onwurah, Chi  
 Owen, Albert  
 Pearce, Teresa  
 Pennycook, Matthew  
 Perkins, Toby  
 Phillips, Jess  
 Powell, Lucy  
 Reed, Mr Jamie  
 Rees, Christina  
 Reeves, Rachel  
 Reynolds, Emma  
 Reynolds, Jonathan  
 Ritchie, Ms Margaret  
 Robinson, Mr Geoffrey  
 Ryan, rh Joan  
 Shah, Naz  
 Shannon, Jim  
 Sherriff, Paula  
 Shuker, Mr Gavin  
 Siddiq, Tulip  
 Skinner, Mr Dennis  
 Slaughter, Andy  
 Smeeth, Ruth  
 Smith, rh Mr Andrew  
 Smith, Angela  
 Smith, Cat  
 Smith, Nick  
 Smyth, Karin  
 Spellar, rh Mr John  
 Stevens, Jo  
 Streeting, Wes  
 Stuart, rh Ms Gisela  
 Tami, Mark  
 Thomas, Mr Gareth  
 Thomas-Symonds, Nick  
 Timms, rh Stephen  
 Trickett, Jon  
 Turley, Anna  
 Turner, Karl  
 Twigg, Derek  
 Twigg, Stephen  
 Umunna, Mr Chuka  
 Vaz, rh Keith  
 West, Catherine  
 Whitehead, Dr Alan  
 Wilson, Phil  
 Winnick, Mr David  
 Winterton, rh Dame Rosie  
 Woodcock, John  
 Wright, Mr Iain  
 Zeichner, Daniel

**Tellers for the Ayes:**  
**Jeff Smith and**  
**Vicky Foxcroft**

#### NOES

Adams, Nigel  
 Afriyie, Adam  
 Aldous, Peter  
 Allan, Lucy  
 Allen, Heidi  
 Amess, Sir David

*Question accordingly negated.*

7.52 pm

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

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

#### Clause 11

##### STATEMENTS OF COMMUNITY INVOLVEMENT

*Amendments made: 17, page 10, line 23, leave out "Section 18" and insert "In section 18(2)".*

*This amendment and amendments 18, 19 and 22 provide for the removal of the power conferred by clause 11(3) for regulations to require a local planning authority to review its statement of community involvement at prescribed times. The power in clause 10 now covers this in more general terms.*

*Amendment 18, line 24, leave out from "involvement)" to "after" in line 25.*

*See the explanatory statement for amendment 17.*

*Amendment 19, line 26, leave out subsection (3).—(Gavin Barwell.)*

*See the explanatory statement for amendment 17*

#### Clause 12

##### RESTRICTIONS ON POWER TO IMPOSE PLANNING CONDITIONS

*Amendment proposed: 14, page 11, line 1, leave out clause 12. —(Dr Blackman-Woods.)*

*This amendment would remove from the Bill completely the changes to planning conditions.*

*The House divided: Ayes 157, Noes 279.*

#### Division No. 109]

[7.53 pm

#### AYES

Alexander, Heidi  
 Allin-Khan, Dr Rosena  
 Anderson, Mr David  
 Bailey, Mr Adrian  
 Barron, rh Sir Kevin  
 Beckett, rh Margaret  
 Berger, Luciana  
 Blackman-Woods, Dr Roberta  
 Blenkinsop, Tom  
 Blomfield, Paul  
 Brabin, Tracy  
 Bradshaw, rh Mr Ben  
 Brown, Lyn  
 Brown, rh Mr Nicholas  
 Buck, Ms Karen  
 Burnham, rh Andy  
 Byrne, rh Liam  
 Cadbury, Ruth  
 Campbell, rh Mr Alan  
 Chapman, Jenny  
 Clwyd, rh Ann  
 Coaker, Vernon  
 Coffey, Ann  
 Cooper, Rosie  
 Cooper, rh Yvette  
 Corbyn, rh Jeremy  
 Coyle, Neil  
 Crausby, Mr David  
 Creasy, Stella  
 Cryer, John

Andrew, Stuart  
 Ansell, Caroline  
 Argar, Edward  
 Bacon, Mr Richard  
 Baker, Mr Steve  
 Baldwin, Harriett  
 Barclay, Stephen  
 Barwell, Gavin  
 Bellingham, Sir Henry  
 Benyon, Richard  
 Beresford, Sir Paul  
 Berry, Jake  
 Berry, James  
 Bingham, Andrew  
 Blackman, Bob  
 Blackwood, Nicola  
 Blunt, Crispin  
 Borwick, Victoria  
 Bottomley, Sir Peter  
 Bradley, rh Karen  
 Brady, Mr Graham  
 Brazier, Mr Julian  
 Brokenshire, rh James  
 Bruce, Fiona  
 Buckland, Robert  
 Burns, Conor  
 Burns, rh Sir Simon  
 Burrowes, Mr David  
 Burt, rh Alistair  
 Campbell, Mr Gregory  
 Carmichael, Neil  
 Cartlidge, James  
 Cash, Sir William  
 Caulfield, Maria  
 Chalk, Alex  
 Chishti, Rehman  
 Churchill, Jo  
 Cleverly, James  
 Clifton-Brown, Geoffrey  
 Coffey, Dr Thérèse  
 Collins, Damian  
 Colvile, Oliver  
 Costa, Alberto  
 Courts, Robert  
 Cox, Mr Geoffrey  
 Crouch, Tracey  
 Davies, Byron  
 Davies, Chris  
 Davies, David T. C.  
 Davies, Glyn  
 Davies, Dr James  
 Davies, Mims  
 Davies, Philip  
 Davis, rh Mr David  
 Dinenage, Caroline  
 Djanogly, Mr Jonathan  
 Dodds, rh Mr Nigel  
 Donaldson, rh Sir Jeffrey M.  
 Donelan, Michelle  
 Double, Steve  
 Dowden, Oliver  
 Doyle-Price, Jackie  
 Drax, Richard  
 Drummond, Mrs Flick  
 Duddridge, James  
 Duncan Smith, rh Mr Iain  
 Dunne, Mr Philip  
 Elliott, Tom  
 Ellis, Michael  
 Ellwood, Mr Tobias

Elphicke, Charlie  
 Evans, Graham  
 Evans, Mr Nigel  
 Evennett, rh David  
 Fabricant, Michael  
 Fernandes, Suella  
 Field, rh Mark  
 Foster, Kevin  
 Frazer, Lucy  
 Freeman, George  
 Freer, Mike  
 Fuller, Richard  
 Fysh, Marcus  
 Garnier, Mark  
 Ghani, Nusrat  
 Gibb, Mr Nick  
 Gillan, rh Mrs Cheryl  
 Glen, John  
 Goodwill, Mr Robert  
 Grant, Mrs Helen  
 Grayling, rh Chris  
 Green, Chris  
 Green, rh Damian  
 Greening, rh Justine  
 Gummer, rh Ben  
 Gyimah, Mr Sam  
 Halfon, rh Robert  
 Hall, Luke  
 Hammond, Stephen  
 Harrington, Richard  
 Harris, Rebecca  
 Hart, Simon  
 Hayes, rh Mr John  
 Heald, rh Sir Oliver  
 Heapey, James  
 Heaton-Harris, Chris  
 Heaton-Jones, Peter  
 Henderson, Gordon  
 Herbert, rh Nick  
 Hinds, Damian  
 Hoare, Simon  
 Hollingbery, George  
 Hollobone, Mr Philip  
 Holloway, Mr Adam  
 Hopkins, Kris  
 Howarth, Sir Gerald  
 Howlett, Ben  
 Huddleston, Nigel  
 Hunt, rh Mr Jeremy  
 Hurd, Mr Nick  
 Jackson, Mr Stewart  
 James, Margot  
 Javid, rh Sajid  
 Jayawardena, Mr Ranil  
 Jenkyns, Andrea  
 Jenrick, Robert  
 Johnson, Dr Caroline  
 Johnson, Gareth  
 Johnson, Joseph  
 Jones, Andrew  
 Jones, Mr Marcus  
 Kawczynski, Daniel  
 Kennedy, Seema  
 Kinahan, Danny  
 Kirby, Simon  
 Knight, rh Sir Greg  
 Knight, Julian  
 Kwarteng, Kwasi  
 Lancaster, Mark  
 Latham, Pauline

Leadsom, rh Andrea  
 Lee, Dr Phillip  
 Lefroy, Jeremy  
 Leigh, Sir Edward  
 Leslie, Charlotte  
 Letwin, rh Sir Oliver  
 Lewis, rh Brandon  
 Lewis, rh Dr Julian  
 Liddell-Grainger, Mr Ian  
 Lidington, rh Mr David  
 Lopresti, Jack  
 Lord, Jonathan  
 Loughton, Tim  
 Lumley, Karen  
 Mackintosh, David  
 Main, Mrs Anne  
 Mak, Mr Alan  
 Malthouse, Kit  
 Mann, Scott  
 Mathias, Dr Tania  
 Maynard, Paul  
 McCartney, Karl  
 McLoughlin, rh Sir Patrick  
 Menzies, Mark  
 Mercer, Johnny  
 Merriman, Huw  
 Metcalfe, Stephen  
 Miller, rh Mrs Maria  
 Milling, Amanda  
 Mills, Nigel  
 Milton, rh Anne  
 Mordaunt, Penny  
 Morris, Anne Marie  
 Morris, David  
 Morris, James  
 Morton, Wendy  
 Mowat, David  
 Murray, Mrs Sheryll  
 Murrison, Dr Andrew  
 Neill, Robert  
 Newton, Sarah  
 Nokes, Caroline  
 Norman, Jesse  
 Nuttall, Mr David  
 Offord, Dr Matthew  
 Opperman, Guy  
 Parish, Neil  
 Patel, rh Priti  
 Paterson, rh Mr Owen  
 Pawsey, Mark  
 Penning, rh Mike  
 Penrose, John  
 Percy, Andrew  
 Perry, Claire  
 Philp, Chris  
 Pincher, Christopher  
 Poulter, Dr Daniel  
 Pow, Rebecca  
 Prentis, Victoria  
 Prisk, Mr Mark  
 Pursglove, Tom  
 Quin, Jeremy  
 Quince, Will  
 Raab, Mr Dominic  
 Redwood, rh John  
 Rees-Mogg, Mr Jacob  
 Robertson, Mr Laurence  
 Robinson, Gavin  
 Robinson, Mary

Rosindell, Andrew  
 Rudd, rh Amber  
 Rutley, David  
 Sandbach, Antoinette  
 Scully, Paul  
 Selous, Andrew  
 Shapps, rh Grant  
 Sharma, Alok  
 Simpson, David  
 Skidmore, Chris  
 Smith, Henry  
 Smith, Julian  
 Smith, Royston  
 Soames, rh Sir Nicholas  
 Solloway, Amanda  
 Soubry, rh Anna  
 Spelman, rh Dame Caroline  
 Spencer, Mark  
 Stephenson, Andrew  
 Stevenson, John  
 Stewart, Iain  
 Stewart, Rory  
 Streeter, Mr Gary  
 Stride, Mel  
 Stuart, Graham  
 Sturdy, Julian  
 Sunak, Rishi  
 Swayne, rh Sir Desmond  
 Swire, rh Sir Hugo  
 Syms, Mr Robert  
 Thomas, Derek  
 Timpson, Edward  
 Tolhurst, Kelly  
 Tomlinson, Justin  
 Tomlinson, Michael  
 Tracey, Craig  
 Trevelyan, Mrs Anne-Marie  
 Truss, rh Elizabeth  
 Tugendhat, Tom  
 Turner, Mr Andrew  
 Tyrie, rh Mr Andrew  
 Vaizey, rh Mr Edward  
 Vara, Mr Shailesh  
 Vickers, Martin  
 Villiers, rh Mrs Theresa  
 Walker, Mr Charles  
 Walker, Mr Robin  
 Wallace, Mr Ben  
 Warburton, David  
 Warman, Matt  
 Wharton, James  
 Whately, Helen  
 Wheeler, Heather  
 White, Chris  
 Whittaker, Craig  
 Whittingdale, rh Mr John  
 Wiggin, Bill  
 Williams, Craig  
 Williamson, rh Gavin  
 Wilson, Mr Rob  
 Wilson, Sammy  
 Wollaston, Dr Sarah  
 Wood, Mike  
 Wragg, William

**Tellers for the Noes:**  
 Andrew Griffiths and  
 Steve Brine

*Question accordingly negated.*

**Clause 13**

## REGISTER OF PLANNING APPLICATIONS ETC

*Amendment made:* 20, page 13, line 21, at end insert—

“( ) A development order—

- (a) may make different provision for different kinds of application or notification;
- (b) may make provision which applies generally or only in relation to particular kinds of notification or application.” —(Gavin Barwell.)

*This amendment applies to a development order which makes provision about the information to be contained in a planning register about prior approval applications or notifications of proposed development. It confirms that the order may make different provision for different kinds of application or notification or provision that applies only in relation to particular kinds of application or notification.*

**Clause 23**

## CONSEQUENTIAL AMENDMENTS

*Amendment made:* 21, page 19, line 45, at end insert—

“, and

- (b) in subsection (6) for the words from ‘acquiring authority’ to the end of the subsection substitute “—
- (a) ‘acquiring authority’ means a person who could be authorised to acquire compulsorily the land to which the proposal mentioned in subsection (1) relates (regardless of whether the proposal is to acquire an interest in or a right over the land or to take temporary possession of it), and
- (b) ‘owner’ has the meaning given in section 7 of the Acquisition of Land Act 1981.” —(Gavin Barwell.)

*This amendment ensures that the term “acquiring authority” in section 172 of the Housing and Planning Act 2016 has the same meaning that it has in clause 14 of the Bill, so that the power of entry in section 172 is available in relation to all proposals to take temporary possession of land under clause 14.*

**Clause 40**

## COMMENCEMENT

*Amendment made:* 22, page 32, line 13, leave out “, 10 and 11” and insert “and 10”. —(Gavin Barwell.)

*See the explanatory statement for amendment 17.*

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

8.11 pm

*On resuming—*

**Madam Deputy Speaker:** I can now inform the House of my decision about certification. For the purposes of Standing Order No. 83L(2), I have certified clauses 14 to 30 and 33 to 35 of the Neighbourhood Planning Bill, including the amendment made on Report and new clause 6 added on Report, as relating exclusively to England and Wales and within devolved legislative competence. Under paragraph (2) of Standing Order

No. 83L, I have also certified clauses 1 to 13 and 31 and 32 of, and schedules 1 to 3 to, the Bill, including the amendments made on Report, as relating exclusively to England and within devolved legislative competence. Copies of my certificate are available in the Vote Office.

Under Standing Order No. 83M, consent motions are therefore required for the Bill to proceed. Does the Minister intend to move the consent motions?

**Gavin Barwell indicated assent.**

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

[MRS ELEANOR LAING *in the Chair*]

**The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing):** I remind hon. Members that if there are Divisions, only Members representing constituencies in England and Wales may vote on the consent motion for England and Wales, and only Members representing constituencies in England may vote on the consent motion for England.

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

That the Committee consents to the following certified clauses of the Neighbourhood Planning Bill:

*Clauses certified under Standing Order No. 83L(2) as relating exclusively to England and Wales and being within devolved legislative competence*

Clauses 14 to 30 and 33 to 35 of the Neighbourhood Planning Bill, including the amendment made on Report, and new clause 6 added on Report.—(Gavin Barwell.)

*Question agreed to.*

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

*Motion made, and Question put forthwith (Standing Order No. 83M(4)(d)),*

That the Committee consents to the following certified clauses and schedules of the Neighbourhood Planning Bill:

*Clauses and schedules certified under Standing Order No. 83L(2) as relating exclusively to England and being within devolved legislative competence*

Clauses 1 to 13 and 31 and 32 of, and Schedules 1 to 3 to, the Bill (Bill 83), including the Amendments made on Report.—(Gavin Barwell.)

*Question agreed to.*

*The occupant of the Chair left the Chair to report the decisions of the Committees (Standing Order No. 83M(6)).*

*The Deputy Speaker resumed the Chair; decisions reported.*

*Third Reading*

8.15 pm

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

A lot of people across Westminster, Whitehall and the country have worked very hard to get the Neighbourhood Planning Bill this far, so I would like to start by thanking all hon. Members on both sides of the House for their contributions, for their attention to detail and for sharing the views and concerns of their constituents. Over the past few months, we have seen

[Sajid Javid]

parliamentary scrutiny at its best, and as a result we have a better Bill. Special thanks should go to members of the Public Bill Committee—in particular, its two chairmen, the hon. Member for Birmingham, Selly Oak (Steve McCabe) and my hon. Friend the Member for Wellingborough (Mr Bone).

I am extremely grateful to everyone who took the time to contribute to public consultations or who provided written or oral evidence to the Public Bill Committee. We would not have a Bill at all if it were not for the expert skill and the guidance of the Clerks of the House, and the excellent work done by the officials in my Department. Particular thanks should go to the Bill team and my extremely dedicated private office. Finally, I cannot praise highly enough the work of my hon. Friend the Housing and Planning Minister. He should be very proud of his excellent work.

Everyone involved has worked so hard because we all want to see the housing market working for everyone, not just the privileged few. We will not have that without a much greater supply of homes in the right places, and we will not have that greater supply without a planning system that supports faster, more efficient construction.

Over the past six and a half years we have laid the groundwork for that. Our reforms have seen planning policy radically streamlined, and local people have been given much greater ability to determine the scale, nature and location of developments in their area. As a result, we have seen planning permissions go up, building starts go up and new home completions go up, with almost 900,000 new homes delivered in England since 2010.

This Bill furthers that progress. The Neighbourhood Planning Bill contains measures that will help us identify more land that is suitable for development, while continuing to protect the areas that we value most, including, of course, the green belt. It further strengthens neighbourhood planning and ensures communities have a stronger say in developments that affect them. It also supports the local plan process so that all communities in England can benefit from having one.

The Bill reforms the use of pre-commencement planning conditions so that they are proportionate and effective and do not act as an unnecessary barrier to construction. It improves transparency, making it easier to understand the number of homes being created under permitted development rights. Finally, while compulsory purchase is always used as a last resort, the Bill will make the process clearer, faster and, above all, fairer for all parties.

The Government want a better housing market. All parties, including the Labour party, want a better housing market, and the public demand a better housing market. They want a planning system that is seen as fair and effective and that gives them greater control over the decisions that affect their lives. That is exactly what the Neighbourhood Planning Bill will deliver. It is not a magic bullet or a one-stop solution for the housing shortage our country faces, but it is an important step in the right direction. It makes our planning system faster and fairer, and it will help us build more homes. I commend the Bill to the House.

8.19 pm

**Teresa Pearce** (Erith and Thamesmead) (Lab): At this relatively late hour, I do not wish to delay the House for long.

Our position on Third Reading reflects much of what has been said about the Bill on Second Reading and in Committee. We believe that there are wasted opportunities to get legislation in place that would see an uplift not only in the number of houses that we build but the quality of those homes and the services and infrastructure that are necessary for communities to work well. I am particularly disappointed with the lack of measures to strongly promote new settlements via garden villages, cities or new towns.

Labour Members welcome the measures in the Bill to further strengthen neighbourhood planning and the inclusion of changes to local plan making to enable planning to take place across more than one local authority where this is necessary. We also welcome the changes to CPOs as far as they go, but the Minister will know that we believe that a full-scale review of CPO legislation is overdue. We were pleased to hear his remarks regarding this, and look forward to debating proposals on it in future.

Other measures, we feel, could actually slow down development. I think the Secretary of State is wrong to weaken regulation of pre-commencement planning conditions, as that takes away important protections from the community—the very conditions that might make a development work for local people—with no obvious benefits or speeding up of the process. All it is likely to deliver is poorer-quality development, the very last thing we all need. Local dissent could lead to further delay in the planning process. We believe that there is also a missed opportunity to reverse the Government's permitted development policies, which prevent proper planning on our high streets and produce poor-quality housing, often at the expense of much-needed office accommodation. I very much hope that the other place will take a close look at the pre-commencement conditions and permitted development clauses and ask the Government to reconsider.

Mostly, I am disappointed that our amendment on making information on the viability on sites more publicly available was not accepted. The Government should be aspiring to make our planning system more transparent. The Secretary of State knows that the amendment would help to deliver more affordable housing and supportive infrastructure, and where that is not the case we would have a better understanding of the reasons for non-delivery.

The Minister has said many times during the passage of this Bill that we will have to wait for the housing White Paper for new policies to address the housing crisis. According to what has been said, the White Paper will cover these areas: objectively assessed need, how it is calculated, and its implications for strategic housing market areas and strategic housing land availability assessments; changes to community infrastructure levy appraisals; amendments to the NPPF; measures to support small and medium-sized enterprises; policies to support home ownership; innovative housing design; permitted development changes; measures to free up land; resourcing of planning departments; right to be heard; and urban regeneration—plus a few other issues that he mentioned

earlier. That looks like quite a White Paper. However, despite the number of things already in it, I hope it will deliver more on infrastructure too, because that is absolutely needed to underpin more housing output. It was taken out of the Bill, which is a pity, and the Government must now say what they are going to do to rectify the deepening lack of appropriate infrastructure. We are going to press the Government on this in the coming months because we definitely want more homes to be built, but we also want these homes to be part of thriving communities delivering the jobs, environment and services people want—in short, places where people want to live and can thrive.

I warmly thank all my hon. Friends for their hard work on this Bill, particularly my hon. Friend the Member for City of Durham (Dr Blackman-Woods), and thank members of the Committee and those who have contributed in this place. I wish those in the other place well in their scrutiny of this Bill and look forward to its returning here.

8.23 pm

**John Redwood:** I wish Ministers well with their Bill. One of its central purposes is one I strongly support—the idea that we need to build more homes. It has been a tragedy that in this century there has been a big reduction in the proportion of people in our country who can afford to own their own home and feel that they can get access to home ownership—something that previous generations thought was more normal and easier to achieve. One of things we must do is build more. Like the hon. Member for Erith and Thamesmead (Teresa Pearce), I look forward to the housing White Paper, because many of the things that we need to do have nothing to do with legislation but are about money, permissions, and using what law we already have to ensure that our industry can serve the needs of all the people.

I also support the Bill's second big aim, which has to be balanced against the priority of creating many more affordable homes for sale and, where needed, for rent—namely the priority that local communities must be part of the process. We are asking local communities to go to a great deal of effort, to work on the local plan as a principal planning authority and to work on neighbourhood plans village by village. They will do so willingly only if they feel their work will be taken seriously.

I represent parts of two local authority areas, West Berkshire and Wokingham Borough. Both have had a very good record over the past few decades on making sure that a lot of new housing is built in the area to help with the national need. In particular, at the moment Wokingham has four very large sites, with between 2,500 and 3,500 new homes on each, as its contribution to the national effort. Wokingham wants to make sure that the Minister's fine words earlier will be taken into account and be part of the system—that when the local community has done the decent thing and made sure there is plenty of land available for building, an inspector does not come along and say that more homes will be built somewhere else, because some developer is gaming the system. I was very reassured that the Minister is well aware of that problem.

Where local authorities co-operate, and local communities are prepared to take responsibility and make those judgments, Ministers, their officials and the inspectors

must understand that those authorities and communities should be taken seriously and, in most cases, their views should be upheld. I hope that as the Bill progresses Ministers will take on board the fact that there is huge support on the Government Benches for more homes and for local planning, but that we sometimes think inspectors still do not get it and developers are very clever, meaning that we end up with homes in places where we do not want them, which gives the whole policy a bad name.

8.26 pm

**Mims Davies** (Eastleigh) (Con): I hope the Front-Bench team will forgive me, but I could not pass up the opportunity to speak on Third Reading. The Bill really matters to me and my constituents. Local development and the lack of local and neighbourhood plans have a real impact on people's daily lives. I am very grateful that the Secretary of State and the Minister have taken that on board—I can attest to that from the amount of letters we have exchanged and conversations we have had.

One reason I came to this House is that I strongly believe in localism. I absolutely believe in new and appropriate housing, but I do not believe in planning permissions that do not come forward or come forward in the wrong places, flying in the face of local communities. It is therefore an enormous pleasure to speak on Third Reading of a Bill about something that dominates my mailbox every single day of the week.

As a councillor, I have been involved in the planning system in one form or another for many years, helping to develop a local plan and being part of one that moved forward to a neighbourhood plan. I heard earlier about developers gaming the system. My concern is about councils gaming the system and playing with their residents, believing that homes are being forced upon them by central Government or being indolent and not taking forward the powers that they have.

As a parish councillor and district councillor I know that planning is the bread and butter of local government. I was very proud to play a part in the early days of the neighbourhood plan in Haywards Heath. I note with delight that 230 neighbourhood plans are now in force, with many more in preparation. In my role as a councillor I have seen a plan go to a referendum. That is very exciting. I am no longer involved in that specific community, but I know that the plan matters and has taken a number of hours and a lot of hard work to prepare. It saw a community come together—at the start of a planning process people very often do not want houses, and come to the plan from the position that they can somehow plan for the area's future without thinking about how the housing and communities work. I therefore believe that neighbourhood plans are a strong endorsement of an area's future, and I believe in the referendum process. I believe in the duty of councils and parishes to co-operate. The problem in my constituency is that the local council is not making a local plan, because it is not co-operating with the parishes. There are no policies for neighbourhood plans to hang on.

As we have heard, the strongest protection that an area can have is a good, locally adopted local plan alongside neighbourhood plans. As I have tried to explain to my constituents, it is like a jigsaw puzzle.

[Mims Davies]

In Eastleigh, it seems to be an impossible one, and my constituents find it daunting and frustrating. I thank members of Botley Parish Council, who have shown great interest in advancing a neighbourhood plan in their community. That gives councillors and the community the opportunity to feed into a strategic vision for the area, endorsing opportunities to create new housing sites and considering new local priorities. Housing and planning are not things that should be done to people, and this Bill and the Localism Act 2011 are important in ensuring that that does not happen.

My constituency suffers from a dire planning situation, where the local council is letting down residents by not producing a timely local plan that protects the community. I am grateful to the Secretary of State for all the work that he has done with me to make my local council get its act together, so that everybody can come forward and be part of the neighbourhood planning process. Work on the local plan is slow and arduous, and large areas of ancient woodland are under threat as a result of it. We must form a strong, united front against bad planning from the council, bringing together Ministers and the local MPs—I see my hon. Friend the Member for Winchester (Steve Brine) in his place.

At the moment, the situation is like the wild west; it is a free-for-all for developers. Neighbourhood plans are important because they give communities a real say in the planning process. The plans give us a chance to see whether there are any cosy relationships with developers—to see whether people are linked to local developers of choice—and whether particular developments are right for our communities.

Communities strongly support the principle of neighbourhood planning. Since 2013 each of the 200 plans that has gone to a referendum has been approved; 340,000 votes were cast, 89% of which were in favour of the plans. We need to make sure that neighbourhood plans go from strength to strength, because of the large amount of time that communities and councillors invest in their production. We also need to pressure local authorities into working with parishes. As I have said, it is not possible to produce a neighbourhood plan if there are no local policies to hang it on. In Botley and Boorley Green, there are no clear policies to work with.

National planning policy makes it clear that if a planning application conflicts with a neighbourhood plan that has been brought into force, permission should not be granted. It is absolutely right that communities have that certainty. In Velmore community centre, in Chandlers Ford, I was delighted to have conversations about older people's accommodation and appropriate housing for our disabled people. People spoke to me about what matters to them in local planning, which is that they should have somewhere to move to within the community.

I am a strong advocate of neighbourhood planning, and I would like the Planning Inspectorate to show a more consistent approach to neighbourhood plans. I am delighted to hear from the Secretary of State that that is what he is looking for. We continually hear in this Chamber about examples of conflicting judgments. The policy is right, and it is powerful, and I hope that at planning inspectorate level, neighbourhood plans will be given enough weight.

Botley and Boorley Green parishes are producing their neighbourhood plan, but sadly they are doing so without enough local support. There has been a slapdash, cowboy approach to local housing, and it is right that communities have the opportunity to take planning into their own hands. The situation should not be like this, and we should use the Bill to create a better dialogue and a better relationship.

It will be very interesting to see how the Bill helps local communities to focus their local authority on producing a local plan by the end of 2017. There is a danger that indolent councils will just rely on the Government to enforce the rules and will fly in the face of localism. That is why so many residents feel that they may be excluded from the process, and do not now intend to take part in the neighbourhood planning process. I believe in this Bill, which as the Secretary of State said, aims to support green spaces, to make housing and planning less adversarial, and to ensure some consistency in developing local areas.

One of the strongest parts of neighbourhood plans is their agility. They give communities an opportunity to look at brownfield sites first. They offer a variety of features, such as local jobs and housing numbers. They also provide a chance to be protective and sensitive in planning. For example, the area of Stoke Park woods in my constituency is threatened by local plan options B and C, but I believe that when an entire community is opposed to vandalism in the local environment, the neighbourhood planning process gives residents in the community the chance to voice their opinions and shine a light on sites that are not truly viable.

I want neighbourhood plans to be extended and enhanced and to grow in number. They give our communities power and they give us a chance to look at the future of an area. However, we need the planning process at both local and Government level to be seen to be fair and reasonable. The Bill continues to build on the Government's outstanding legacy in giving communities a voice, and I wish it well on its way.

*Question put and agreed to.*

*Bill accordingly read the Third time and passed.*

## Business without Debate

**Madam Deputy Speaker (Mrs Eleanor Laing):** With the leave of the House, I will put motions 5 and 6, and 7 and 8 together.

## DELEGATED LEGISLATION

*Motion made, and Question put forthwith (Standing Order No. 118(6)),*

### CONSUMER PROTECTION

That the draft Consumer Rights (Enforcement and Amendments) Order 2016, which was laid before this House on 17 November, be approved.

### RATING AND VALUATION

That the draft Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2016, which were laid before this House on 23 November, be approved.—(Steve Brine.)

*Question agreed to.*

## EUROPEAN UNION DOCUMENTS

*Motion made, and Question put forthwith (Standing Order No. 119(11)),*

### EU EMISSIONS TRADING SYSTEM: 2021-2030

That this House takes note of European Union Document No. 11065/15 and Addenda 1 to 3, a Proposal for a Council Directive amending Directive 2003/87/EC to enhance cost-effective emission reductions and low-carbon investments; welcomes the European Commission's intention to reform the EU Emissions Trading System in line with the conclusions of the October 2014 European Council; and calls on the Government to continue to negotiate, in line with Cabinet-cleared positions, with the aim of agreeing a well-functioning and balanced System that is environmentally robust and supports cost-effective emissions reductions while preserving industrial competitiveness and promoting a level playing-field.

### EU ASYLUM REFORM PACKAGE (OPT-IN DECISIONS)

That this House takes note of European Union Document No. 11316/16 and addendum, a Proposal for a Regulation of the European Parliament and of the Council on standards for the qualification of third country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third country nationals who are long term residents; further takes note of European Union Document No. 11317/16 and addenda 1 to 2, a Proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU; further takes note of European Union Document No. 11313/16, a Proposal for a Regulation of the European Parliament and of the Council on establishing a Union Resettlement Framework amending Regulation (EU) No. 516/2014; further takes note of European Union Document No. 11318/16, a Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast); endorses the Government's decision not to opt in to the above proposals under Protocol 21 on the Position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice annexed to the EU Treaties; notes that the Government is able to opt-in post-adoption; and supports the Government's intention to continue to support other Member States on asylum matters.—(Steve Brine.)

*Question agreed to.*

## PETITIONS

### Implementation of the 1995 and 2011 Pension Acts

8.37 pm

**Neil Gray** (Airdrie and Shotts) (SNP): I rise to present a petition of over 200 residents of the Airdrie and Shotts constituency, which I represent, on the subject of the Women Against State Pension Inequality.

The petition states:

The petition of residents of Airdrie and Shotts,

Declares that as a result of the way in which the 1995 Pension Act and the 2011 Pension Act were implemented, women born in the 1950s (on or after 6 April 1951) have unfairly borne the burden of the increase to the State Pension Age; further that hundreds of thousands of women have had significant changes imposed on them with little or no personal notice; further that implementation took place faster than promised; further that this gave no time to make alternative pension plans; and further that retirement plans have been shattered with devastating consequences.

The petitioners therefore request that the House of Commons urges the Government to make fair transitional arrangements for all women born in the 1950s (on or after 6 April 1951) who have unfairly borne the burden of the increase to the State Pension Age.

And the petitioners remain, etc.

[P001997]

### Road Safety in Southampton Itchen

8.38 pm

**Royston Smith** (Southampton, Itchen) (Con): I rise to present a petition on behalf of residents of my Southampton, Itchen constituency, particularly those who live on the junction of Station Road and Spring Road. Even as I was with the Clerks yesterday to signal my intention to present this petition today, there was another accident at that junction. It is now imperative that Southampton City Council do something about it before there is another serious injury or, God forbid, fatality.

The petition reads:

The petition of residents of Southampton Itchen,

Declares that there should be road safety measures introduced at the junction of Spring Road and Station Road in Southampton, after a series of road traffic accidents that have occurred in recent months.

The petitioners therefore request that the House of Commons urges Southampton City Council to review the safety at the Spring Road and Station Road junction and outline what actions it plans to undertake to ensure the safety of road and pedestrian users; and further that the council confirm the timeframe for implementing those changes.

And the petitioners remain, etc.

[P001996]

### Greater Manchester Spatial Framework

8.39 pm

**William Wragg** (Hazel Grove) (Con): I rise on behalf of 3,500 of my constituents and local residents who have signed this and similar local petitions to present a petition relating to the Greater Manchester spatial framework and its potential effects on the green belt in my constituency.

While of course we need to provide new developments to fill the housing shortage, it should be done in a way that is sensitive to the local environment and the wishes of local communities. The green belt is a vital barrier to urban sprawl and is hugely valued by local people. The framework proposes the building of 4,000 new homes on green-belt land, effectively doubling the size of the village of High Lane.

The petition states:

The petitioners therefore request that the House of Commons urges the Greater Manchester Combined Authority and the Department for Communities and Local Government to avoid including large-scale residential development on the greenbelt in the Greater Manchester Spatial Framework, as well as prioritising brownfield land for residential developments.

*Following is the full text of the petition:*

*[The petition of residents of the UK,*

*Declares that the Greater Manchester Spatial Framework should avoid large-scale residential development on the greenbelt, which is a valuable barrier to urban sprawl and is hugely valued by local people; and further declares that brownfield land should be prioritised for residential development provided that proper infrastructure is in place.*

[William Wragg]

*The petitioners therefore request that the House of Commons urges the Greater Manchester Combined Authority and the Department for Communities and Local Government to avoid including large-scale residential development on the greenbelt in the Greater Manchester Spatial Framework, as well as prioritising brownfield land for residential developments.*

*And the petitioners remain, etc.]*

[P001993]

8.41 pm

**Mr David Nuttall** (Bury North) (Con): I rise to present a petition in the same terms as that of my hon. Friend the Member for Hazel Grove (William Wragg), on behalf of more than 2,400 local residents who have signed this and similar paper and online petitions. Those residents are representative of many thousands of others in my constituency who are concerned that valuable green-belt land will be built on as a result of the proposals in the Greater Manchester spatial framework.

*Following is the full text of the petition:*

*[The petition of residents of the UK,*

*Declares that the Greater Manchester Spatial Framework should avoid large-scale residential development on the greenbelt, which is a valuable barrier to urban sprawl and is hugely valued by local people; and further declares that brownfield land should be prioritised for residential development provided that proper infrastructure is in place.*

*The petitioners therefore request that the House of Commons urges the Greater Manchester Combined Authority and the Department for Communities and Local Government to make such provisions in the Greater Manchester Spatial Framework.*

*And the petitioners remain, etc.]*

[P001994]

8.42 pm

**Mary Robinson** (Cheadle) (Con): I am grateful to join my colleagues from Greater Manchester in presenting a petition to the House on the Greater Manchester spatial framework. I rise to present the petition on behalf of residents of the United Kingdom. This and similar petitions in the constituency have attracted more than 2,600 signatures from concerned residents. I thank all those across Cheadle who have signed the petitions.

If this scale of development goes ahead, it will not only devastate our countryside, but place unprecedented pressure on local infrastructure and undermine our local communities. Instead, I call for the development of brownfield sites so that communities can enjoy the additional investment from regeneration projects and avoid the loss of our natural landscape and precious green belt.

The petition states:

The petition of residents of the UK,

Declares that the Greater Manchester Spatial Framework should avoid development on the green belt; further that Cheadle could lose much of its precious and much valued land if development is permitted on green belt land; and further that action should be taken to prioritise development on suitable brownfield sites to protect our green space.

The petitioners therefore request that the House of Commons urges the Greater Manchester Combined Authority, Stockport Metropolitan Borough Council and the Department for Communities and Local Government to agree a Greater Manchester Spatial Framework that prohibits development on green belt land and prioritises development on brownfield sites.

And the petitioners remain, etc.

[P001995]

## International Human Rights Day

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

8.44 pm

**Ann Clwyd** (Cynon Valley) (Lab): Before I start my speech on International Human Rights Day, I would like to quote a tweet that has just been received from Matthew Rycroft, our excellent UN ambassador in New York. He says:

“For every barrel bomb dropped  
For every chemical weapon deployed  
For every bullet fired on innocents  
There will be accountability.”

I am sure the Minister will support that, because throughout the war in Syria and Aleppo we have constantly asked questions about who is collecting evidence.

I apologise for my croak. I will have a drink of lemonade every so often and see whether I can get through my speech.

I am here to mark International Human Rights Day, which was on Saturday 10 December. I will provide a brief overview of the countries and issues of the most concern. The fact is that although most countries have signed and ratified the main international human rights conventions, many people in the world—far too many—continue to be the victims of serious and systematic human rights violations such as torture, extra-judicial killings, arbitrary detention, disappearance, slavery and overt discrimination. State officials, who are meant to serve their fellow citizens, often use their powers to terrorise and subjugate them, whether in the name of national security or counter-terrorism; to uphold a kleptocratic regime in which they have a vested interest, because they are tainted by society’s prejudices; or even just because they can get away with it.

Sadly, human rights are too often referred to in a disparaging or dismissive way in the UK. I believe that disregard may stem at least in part from complacency, misunderstanding and possibly even incredulity. It is all too easy to take rights for granted when, by and large, we benefit from them, although of course I am aware that we are all far from perfect, have deficiencies that need to be addressed and must remain vigilant to ensure that our rights are not eroded. It can be challenging to imagine the real suffering endured by the many millions who have their rights violated, and it can be distressing to believe that people can still treat others with such disdain and cruelty. However, as most of us here know, terrible things happen every day, everywhere. Many of us have had the privilege and honour of meeting victims of human rights violations all over the world, who have given us detailed testimony and whose courage and dignity are simply astounding.

I am concerned that, post-Brexit, we are heading for even more challenging times. I fear that we will become so consumed by “Project UK” that, whether deliberately or inadvertently, the importance of the international human rights framework and the promotion and protection of universal values throughout the world will be downgraded at the expense of more short-term prosperity and security considerations. In addition, I fear that the UK leaving the EU could make it more difficult, not less, to speak out and act when serious and systematic

violations occur. In the first instance, we are bound to have less leverage acting on our own, and in the second, how often will the UK put its head above the parapet on its own? I would be grateful if the Minister reassured me on those points.

I turn to specifics. I know that there was a very good debate this afternoon on Aleppo. Unfortunately I was in the Foreign Affairs Committee at the time, where we were debating, among other things, arms exports from our own country and how we continue to police them. There can be no doubt that Syria has long been a repressive state with a virtual absence of outlets for non-violent dissent.

I remember going to Syria some time ago, on behalf of the Inter-Parliamentary Union committee on the human rights of parliamentarians, to visit two imprisoned Syrian MPs. Let us say that I was left in no doubt during my visit about the Syrian Government’s utter lack of respect for their human rights obligations, and for the fundamental political rights of their citizens. Understandably, the people of Syria became tired of being subjugated and tried to break free. The Government instituted a brutal crackdown, from which a civil war followed, resulting in mass atrocities, carried out in the main by the Syrian and Russian Governments, although they are not the only perpetrators. Schools and hospitals have been deliberately targeted; thousands have been detained and tortured; hundreds of thousands have been killed; and millions have been forced to flee their homes.

Earlier this year, the Office of the UN High Commissioner for Human Rights concluded in a report that the Assad regime had killed so many detainees in Syria that it had committed the crime against humanity of extermination. More recently, in late November, the UN under-secretary general for humanitarian affairs, our former colleague and former UK MP Stephen O’Brien, said that residents of Aleppo were at risk of extermination. I fear that the news we hear tonight gives us no cause for optimism.

This is a complex conflict with many different actors with differing agendas, but let us not forget that it started because the Syrian people wanted their fundamental rights to be respected. Let us not forget either that no Syrian civilian should be deliberately targeted in the fighting or starved to death in besieged areas of the country. Given that we aired many of those issues earlier today, I will not elaborate further except to ask the UK Government yet again to let us know how they will work with their partners in the international community as a matter of extreme urgency to get the vulnerable—the children, the elderly and the injured, and doctors and nurses—out and get aid in, particularly to besieged areas, and to protect those left behind, particularly to prevent and avoid mass executions.

Yemen is another complex conflict in which mass atrocities are being committed by all sides, including as a result of Saudi-led coalition air strikes. Earlier this year, the UN High Commissioner for Human Rights accused the Saudi-led coalition of causing twice as many civilian casualties as all the other forces fighting in Yemen. Since the breakdown of peace talks in early August, the fighting has intensified and continues to take an unacceptable toll on civilians, as we have seen on television recently, so why does the UK continue to sell arms to Saudi Arabia for use in the conflict in

[Ann Clwyd]

Yemen? I do not want to hear the standard responses, which include that the UK has one of the world's most robust arms exports licensing committees. Obviously in this case, it is either not robust enough or it is not being properly applied.

Countries in which the human rights situation is a serious concern are Turkey, Egypt, Ethiopia, Eritrea, Bahrain, Iran, Saudi Arabia, Democratic Republic of the Congo, South Sudan, Sudan, North Korea and Burma.

**Jim Shannon** (Strangford) (DUP): I commend the right hon. Lady for her indomitable spirit and for speaking out for human rights. Does she agree that, some 98 years after the 1948 convention was passed, throughout the world there is persecution of those with Christian and other religious beliefs on a level and with a significance that has never before happened? Does she agree that hon. Members must do everything we can to protect the most basic human right—the right to life and freedom, and the right to have a religious belief, whatever it may be? Does she also agree that we should use any and every possibility to exert influence in the world? This debate is an example of doing just that.

**Ann Clwyd:** I am grateful to the hon. Gentleman for raising that issue. Over the past 30 years, from among my friends in Iraq, I have seen minorities having to flee from where they live. My oldest Iraqi friend is a Mandaean; there are very few of them left in Iraq now. The last conference I went to in Kurdistan, held by the former President of Iraq, was called to discuss how to protect minorities. Sadly, of course, the persecution of minorities is happening in many countries in the world, but at least we are, I hope, having some influence in Iraq.

I am aware that we cannot do everything, but conversely that does not mean we should not be doing more. First, we should be more vocal and confident in defence of human rights in UK foreign policy. I know that the UK Government, particularly the Foreign and Commonwealth Office, raise human rights concerns with foreign Governments, but I contend that more needs to be done to convince state-sanctioned human rights violators that abuses are counterproductive, particularly in the longer term, because fair and tolerant societies are more prosperous and stable and because ultimately violators may be held to account and have to pay for their crimes. The UK must also promote a universal rights agenda, and not tout human rights as British values, which simply plays into the hands of those dictators positioning themselves as protectors against western infiltration and domination. Everyone is entitled to fundamental rights by virtue of our common humanity, no matter who they are or where they come from.

Secondly, we need to push back a lot harder against the worrying spread of the adoption of legislation that seeks to clamp down on civil society and non-governmental organisation activity by restricting freedoms of speech, assembly and association, and/or by imposing unduly burdensome administrative requirements. Civil society and NGO representatives, such as lawyers, journalists and human rights defenders, are vital to checking the abuse of power, promoting good governance, monitoring compliance with international human rights standards and obtaining justice.

**Mark Durkan** (Foyle) (SDLP): I commend my right hon. Friend for securing this debate and for her sterling work as chair of the all-party group on human rights. Is she concerned that there appears to be an increasing attitude on the part of the Government to treat human rights in other parts of the world as though they were circumstantial considerations and concessions to be granted, rather than to insist on a consistent, linear approach to the advocacy of human rights? There should be no mute button on the UK's advocacy of human rights and no dimmer switch on the spotlight it seeks to put on human rights abuses.

**Ann Clwyd:** I totally agree, of course, with my hon. Friend. One of my concerns is that, with the increased emphasis on trade, human rights is moving to the bottom of the pile; they are certainly lower down the pecking order of concerns than they have been for many years.

Civil society and NGO representatives, such as lawyers, journalists and human rights defenders, are vital to checking the abuse of power, promoting good governance, monitoring compliance with international human rights standards and obtaining justice. It is not surprising, then, that they are resisted, obstructed and persecuted by those who intend to exercise their authority for personal advantage. The UK and the wider international community must continue and do more to support these courageous activists and to challenge such destructive legislation.

I would like to draw attention to Amnesty International UK's Write for Rights campaign, which this year features cases from, among other places, China, Iran, Egypt, Malawi and the UK. Last weekend, I had the pleasure to co-host with Mr Speaker and Amnesty International UK a parliamentary reception to encourage MPs and peers to take action in support of those whose fundamental rights are at risk of being violated. It means so much to those receiving messages of solidarity; it keeps their hopes alive for a better future. A letter to the authorities can also spur them into action; when they know that the eyes of the world are watching, they may be moved to do the right thing.

Let me take the opportunity to highlight the case of dual British-Iranian national, Nazanin Zaghari-Ratcliffe, who has been detained in Iran since April. The legal process to which Nazanin has been subjected has been so flawed that it is nonsensical to make reference to it, or to the outcome of any such process. Kamal Foroughi is another dual national who has been imprisoned on spurious charges on the basis once again of a highly deficient process. These are arbitrary detentions. Indeed, I would go further and say that these individuals are, in effect, being held hostage. I therefore ask the Government publicly and unequivocally to call for their release.

As for specific country situations, it is important to mention the current plight of Government critics and the Kurds in Turkey. I know that the Turkish Government have had to deal with a savage coup attempt this summer, but I fear that their current repressive response will serve only further to alienate large swathes of the population and result in further bloodshed. Thousands of alleged coup sympathisers are in jail, and tens thousands of them, including soldiers, judges and teachers are being forced out of their jobs. According to the latest annual survey compiled by the Committee to Protect Journalists,

Turkey is currently the top jailer of journalists in the world. In a two-month period, the Turkish Government, led by President Erdogan, detained more than 100 journalists and closed down at least 100 news outlets. As of 1 December, at least 81 journalists were in detention in Turkey.

Although the crackdown against journalists has been exacerbated by the coup, media freedom was already under siege earlier in 2016. As the Committee to Protect Journalists points out, authorities are arresting, harassing and expelling journalists and shutting down or taking over news outlets. In a report in December, Amnesty International highlighted that an estimated half a million people are being forced out of their homes in the south-east of Turkey as a result of a brutal crackdown by the Turkish authorities over the past year, which might amount to collective punishment.

To compound the situation, the targeting of Kurdish opposition voices, including leaders and MPs of the opposition HDP party who have been arrested and detained following the coup attempt, has meant that NGOs providing vital support for poor and displaced people have now been shut down. Displaced residents have rejected Government claims that the ongoing curfew and house demolitions are being done in the interests of security, given that the clashes finished over eight months ago. Instead, they are seen as a calculated plan to redevelop their neighbourhoods and resettle them elsewhere.

I would like to take this opportunity to relay my concerns about Egypt. Since 2013, when al-Sisi led the military overthrow of President Morsi, the authorities have prosecuted and jailed thousands for peaceful opposition to the Government. Under al-Sisi, a wide range of activities protected under the Egyptian constitution and international law have been interpreted as threats to national security. In the CPJ report, Egypt is ranked third in the world in terms of the number of jailed journalists.

Human Rights Watch has also highlighted the possible introduction of an NGO law, which would effectively prohibit independent NGOs in the country, by subjecting their work and funding to control by Government authorities, including powerful security agencies.

**Jim Shannon:** We all know of the horrific recent attack on a Coptic church in Cairo. Islamic terrorists attacked people because of their religious beliefs. Does the right hon. Lady join me and others in this House in supporting the Egyptian Government's efforts to contain ISIS terrorists in Egypt?

**Ann Clwyd:** I agree that it was a dreadful attack, and we deplore any attacks on people because of their religion.

Human Rights Watch has also highlighted the possible introduction of an NGO law, which would effectively prohibit independent NGOs in the country in question, by subjecting their work and funding to control by Government authorities, including powerful security agencies.

There are also continuing concerns about Eritrea.

**Madam Deputy Speaker (Mrs Eleanor Laing):** Order. The right hon. Lady rightly talks about the difficulties in Eritrea, but I remind her that we are very time-limited.

The House must adjourn at 9.14 pm, which is only eight minutes away, and I am sure she wants to hear what the Minister has to say.

**Ann Clwyd:** Thank you, Madam Deputy Speaker. Yes, I would certainly like to hear what the Minister has to say, but Eritrea is a matter of continuing concern, and I would like to mention the case of the G11, which I and others have been campaigning on for many years, including in connection with the Inter-Parliamentary Union Committee on the Human Rights of Parliamentarians.

In September 2001, 11 Eritrean MPs were arrested after calling publicly for democratic reforms. They have not been heard of since. I would again ask the UK and the international community to do more to help establish the fate of the G11, as well as to convince the Eritrean Government to end indefinite military conscription once and for all.

Finally—very briefly, Madam Deputy Speaker—I would like to highlight the work of the all-party group on human rights, which I chair, and whose members include hon. Members present tonight. It has worked since its inception in 1976 to raise greater awareness of international human rights violations. I thank MPs and peers who are members for their continued commitment to, and support for, our work and our aims.

As my parting shot, I will end by reminding the Minister and my colleagues that we often pay the price for our lack of action, our indecision, or even our indifference. As Syria so graphically illustrates, a repressive country, even if seemingly far away, can ultimately affect us all, whether we like it or not.

9.7 pm

**The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Alok Sharma):** I congratulate the right hon. Member for Cynon Valley (Ann Clwyd) on securing the debate and pay tribute as others have, to her long-standing contribution to this House's work on human rights, not least in her present capacity as chair of the all-party group on human rights and as a member of the Foreign Affairs Committee. I am also grateful for the contributions of other hon. Members.

The defence of human rights is a fundamental building block of British foreign policy. There are three reasons for this: first, respect for human rights is embedded in our national DNA; secondly, it is enshrined in international law; and, finally, it is firmly in our national interest.

This debate coincides with the week in which International Human Rights Day falls. I am pleased to inform the House that in the run-up to that day and on the day itself, the Foreign and Commonwealth Office's network of embassies and high commissions organised, and took part in, a wide range of activities that illustrate the importance we attach to human rights.

The hon. Member for Foyle (Mark Durkan) asked whether there was a mute button on human rights. I assure him that is not the case. Our human rights work is not just about celebrating International Human Rights Day. For Her Majesty's Government, there are 365 human rights days every year, and in a leap year 366.

FCO Ministers regularly raise human rights issues with our international partners in private and in public. I could cite a whole range of examples of that, but I recently took part in the latest meeting of the UK-China

[Alok Sharma]

bilateral dialogue on human rights. All our diplomatic missions are alive to the importance of human rights, and every desk officer in London follows the human rights situation in their particular country. To those who suggest that we have downgraded the importance of human rights, I say that that is simply not the case. The right hon. Member for Cynon Valley raised the question of whether we view trade as somehow more important than human rights, but trade and human rights are not mutually exclusive; in fact, they are mutually supportive.

Human rights are broad and complex. Each country is at a different stage in its journey towards fulfilling them. Unfortunately, some are patently travelling in the wrong direction. Time does not permit me to enumerate all the different violations that concern us, but let me mention just two areas to which we are currently paying considerable attention. The first relates to civil society and pressures from autocratic Governments, and the other is modern slavery. A vibrant civil society helps countries to become more stable and prosperous than would otherwise be the case. When countries restrict civil society by clamping down on media freedom, stifling dissent or making it impossible for NGOs to operate, they are self-harming. As a country and as a Government, we do an enormous amount to support NGOs around the world. The right hon. Lady mentioned Amnesty International's "Write for Rights" campaign, and Amnesty International's long-standing pre-eminence as one of the world's leading human rights organisations is built on dedication and hard work over decades.

As for modern slavery, this Government are committed to taking a leading global role in the eradication of slavery by 2030, as set out in the UN sustainable development goals. The Prime Minister is leading this effort from the front, and all relevant Departments are

co-ordinating their efforts to increase urgency in tackling the evils of trafficking and exploitation around the world.

Returning to the right hon. Lady's point about Brexit and whether it will somehow undermine our human rights approach, let me be clear that it absolutely will not. The values that we share with our EU partners are universal, and we will remain human rights allies with our neighbours. As a global Britain, we have the opportunity to forge new partnerships for human rights.

The hon. Member for Strangford (Jim Shannon) noted issues around the protection of minorities. Let me be clear that we continue to raise concerns about such protection, including of religious minorities, at a senior level with Governments around the world.

International Human Rights Day commemorates the signing of the universal declaration of human rights in 1948. That declaration remains an inspiring statement of shared values and pledges. It is a pleasure for us all to live in a country that espouses those values. Sadly, the world is still far from respecting all of them, and that is why we must continue to work for human rights through our foreign policy. Commemorating International Human Rights Day reminds us of the declaration that we made 68 years ago. It is a moment when we renew our determination to help to achieve the universal implementation of the pledges contained in that declaration.

Time has been limited in this debate, but I invite the right hon. Member for Cynon Valley and any Members in the Chamber to write to me and other colleagues in the Foreign and Commonwealth Office. We will be happy to take on any issues that they have raised that I have not been able to deal with today.

*Question put and agreed to.*

9.14 pm

*House adjourned.*

# Westminster Hall

*Tuesday 13 December 2016*

[SIR ALAN MEALE *in the Chair*]

## Accelerated Access Review

9.30 am

**Ian Austin** (Dudley North) (Lab): I beg to move,

That this House has considered the implications of the Accelerated Access Review for cystic fibrosis and other conditions.

It is a pleasure to serve under your chairmanship, Sir Alan. I start by thanking three Dudley residents—Carly Jeavons, Samantha Carrier, and Samantha’s fiancé Rob Evans—for contacting me about accessing new treatments, and for what they have taught me about cystic fibrosis. I also thank Ed Owen, the brilliant former chief executive of the Cystic Fibrosis Trust, Darren O’Keefe and all of the staff at the trust for all their help and advice in organising the debate. Finally, I thank all of the right hon. and hon. Members who have taken the trouble to come here today to speak up on behalf of their constituents who have cystic fibrosis and other long-term conditions.

Just over a year ago, I was contacted by Carly about her work with the Cystic Fibrosis Trust to push for new treatments, such as Orkambi, to be offered on the NHS. She has continued to campaign, and I had the pleasure of joining her, her father Robert and her son Corey to deliver a 15,000-name petition to Downing Street earlier this year. Carly said to me:

“Before, I was always exhausted, I couldn’t work the hours I was contracted to and I had a little boy, Corey, to look after. I couldn’t do everything I needed to do and keep on top of my health, but this drug has given me some control back. I can now do everyday things and walk to the park with my five-year-old, which I could never do before. I personally feel like I have got better and better the longer I have been on it. I have a new way of living.”

Thanks to a clinical trial of Orkambi, Carly now needs to visit a cystic fibrosis clinic less than half as frequently as she used to. That allows her to carry on working, to go on holiday with her family and to do the things that the rest of us take for granted. She continues to benefit from Orkambi, but only thanks to a compassionate use scheme offered by the drugs manufacturer, Vertex. She and other users of Orkambi need the certainty that they will be able to benefit from the drug well into the future with NHS support, which is why we are here today.

I also thank Samantha Carrier, another Dudley resident, who is campaigning to raise awareness and raise funding after her young daughter, Daisy, was diagnosed with cystic fibrosis. Samantha has seen the difference that drugs such as Orkambi can make, and she wants her own daughter to have access to them as soon as possible, so that she can live as full a life as possible. She has told me about the hours of care and support that her daughter needs every day—which makes work so much more difficult for many parents of children with cystic fibrosis.

Samantha said to me:

“I am not ashamed to say I didn’t know how to cope with it all. But one day you wake up and you realise ‘This is it now’. All we can do as a family is try to do our best by her and give her the best life we can.”

I have been very moved by Carly, Samantha and Rob’s determination for something positive to come out of these diagnoses. I think their fundraising and campaigning for the Cystic Fibrosis Trust is nothing short of inspirational.

Personalised medicines can transform life for people with cystic fibrosis and a range of diseases, including muscular dystrophy and Alzheimer’s, but without a process for appraising these medicines that is fit for purpose, patients are unable to access these innovative medicines. That is why we called for today’s debate.

Cystic fibrosis is a life-shortening inherited disease that affects more than 10,000 people in the UK. It causes the lungs and digestive system to become clogged with mucus, making it hard to breathe and digest food. The damage that cystic fibrosis causes to the lungs means that many people eventually need a lung transplant. There is no cure for cystic fibrosis but many treatments are available to manage it, including physiotherapy, exercise and nutrition. The median survival age is just 28. What people like Carly, Sam and countless other families across the country need to hear today is the hope that a way forward can be found that will bring an end to an agonising and unnecessary wait that has gone on for well over a year now.

Orkambi was licensed in November 2015. It is a first-of-a-kind personalised medicine that treats the cause, not just the symptoms, of those with a particular mutation of the genetic defect that causes cystic fibrosis. Around half of the people with cystic fibrosis in England stand to benefit. Personalised medicines offer a revolution in cystic fibrosis care. People in countries such as France, Germany and America who have been on the drug for some time are beginning to report total transformations in their health, with some improving enough to come off the lung transplant waiting list—on which one in three people with cystic fibrosis die. Clinicians in England are desperate to prescribe Orkambi. Those who are prescribing it, on compassionate grounds, report that the drug, which halves hospital admissions—that lasts for months—for people with cystic fibrosis, could help ease the severe and worsening shortage of beds on cystic fibrosis wards.

I stood in this Chamber a year ago to raise concerns that the appraisal process for Orkambi was not suited to an innovation of this kind. The existing National Institute for Health and Care Excellence appraisal system makes decisions on the efficacy of a drug based on 24 weeks of clinical trials data, but fails to take into account the long-term benefit to sufferers’ quality and length of life. The focus on measuring the benefits of a treatment in terms of quality-adjusted life years does not work for genetic diseases such as cystic fibrosis, because it massively underestimates the impact that the drugs have on quality of life over the long term. It also fails to take account of the wider benefits for society of these medicines, such as the way that they can help sufferers or their carers get into work. In short, the existing system cannot provide an accurate assessment of new treatments that offer long-term, preventive stabilisation of cystic fibrosis.

I highlighted that, due to those concerns, the Cystic Fibrosis Trust was proposing an innovative solution under which real-world, long-term data could be gathered using the UK cystic fibrosis registry. The registry already

[*Ian Austin*]

provides real-world data to health commissioners and pharmaceutical companies, so that they can monitor the efficacy of treatments.

**Andy Burnham** (Leigh) (Lab): My hon. Friend is making an incredibly important point. I congratulate him on securing this debate, which will give hope to the many people out there who suffer with cystic fibrosis. Is he aware of new 96-week data that have recently been published that show that Orkambi slows decline in lung function by around 42%? Those data were not available to NICE when it made its appraisal. Do those data alone not make the case for a further accelerated review process on this absolutely compelling?

**Ian Austin:** My right hon. Friend is completely right; he raises a point I will make shortly. It is good that he is here to support people with cystic fibrosis in his constituency, and to bring his knowledge and experience of the national health service to bear in the debate.

The Cystic Fibrosis Trust's proposal would provide foundations for a managed access scheme for the drug. That was in line with the interim findings of the accelerated access review, which recommended the merits of such an approach and referred to the UK cystic fibrosis registry as an exemplar. I will say more about the accelerated access review in a few moments.

As expected, seven months later NICE referred to a lack of long-term data in rejecting Orkambi for use in the NHS. That was despite Orkambi's being proven to halve hospitalisations and NICE's recognising it as a

"valuable new therapy for managing cystic fibrosis"

with significant clinical benefits, as well as

"wider benefits to society for people with cystic fibrosis and carers of people with cystic fibrosis."

**Julian Sturdy** (York Outer) (Con): I congratulate the hon. Gentleman on securing this important debate. He correctly points out that this is not just about the way in which Orkambi improves quality of life, which I know is extremely important, but about cutting hospital admissions. That has to be taken into account when we look at the wider cost implications of the drug. What we need is time for the drug to be given the chance to prove its worth.

**Ian Austin:** The hon. Gentleman is completely right to say that Orkambi could reduce hospital admissions, and could shorten the amount of time people spend in hospital when they have been admitted.

In its statement, NICE referred directly to the trust's proposal as a potential solution to the shortage of long-term data. With the NICE process exhausted and seven months wasted, we hoped that the way would be clear for direct negotiations between the drug manufacturer Vertex and NHS England, which would allow for a speedy resolution to the situation. However, Department of Health officials then demanded that the drug be put through a rapid review process, which, at 16 weeks, is anything but. That process is based on exactly the same criteria that had just seen Orkambi denied to those who need it. Vertex has declined to enter the process, because of the certainty that it will come to nothing.

New data published in October at the North American cystic fibrosis conference, which my right hon. Friend the Member for Leigh (Andy Burnham) mentioned, are based on 96 weeks of trials and show that Orkambi slows the decline in lung health by up to 42%. That is comparable with the 47% slow in decline caused by the transformational treatment Kalydeco, which is widely available in the UK for a less common mutation of cystic fibrosis. Those data were unavailable to NICE but clearly illustrate that drugs such as Orkambi need the chance to prove their worth in the long term. That also underlines the fact that we now have a situation where people with cystic fibrosis face discrimination by genotype, because they are being denied the same level of treatment that people with a different genetic mutation of cystic fibrosis receive.

Twelve months after licensing, negotiations are at a standstill. I understand that Vertex is keen to offer a substantial discount, but for commercial reasons would need to do so confidentially. It would like to take up the trust's offer of monitoring the effectiveness of Orkambi for a trial period. That could build on the American data and allow NHS England to conduct final negotiations based on an accurate reflection of the drug's effectiveness.

**Jo Churchill** (Bury St Edmunds) (Con): I would like to thank the hon. Gentleman for securing such an important debate. One of the beauties of cystic fibrosis data is that they capture 99% of all people with the disease, so could truly be used as an exemplar. The accelerated access review calls for accurate monitoring via data, and this offers an ideal chance to do that.

**Ian Austin:** The hon. Lady is completely correct. It is good that she is here in the Chamber, making these important points.

Vertex is also keen to explore flexible reimbursement schemes, which would allow the NHS to manage the overall budget impact of the treatment. However, the inflexible current system insists that any offer has to be made public, rejects the trust's solutions and offers no scope for flexible reimbursement schemes. That brings me to the accelerated access review, which was commissioned to speed up access to innovative new drugs and treatments such as Orkambi. The review was finally published in October, after a long delay, and recommends that NICE reviews its processes. It calls directly for the current system to change, to include more emphasis on the confidential commercial arrangements, flexible reimbursement arrangements and collection of real-world data that I and other Members have referred to. Those recommendations could be the key to reaching a deal that delivers Orkambi to those desperate to receive it.

When the review was commissioned last year by the Minister's predecessor, the hon. Member for Mid Norfolk (George Freeman), he spoke of how accelerating the uptake of transformational technologies in the 21st century would attract investment in research and innovation to help us earn the prosperity we need as an advanced economy. When the review was published in October, NHS England's chief executive, Simon Stevens, said that creating headroom for faster and wider uptake of important new patient treatments would create opportunities for the UK's globally successful life sciences sector. The failure to deliver Orkambi undermines that vision.

We have a rigid and inflexible system, and warnings that it is not fit for purpose have been ignored throughout the process. Instead of embracing the opportunity for an innovative solution, we have been offered further negotiations based on criteria that have already failed once. That is a waste of time and taxpayers' money and sends completely the wrong signal to a global life sciences industry currently questioning future investments here in the UK. Hugh Taylor, the review's chair, set out the need for commitment and collaboration across Government, the NHS and the life sciences industry to make the review's proposals a reality.

The review sets out criteria for transformational treatments that should be fast-tracked for access. Orkambi meets those criteria. It presents the perfect opportunity to put many of the review's proposals to the test, to illustrate the commitment and collaboration needed and to demonstrate how we can come together and adapt in the light of new information. It is predicted that 95% of people with cystic fibrosis could benefit from a personalised medicine within five years. Coming up with a solution for Orkambi—one that makes sense to the NHS as well as reflecting the investment that goes into these treatments—will give us a genuine opportunity to beat this condition.

I am sure people will benefit from the review's proposals in the years to come, but that must not be at the cost of Orkambi, which is available now. Many people with cystic fibrosis, as well as their families and carers, such as my constituents Carly Jeavons and Samantha Carrier, are watching this debate. Many of them are forced to spend weeks and months of each year in hospital, and most of all they want a chance to be able to do the everyday things we all take for granted, such as raising a family, planning a holiday or breathing without struggling. They have already endured needless delays, and as time goes on those delays present an obstacle to investment in future treatments to beat cystic fibrosis. That is not the vision set out by the accelerated access review.

**Peter Dowd (Bootle) (Lab):** Muscular Dystrophy UK is calling, among other things, for ring-fenced, protected funding for rare diseases. That was not included in the review to which my hon. Friend refers. Does he feel that that possibility should at least be considered as a way forward at some point?

**Ian Austin:** That is a really good point, and I am pleased that my hon. Friend raised it. I am sure the Minister will want to respond to that.

Tragically, we have to face the fact that many people are dying now. They do not have time to wait for the Government to respond to the review or for NICE to enter a lengthy consultation on its processes. They want to see the Government get on with exploring how Orkambi can reach those who need it without delay. If the Government create the conditions for constructive negotiations, the manufacturers will play their part, just as the Government themselves need to be flexible in order to deliver transformational treatments such as Orkambi.

I would like to ask the Minister the following questions. Does he think it is right that people in this country are considering moving to France or Germany in order to save their children's lives by giving them Orkambi, which is now proven to halt the progression of their

children's decline? What does that say about a Britain trying to project its place as being at the cutting edge of the life sciences sector? Will the Minister provide assurances to people watching today that the Government are listening, and that everything possible will be done to explore progressing the negotiations on Orkambi in 2017? Will he reassure them that we are capable of finding a solution next year that will bring an end to this cruel and unnecessary wait?

Will the Minister seek guidance from Government, NICE and NHS England on how the recommendations in the accelerated access review can be used to break the deadlock in negotiations? Will he meet Vertex and the Cystic Fibrosis Trust to discuss that? Samantha Carrier points out that in the 1970s, the life expectancy of cystic fibrosis sufferers was only five years old. Thankfully, that has increased greatly, but the rules for free prescriptions have not moved. When people become 18, they have to pay for their medication, despite the fact that they need these drugs to stay alive. Will the Minister look at that issue?

This is exactly how Parliament and politics in our country should work. It is our job to listen to our constituents and come here to stand up and speak out on their behalf. People like Carly Jeavons struggle to work or spend time with their family and do other things that the rest of us take for granted because they have to undergo hours and hours of treatment. New treatments have helped Carly, but others are missing out on these new drugs at the moment. People like Sam and Rob are having to come to terms with what this condition means for their newborn child, at the same time as having to care for her. All three of them—Sam, Rob and Carly—are devoting hours to raising funds or campaigning for better treatments for people with cystic fibrosis. They are an inspiration to us all; will the Minister meet Carly Jeavons, Samantha Carrier and Rob Evans and listen to them directly?

**Several hon. Members** *rose*—

**Sir Alan Meale (in the Chair):** Six Members have made written requests to speak. Our plan, under the guidelines, is to bring in the Front-Bench spokespeople at 10.30 am, so we have little time left. If speakers and anyone making interventions are very succinct, we will get in as many Members as possible in this important debate.

9.49 am

**Derek Thomas (St Ives) (Con):** The accelerated access review is important because it is designed

“to speed up and simplify the process for getting the most promising new treatments and diagnostics safely...to patients.”

That is good news for all Members of Parliament who have in their constituencies people who need access to innovative treatments. Sir John Bell states that the review “addresses one of the most important issues the National Health Service is confronting; how best to access innovation for the benefit of patients and to improve health care efficiency.”

It should therefore be welcomed and receive support from both the Government and the NHS.

The report has the dual intentions of improving NHS productivity through better use of technology and of promoting the UK as a destination for life sciences. It is

[Derek Thomas]

clear about the areas that need to be addressed: horizon scanning, data collection, regulatory decision making, clinical and cost-effectiveness assessment and commercial decision and uptake support.

I shall focus briefly on the data collection element of the report because that is what will enable treatments to come forward and help patients. The accelerated access review sets out a mechanism for collecting data on “strategically important medical technologies”. There is a clear need to collect data on technologies and their impact on the healthcare system. The review suggests that one approach should be a “commissioning through evaluation” system, whereby

“complex medical technologies or diagnostic products that significantly change clinical pathways are rolled out in a number of specialist providers who are well-placed to collect impact data and build expertise around pathway change. Following this period, should the technology prove its value after assessment by NICE, it should enter routine commissioning and benefit from supported uptake”.

In a recent debate that I secured on diabetes, I referred to commissioning through evaluation because I fully support the intent of that objective and believe that collecting data in that manner is an effective means of developing real-world data to support the uptake and use of modern treatments across the NHS. That type of evidence development is currently under way in the NHS, and I would like to look at one current commissioning through evaluation programme, which has been in operation since 2013. The programme launched for several technologies, covering a range of conditions. It included procedures to prevent strokes, improve the mobility of children with cerebral palsy, help patients with heart failure and improve radiotherapy for lung and liver cancer. I recognise that this debate is about cystic fibrosis in particular, but I am trying to make the point that as we collect data and bring forward the treatments, we need to ensure that they get to the people who most need them, including those whom we are talking about today.

The programme to which I have referred was structured in two phases. First was the evidence development phase, in which patients would receive the treatments and data would be collected. Second was the evidence assessment phase, in which data would be analysed and a routine commissioning policy developed. We have now reached the point in the process at which the number of procedures originally commissioned has been reached and patients will no longer be given the procedures until a formal commissioning decision has been made.

However, in answer to a parliamentary question in July, the Department of Health said it would take between one and two years to carry out the analysis. Recently, NHS England has stated that formal commissioning policies will not be in place until 2019. Those patients who would benefit from the procedures face the prospect of a two-year wait.

If we focus on just one procedure, we can see the impact that that will have on patients. Selective dorsal rhizotomy is a procedure that supports children with cerebral palsy to have increased mobility in later life. There is a narrow window in a child’s development in which they can receive the treatment. A two-year gap in commissioning will mean that some children never benefit from the procedure.

This debate was initiated by the hon. Member for Dudley North (Ian Austin), whom I thank for giving me the opportunity to speak. Its title on the Order Paper is “Implications of the Accelerated Access Review for cystic fibrosis and other conditions”. I have referred to other conditions, but I want to finish my speech by reading out a letter from a constituent, Christine Edwards, relating to cystic fibrosis. I need add nothing to what she writes:

“Dear Mr Thomas...My niece’s boyfriend, Taylor, has cystic fibrosis. He is a lovely young man and I think it is tragic that his life expectancy is so short. At the moment he is doing pretty well and his health is strong enough to support him going off to University...he did so this year.

The reality is though he can expect his health to decline and with it, his quality of life. Drugs like Orkambi offer such tremendous hope as slowing lung health decline not only offers him the potential to increase his life span directly but also allow him more opportunity to benefit from future treatment development.”

Christine Edwards also writes:

“The 2,700 people with cystic fibrosis in England desperate to access Orkambi do not have the time to wait for the development of a Strategic Commercial Unit to consider a wide range of commercial arrangements. Nor do they have the time to wait for NICE and NHS England to consult on their processes.”

That letter sums up why the Government must intervene and accelerate access to these transforming medical treatments. As Mrs Edwards states, patients cannot wait.

I therefore call on my hon. Friend the Minister to intervene and ask NHS England to give patients access to these innovations by ensuring a rapid and transparent decision-making process for all the innovative treatments currently undergoing commissioning through evaluation. That process should be supported by examining all available evidence and delaying while a small sample of data is analysed. I also call on the Minister to ensure patient access throughout the assessment phase by continuing to fund the procedures until a routine commissioning policy is in place, and to look at the operation of the system in the future and ensure that the design of any programme delivers continued patient access from the start of the programme through to a routine commissioning policy being in place. Finally, I call on the Minister—this is extremely important and will help large numbers of patients with cystic fibrosis and other conditions—to support wider stakeholder input into the system from those who have experience. That would include working with patient groups and industry representatives and would ensure that the NHS had the most accurate information.

9.56 am

**Ms Margaret Ritchie** (South Down) (SDLP): It is a pleasure to serve under your chairmanship, Sir Alan. I thank my hon. Friend the Member for Dudley North (Ian Austin) for securing this very important debate.

The recommendations in the accelerated access review have been a cause of hope for many families throughout the UK. I welcome those recommendations and hope that the Minister today will reiterate the Government’s commitment to their implementation. I hope that he will also give consideration to a number of possible areas of clarification that I and, I am sure, other hon. Members will raise. However, the priority is to secure the most advanced and best medicine and technology

for patients much more quickly than at present. Early access to new drugs can enhance and extend lives. It is vital not only that the UK keeps pace with other countries in approving new treatments, but that there is a consistent standard within the UK. I recognise that today's debate focuses on NHS England, but I hope that a strong precedent is set for patients in Northern Ireland.

A few days ago, I received a letter from a constituent who feels that there is now hope. She has a four-year-old child with cystic fibrosis, which affects many of the organs in his body. She says that his life expectancy is 37, but it would be much better if there were access to Orkambi, that necessary drug. There was sadness on her part that NICE did not see fit to license the drug because of cost and a lack of necessary data. I hope that a change can take place to enable the drug to be made available.

Time limits mean that I cannot touch on every condition relevant to the accelerated access review, so I echo the points raised by my hon. Friend the Member for Dudley North and will focus on another condition to which the review relates and which has already been mentioned by my hon. Friend the Member for Bootle (Peter Dowd)—muscular dystrophy. The effects of that condition are also progressive and can range from mild to severe disability. There is a serious impact on the lives of those with the condition and their families. Sadly, it can also result in premature death, typically in childhood or early adulthood. Accelerating access to new and effective medicines and treatments is clearly vital for those affected by muscle-wasting conditions.

The recommendations around faster assessments by NICE, the flexible approval arrangement and enabling NHS England to negotiate price and flexible commercial deals at the early stages have been welcomed by Muscular Dystrophy UK. The charity has also pressed for funding to be attached to the early access to medicines scheme, so I was pleased to see its inclusion in the recommendations. However, I would draw the Minister's attention to one recommendation in particular that I ask him to consider carefully. The accelerated access review has recommended a transformation designation and an accelerated pathway for some drugs. For some conditions that is wholly the right approach; however, in the case of muscular dystrophy the aim is to slow down muscle wastage as opposed to transforming or stopping the progression of the disease, and the medicines for muscular dystrophy are therefore incremental. I am sure that the disadvantage of incremental drugs is by no means the aim here, so I ask the Minister to take account of that and to ensure that treatments and medicines for muscular dystrophy are not overlooked.

Finally, Sir Alan, we are talking about treatments that can prolong a child's ability to walk and to live, having profound effects on their quality of life and that of their family and carers. I look forward to the Minister's clarification on this issue, and to an acceleration by NICE of the licensing of the drug Orkambi for cystic fibrosis sufferers.

10.1 am

**Ben Howlett (Bath) (Con):** I am pleased to speak in today's debate and join others in congratulating the hon. Member for Dudley North (Ian Austin) on securing it. I join him in congratulating the Cystic Fibrosis Trust

on its work, as well as other cystic fibrosis organisations and charities across the rest of the UK on theirs. As chairman of the all-party parliamentary group on rare, genetic and undiagnosed conditions, I take a particular interest in this subject and in particular how the approach taken by NICE when deciding on funding for drugs is unsuitable for drugs aimed at rare or genetic conditions.

As other Members have said, Orkambi is a particularly interesting development and is part of a new wave of gene-specific precision medicine. It tackles the underlying causes of cystic fibrosis—in this case, the defective CFTR gene—rather than simply treating the symptoms. We should be embracing this new technology and creating appropriate ways for these drugs to be approved and funded, so as not to discriminate against those with a rare or genetic disease. There may be fewer people who suffer from a rare or genetic condition, but I urge the Minister to do all he can to improve their chances. I know that he is a passionate advocate for that particular case.

The NICE process of recommendation understandably relies on data to commission the use of drugs on the NHS. However, the process is currently very rigid, which works against new, often life-changing drugs that only have trial data as evidence. That is exactly what happened with Orkambi, which only had data from a 24-week clinical trial when making its application—similar to a range of other drugs available on the market at the moment—yet evidence shows that it brings significant clinical benefits, as well as wider benefits to society, for people with cystic fibrosis and their carers.

It is not just the lack of available data that discriminates against drugs aimed at genetic and rare conditions. The NICE single technology appraisal process does not adequately reflect the potential benefits of the medicine in protecting future health deterioration or the wider holistic and societal benefits. Its thresholds for cost-effectiveness also work against those with a rare disease. Fundamentally, the diseases are rare by nature and therefore there are only a small number of eligible patients. That should not be a barrier, and we all agree that we need a system that can help those patients.

In short, the accelerated access review, which was brought about after the hard work of my hon. Friend the Member for Mid Norfolk (George Freeman), potentially holds the answers to the problems that currently beset the NICE system. It recognises that the innovative nature of new medicines means that they are unlikely to be approved through the current methods and proposes new guidelines. The new approach will help to ensure that the UK sets itself up as the best possible place to develop new drugs and, I hope, for Orkambi. The Minister might not be able to give me the answer now, but I would like him to write to me on the predicted result of the reduction of the drug spend through NHS England—as we recently heard in a series of evidence sessions held by the APPG for rare diseases—from 7% to about 3.5%, and on how the accelerated access review budget will be increased to compensate.

The Government are set to respond to the recommendations shortly. I hope that their proposal will benefit drugs such as Orkambi that are at the forefront of life science innovation because they treat the underlying causes of the disease, not just the symptoms, thus resulting in a lifetime of health and wellbeing benefits and savings.

**Fiona Mactaggart** (Slough) (Lab): The hon. Gentleman is right to focus on the development of these drugs. My concern is not just that patients are denied access to life-changing drugs, but that our pharmaceutical industry finds this a frustrating country in which to develop new drugs and to ensure that they are available to people such as the constituents of my hon. Friend the Member for Dudley North (Ian Austin).

**Ben Howlett:** The right hon. Lady is quite right that pharmaceutical companies, in the rare diseases space in particular, find this country a very frustrating place to come to. The message that we are going to support the industry to bring drugs to market here is not loud and clear, and there have been a range of delays and process errors. I know that the Minister and previous Ministers have tried to address this issue, but it has been a very slow, difficult and arduous process, because the message has not been heard loudly and clearly enough.

The difficulty that Orkambi is currently facing in getting funded perfectly displays the problems faced by many other innovative drugs that aim to treat rare or genetic diseases. As chair of the APPG, I get contacted by many people across the country who are desperate to see potentially life-changing drugs approved by NICE. There is a clear deficiency in the process for this type of drug, so I hope that the Minister can today announce a pilot process to show that the UK is committed to leading in this field and providing hope for all those sufferers of rare and genetic diseases.

**Sir Alan Meale (in the Chair):** Before we proceed, I say to Members that we are running very close to the line now. A number of Members have taken the trouble to write in and I need to try to call them all, so I ask each Member to restrict whatever they bring up to a maximum of five minutes, or hopefully less.

10.7 am

**Jim Shannon** (Strangford) (DUP): It is a pleasure to speak in this debate. I congratulate the hon. Member for Dudley North (Ian Austin) on bringing it forward. One of the major issues that I seek to raise with Government, as the Democratic Unionist party's health spokesperson, is the treatment of rare diseases and cancers.

Cystic fibrosis is a most debilitating life-limiting disease. It is believed that one in every 2,500 babies in the UK is born with cystic fibrosis. It is a disease that affects too many households in our nation and as such one that we must address to the fullest degree and in the best way possible. As a member of the all-party parliamentary group on cystic fibrosis, I have a great interest in this work and noted, with a small amount of hope, what was being labelled as a wonder drug—Orkambi, which was touted as having significantly reduced hospital admissions and slowing the decline in lung function in people with the genetic mutations that it targets. However, we all know that this year NICE was unable to recommend Orkambi, despite acknowledging the drug as an effective treatment for the management of cystic fibrosis. Since then, negotiations between the manufacturer Vertex, the Government and NHS England have reached a deadlock. Orkambi is a precision medicine that treats the underlying genetic cause of cystic fibrosis rather than just the symptoms, and is therefore very important.

Like the hon. Member for Dudley North and others, I would like to quote people from my constituency and from Northern Ireland—one is from my constituency and one is not. I was emailed by a man from Castlederg, the hometown of my mother's family, regarding the failure of the NHS and NICE to recommend this drug for the prescription list. Although I had read much about the drug, the human aspect was made so clear in his letter:

“With the power to lift so many of the limits cystic fibrosis can place on people with the condition, it's vital that access is granted without delay.”

I believe that many of us in this Chamber are here to highlight and draw attention to the plight of our constituents who are crying out for the hope that this drug could bring—the difference of quality years of life for someone suffering from cystic fibrosis. My friend from Castlederg also wrote about this example of a young lady who quite clearly needs help:

“I have first hand knowledge of this drug Orkambi because my daughter Rachel who suffers from cystic fibrosis has been on it for over three years now. Rachel took part in clinical trials for two and a half years and it has transformed her life. Her lung functions have risen by 19%”.

These are more than stats—this is about her life and how Orkambi has changed it.

**David Simpson** (Upper Bann) (DUP): A constituent of mine, Charlene Barr, passed away at the age of 20, just days before she was due to visit this House to campaign for cystic fibrosis drugs. I ask the House to pay tribute to her and her family for the fantastic work they do in Northern Ireland to raise awareness of this issue and of cystic fibrosis.

**Jim Shannon:** My hon. Friend has put his constituent's name in *Hansard* as part of this debate, and I believe that is a fitting tribute to her.

My friend from Castlederg also wrote of Rachel:

“Her lung functions have risen by 19%, she has gained a stone in weight and has had very little coughs or colds in this period of time. In CF terms this is massive.”

He said that Rachel was 25 years of age last January and that she

“is currently doing a PhD at University and Orkambi has really given her so much energy and strength to be able to carry out such a big undertaking. Rachel has been very fortunate as Vertex have kept her on Orkambi after the trials because I suppose it would be bad looking on their part if they took her off it...I think that its only right that people that are eligible for this drug should be given the chance to receive it and to prolong their lives for many, many years and maybe even save their lives. The problem is that NICE have told the NHS that it's too expensive at around £104,000 per year. What price do you put on a person's life?”

I understand the way things work and I understand well the arguments regarding the likes of pancreatic cancer drugs that could add an extra year to someone's life versus more money for the research to find a cure, but this drug could make a life such as Rachel's much better and could help her. The new 96-week data published recently show that Orkambi slows decline in lung function, which is the main cause of death among people with cystic fibrosis, by 42%. The data were unavailable to the NHS, as others have said, but they are available now. We look to the Minister to ensure that the opportunity is available for people to have Orkambi. People who are on Orkambi through the compassionate use programme

are beginning to report total transformations in their health, including enough improvement to come off the lung transplant list.

I understand the time restrictions, but I will give one more example. So many people have contacted me, including Martin Keefe, whose beautiful granddaughter, Evie-May, was diagnosed with CF at three weeks old. She is now seven years old. Surely this is the time to begin this treatment, so that she has less irreversible lung damage and can look forward to a longer, healthier life. To be clear, I am not a scientist, a doctor or a researcher, but as an elected representative, I can listen to the difference that these drugs have made and could make to people's lives—to Rachel's life, Evie-May's life and the lives of many others. The research that was not available at the time of the NICE guidelines is now available and it is compelling. With great respect, we are all conveying compelling evidence and information directly to the Minister.

The review is an opportunity to do the right thing by those suffering from this disease, particularly those such as Evie-May and Rachel, who has noticed such a change. It is for those people that I ask the Department of Health to end the stalemate and make a new decision. We look forward to the Minister's giving them the Christmas present that they want and that we in this House all wish for. I understand the budgetary constraints, but the benefit of the drug appears to outweigh the financial cost. Rachel, Evie-May and others like them, UK-wide, deserve the chance to have the drug.

10.13 am

**Kerry McCarthy** (Bristol East) (Lab): It is a pleasure, as ever, to see you in the Chair, Sir Alan. I thank the Backbench Business Committee for granting us this debate. I also thank the Cystic Fibrosis Trust, which has not just been instrumental in getting MPs here today, but does great work, as my hon. Friend the Member for Dudley North (Ian Austin) said, in supporting people with cystic fibrosis and their families. I think that Ed Owen is now moving on to other things and I particularly pay tribute to him for his work.

As I have mentioned before in this place, I have a 12-year-old niece, Maisie, who was diagnosed at Christmas in 2004 as one of the 10,500 people in the UK with cystic fibrosis. Thankfully, she is doing very well. In recent weeks, the number of constituents who have contacted me whose children, grandchildren or friends' children have cystic fibrosis has been revealing to me. Sadly, I also have constituents whose children have died from the condition. The youngest cystic fibrosis patient I have been contacted about was born in April this year. I have also been contacted by a couple of people who have 19-year-olds who are both at university, and the issue of prescription charges mentioned by my hon. Friend the Member for Dudley North has particularly hit home. One constituent said that, although she was very proud that her son had now gone to university hundreds of miles away, he was now responsible for managing his condition, which created some anxieties for her. She said that he was very angry that, despite being classed as a disabled student, he had to pay for his prescription. I hope that the Minister takes that on board because we have been promised a review of exemptions for many years.

As we have heard, Kalydeco, the drug that treats one particular mutation of cystic fibrosis, helps about 4% of patients in the UK. It was approved back in 2013 and the results have been dramatic, increasing lung function and reducing the time people have to spend in hospital on intravenous antibiotics. It has made a huge difference to patients' quality of life and all the signs indicate that it could significantly improve life expectancy. Now we have Orkambi, which is a combination of the drug that is marketed as Kalydeco and another drug. Orkambi targets a different mutation that affects more than 4,000 people, so it could help almost half the CF population in the country.

The clinical studies that became available last year indicated a significant reduction of 30% to 39% in lung infections and inflammations that lead to irreversible lung scarring and the need for a lung transplant. One in three patients who need a double lung transplant because of cystic fibrosis die while they are still on the waiting list. I hope that organ donation is also on the Minister's radar. Orkambi could be absolutely life-transforming. Despite that, NICE rejected it back in June because of doubts about its cost-effectiveness. It recognised that the drug is potentially a "valuable new therapy" with "significant clinical benefits", but it concluded that the cost per "quality-adjusted life year" is too high.

I acknowledge that NICE has a difficult job in assessing all the potential treatments for a range of conditions, and that it operates on a tight budget, but, as the Cystic Fibrosis Trust has argued and as we have heard this morning, the processes that NICE uses can be flawed because they rely on short-term data for a lifelong condition. We heard from my right hon. Friend the Member for Leigh (Andy Burnham) that new data show that after 96 weeks of treatment—NICE only looked at the 24-week clinical trials—the decline in lung function, which is the main cause of death for people with cystic fibrosis, slows by 42%. If NICE had had that data, it would have rated Orkambi's cost-effectiveness much higher.

I am partly speaking from personal experience, but I also know from my constituents' very sad stories that people are desperate for something to address these problems. The accelerated access review was commissioned because the Government recognised the weaknesses in the NICE process. For patients whose life depends on the outcome of the report and its implementation, it has been a long wait. I urge the Minister not to delay any longer and to consider the Cystic Fibrosis Trust's request to apply the AAR recommendations to the deadlocked Orkambi negotiations. Confidential commercial agreements would free Vertex to make the NHS its best offer, and commercial agreements under the Cancer Drugs Fund are confidential. Flexible pricing arrangements would allow the consideration of alternative models to manage costs, such as a price cap that is not exceeded even if patient numbers rise, and the collection of real-world data would allow a more accurate assessment of the drug's effectiveness. The hon. Member for Bury St Edmunds (Jo Churchill), who has now left the Chamber, mentioned the fact that 99% of cystic fibrosis patients are on the database and that there is a lot of available information about them, which makes them ideal to pilot the scheme. I hope that the Minister considers that.

10.19 am

**Daniel Zeichner** (Cambridge) (Lab): It is a pleasure to serve under your chairmanship, Sir Alan. I congratulate my hon. Friend the Member for Dudley North (Ian Austin) on leading this important debate. We have long needed to address the fact that the UK is trailing behind on patient access to new medicine. A.A. Gill who, just three days ago, sadly died of cancer, wrote:

“The NHS represents everything we think is best about us.”

But in his final column, he revealed that he was denied immunotherapy that might have helped him to live longer. He said that NICE,

“the quango that acts as the quartermaster for the health service, won’t pay.”

His experiences are striking, but they are a symptom that is all too common of a system that is struggling to cope. When Labour established NICE it soon became a world leader in approaching the profound and challenging question of how to allocate scarce resources fairly. Although the question remains the same, the times have changed and the pace of innovation has increased, as has the cost.

We were all pleased when the Government’s long-awaited and much-delayed accelerated access review was finally published. Simply put, we need innovative new drugs to reach patients quickly at a price that the NHS can afford, but it is not clear that the accelerated access review has solved the conundrum. There are already signs, since publication, that yet more problems are emerging. NHS England’s sudden and unexpected consultation on the QALY—quality-adjusted life years—threshold for highly specialised technologies risks running counter to the spirit of the AAR and introducing yet another gatekeeper.

The AAR recommends a fully funded early access to medicines scheme, but we need a positive response from both the Government and NHS England because the danger is that, with other countries having funded early access companies, we risk seeing clinical development work moving away from the UK.

As we have heard, the Cystic Fibrosis Trust has suggested that the AAR made several recommendations that could enable access to drugs such as Orkambi through flexible pricing arrangements and the gathering of real-world data to prove the drug’s effectiveness. Does the Minister agree that those recommendations will make a difference to people affected by cystic fibrosis? If so, will he commit to implementing the recommendations?

Other hon. Members have told us of real-world examples, and I will quote my constituent Julian Wheel:

“My youngest daughter, a local Cambridge primary school teacher for over 15 years, recently had a new daughter, diagnosed with cystic fibrosis. It imposes major changes on her and her partner’s lives in caring for her—time, difficult nutritional choices and the fear of recurrent infection, not to mention the additional and regular workloads imposed on the NHS staff at Addenbrooke’s, the local GP practice in Harston and healthcare visitors.”

He says that their family receive terrific support from the cystic fibrosis clinic and local surgery practice, but this new drug could relieve the suffering and improve their quality of life. He says it could offer “real hope.”

New drugs are expensive, but incentivising innovation should be a priority. The Government must ensure there are effective mechanisms that can help to address

the affordability challenges that new treatments are likely to present. A balance will need to be struck between setting a price that rewards and incentivises innovative research and setting a price that is also affordable to the NHS. Will the Minister establish a strategic commercial unit in NHS England to consider flexible pricing models?

Recommendations such as a fully funded early access to medicines scheme could make real inroads, but of course that depends on the Government supporting their implementation. The BioIndustry Association points out that innovation is impaired because the current early access to medicines scheme is not funded, and the lack of funding poses a barrier to many small biotech companies engaging with the scheme.

Across the board, organisations have called for a strong response from the Government to the accelerated access review. I am not sure we yet have that. Will we have one today?

10.22 am

**Andy Burnham** (Leigh) (Lab): I congratulate my hon. Friend the Member for Dudley North (Ian Austin) on the spirit in which he introduced the debate and on his consensual tone. I also commend him for the quality of the case he outlined in his excellent speech. He could not have done a better job of representing his constituents and all those represented by the Cystic Fibrosis Trust. My hon. Friend the Member for Bristol East (Kerry McCarthy) is right to pay tribute to Ed Owen, the departing chief executive of the CF Trust, who made an enormous difference to so many people during his tenure.

I sympathise with the Minister, because I have been there when such difficult issues have arisen. I assure him that there is no party politics in this room today. We have heard excellent speeches from both sides of Westminster Hall on issues of great importance to our constituents, and Members have made their points in that spirit.

I was involved in the establishment of NICE, which my hon. Friend the Member for Cambridge (Daniel Zeichner) mentioned, and it did become a world leader. I am the first to say that it can never be right for politicians to sit in judgment on treatments—judging that those who shout the loudest should therefore get the treatment. NICE was established for an important reason and, as a Minister, I always sought as best I could to stick to NICE’s judgments and not to undermine them. On occasion, however, treatments would come along that were, quite simply, exceptional and that could not be considered within the narrow confines of the NICE appraisal process. Those treatments were often innovative and related to chronic conditions where the drug, if used, might have a long-term beneficial social impact, rather than an impact that would necessarily return money to the NHS budget.

To be open about the shortcomings of the NICE process that we established, NICE was not able to consider the wider public budget, the Department for Work and Pensions budget and other budgets. My hon. Friend the Member for Dudley North spoke about people being able to work and care for their kids, and often the failure to fund a drug has a much wider social cost, yet the narrow process applied by NICE often did

not take that into account. Orkambi is one such treatment where we need exceptional consideration of its potential wider impact. The accelerated access review has given the keys to the Minister. There are things that can be done, and we all urge him to use those flexibilities today.

I could say a lot more, but the best way to use the time remaining to me is to refer to some of my constituents, many of whom have been in touch to encourage me to speak today. My office manager, Karen Aspinall, has a son in his 20s who has CF. Through her, I know how it is to live day to day with the challenges presented by CF.

I close with the direct words of my constituent, Leigh resident Philip Grimshaw. He is 28 years old and his words say far more than I could. He and his sister Melissa were diagnosed with cystic fibrosis when they were very young, and this is what he wrote to me:

“Melissa was diagnosed with CF as a baby after being very unwell since birth, and I was diagnosed as a result of this, at 7 years old. All our lives we have had to take a cocktail of medications and have had frequent stays in hospital.

In my opinion Orkambi would, amongst other things, reduce the number of hospital stays and also reduce the need for occasional extra antibiotics due to CF related illness (because we would be in better health as a result of Orkambi). Both of these mentioned would save the NHS money. I understand that it’s not a cheap medication but neither is a two week hospital stay, on a specialised ward, on extra antibiotics, six times or more a year.

I do think that the stress of losing our mum had an impact on Melissa’s health.”

Sadly, Melissa died in 2013. The letter continues:

“The problem with CF is that once your health starts to slide, it’s very difficult to bring back to where it should be. If Melissa was on Orkambi then it could have kept her in a better state of health and prevented her becoming as ill as she was and would have prevented the worst.

As for me; I’m looking to settle down and have children in the near future. Orkambi would help me to watch my children grow up rather than live to the predicted age of being in my 50s. I have had the dilemma of whether or not to pay into a pension because I won’t live to see retirement age and maybe even not long enough to be able to take a lump sum out at 55!

Orkambi can change that. It would be nice to have the confidence to know that I could see my children graduate university, start jobs and even have children of their own.”

I am sure that Philip’s words would be shared by many other people in their 20s, or younger, with cystic fibrosis if they had the opportunity to vent them in this place. They are the appropriate words on which to finish.

I recognise the difficulties, but we were here before with Kalydeco and we managed to find a way through. As my hon. Friend the Member for Bristol East said, nobody now doubts that that drug has made a huge difference to so many lives. We are in exactly the same position again, so let us learn from that experience. Let us not test people’s patience. Let us get the appraisal process moving towards a positive resolution. I realise that that is a challenge, but Ministers sometimes need to cut through the bureaucracy. The Minister is a good man, and I urge him to do that today.

10.29 am

**Dr Philippa Whitford** (Central Ayrshire) (SNP): Access to new drugs seems to be almost the commonest theme of debates in Westminster Hall. Having spent years as a breast cancer specialist involved in trials, I can say that it is really frustrating to have access to drugs within a trial and then lose that access when the drug is passed.

The United Kingdom can be up to five years behind Europe or America in accessing such drugs. We talk all the time about having more research on brain tumours and other diseases, but that does not help us if, at the end of the research, our patients cannot get the drugs.

Cystic fibrosis is one of the commonest of what we call the rare diseases. It involves a problem with transmission of salts through membranes, which results in incredibly thick mucus that clogs various organs, most commonly the lungs. As the right hon. Member for Leigh (Andy Burnham) mentioned, if it is diagnosed late, damage will already have been done. The earlier patients with cystic fibrosis are treated, the less damage is done and the healthier they are. The life expectancy has changed from childhood to middle age, due to a combination of approaches.

I am shocked to hear that people in England with cystic fibrosis have to pay for their prescriptions, because that would amount to quite a lot of money; they are on a lot of medication. We do not have prescription charges at all in Scotland, because you get an increased rate of people not collecting their prescription, or going to the chemist and saying, “Excuse me, dear, which are the two most important drugs for me to take?” and that ends up not being cost-effective. I would have thought that people with a chronic condition should at least have their names on a list as being exempt. I would have thought that that was the least the Government could do.

The right hon. Member for Leigh said that we have been through this with Kalydeco and many other drugs. Orkambi is a synergistic combination of Kalydeco, or ivacaftor, with lumacaftor, which makes it work much better. They are the first drugs that are not just antibiotics or mucolytics; they are trying to attack the disease itself. In that sense, they are transformative. The problem in the access review is that the definition of “transformative” going forward will not necessarily help those drugs. We do not suddenly find a drug that is a cure for any of these conditions; we move step by step, often adding drugs together or making new discoveries.

There is a real concern among those who develop drugs that in the consultation between NICE and NHS England, the levels considered acceptable for such highly specialised treatments are being changed. The problem is that if we send out the message to people with rare conditions, “I’m sorry; you’re just outside the pale,” we will be letting them down. We need a different approach. I think we need a different conversation for all drugs. The NHS in the United Kingdom brings a cohesive system that allows for follow-up data and allows a lot more information to be sent back to companies over time, which is not easily available in other countries. That should be on the table as part of the negotiations.

I have a real concern, going forward after Brexit, that in this country we will be further down the list for people to even apply for licences here. It may well be that the application to the Medicines and Healthcare Products Regulatory Agency for 60-odd million people in the United Kingdom may well cost an amount very similar to an application to the European Medicines Agency for a market of 450 million. That means we could end up in the same position as Canada, where it often takes about a year before a company decides to apply for a licence. The problem is that if, going forward, companies see that they must pay to apply to NICE,

[*Dr Philippa Whitford*]

which will turn them down so they will have to pay to apply again, they may just decide that it is not worth the candle. That must be taken into consideration.

Obviously, England has the Cancer Drugs Fund, the idea of which is to allow a little bit of flexibility on access to new drugs, which are often expensive, but it does not help you if you do not have cancer. In Scotland, ours is a new medicines and rare diseases fund, which as a proportion of the population is three times the size of CDF, so it is more flexible. It cannot be a long-term solution for such drugs, or the funds would get sucked up, but it is important that when we are going through a phase of considering the real-life use of expensive drugs we have some flexibility for patients, and not just cancer patients.

We had a debate in the main Chamber last week about the Health Service Medical Supplies (Costs) Bill, and one discussion involved funding. In Scotland, the pharmaceutical rebate goes to fund the new medicines and rare diseases fund. In England, it goes back into core funding, which means that along the line, the beneficiary is the Treasury. If the NHS is managing attribution and access to new drugs in such a way that it gets a rebate, it should be able to use that to access more innovative medicines. That is why the pharmaceutical industry agreed to it. It also creates a better relationship with the pharmaceutical industry. We cannot have a situation where the industry just pulls a price out of the air and we must rise to it—of course we must get value for money—but it is really important that we do not leave people with certain conditions knowing that there is utterly no chance that they or their children will access treatment.

10.36 am

**Mrs Sharon Hodgson** (Washington and Sunderland West) (Lab): It is an honour to serve under your chairmanship, Sir Alan. I thank my hon. Friend the Member for Dudley North (Ian Austin) for securing this important debate. I note that as he said, it is just over a year since he first brought to the House a debate on cystic fibrosis.

I appreciate all hon. Members who have attended and spoken in this debate to show their support for the cause; it is one that we must urgently get right. Members have shared many moving cases involving their constituents whose lives Orkambi could save and would certainly transform. My hon. Friend the Member for Dudley North mentioned Carly Jeavons and Sam and Rob, the parents of Daisy. The hon. Member for Strangford (Jim Shannon) spoke about Evie-May, and my hon. Friend the Member for Bristol East (Kerry McCarthy) mentioned her niece Maisie. My right hon. Friend the Member for Leigh (Andy Burnham) spoke about his office manager Karen Aspinall and her son, as well as Philip and his sister Melissa, who sadly died. Philip believes that Orkambi would have helped his sister and would certainly help him, as he also suffers from cystic fibrosis. Those people believe that their lives would be transformed by Orkambi. I believe that too, and the evidence supports it, as we have heard in detail.

I thank all hon. Members who have spoken in this debate, including the hon. Member for St Ives (Derek Thomas), the hon. Member for Bath (Ben Howlett) and

my hon. Friend the Member for Cambridge (Daniel Zeichner), for their excellent contributions, as well as the many others who have made valuable interventions. I also thank the Cystic Fibrosis Trust for its dedicated campaigning on the issue, and the 20,000 people who have been involved in its survey, in the digital debate here in Parliament, and in petitions and e-action. The concerns and the need for action are clear, and it is up to the Minister to give all those people beyond this place the answers that they need.

In my contribution, I will set out why the Opposition want to see the Government do more on innovative drugs, through case studies involving Orkambi. I will touch on issues of access to Orkambi and other drugs for those living with cystic fibrosis and expand into the recommendations of the accelerated access review, which can do much to address many of the issues involving access to new drugs.

Although it is welcome that the prescription drug Kalydeco was given the go-ahead by NHS England last week for two to five-year-olds as part of re-prioritisation, Orkambi remains an issue. There is currently a deadlock in negotiations between the pharmaceutical company Vertex, the Government and NHS England for the drug to be accessible to the 2,700 people who stand to benefit from it. As we have heard in detail today, that is all down to rejection of the drug under NICE's appraisal system because there is a lack of long-term data. Although it is welcome that NICE recognises the treatment as effective in managing cystic fibrosis, it is clear that we desperately need a new system under which drugs can be better accessed, especially those that show that they can benefit patients. We have also heard about new data that NICE did not take into account and that would have showed 42% effectiveness.

Orkambi has been shown to halve the amount of hospitalisation of cystic fibrosis sufferers, and 96-week data published recently showed that it can help to slow lung function decline by 42%. The data are also backed up by anecdotal evidence from people who have accessed Orkambi through the compassionate use programme and are beginning to report transformations in their health—some are reporting enough improvement to come off the lung transplant list. That information is all positive. It should be made better available for consideration as part of the appraisal process; it should also form part of the negotiations between Vertex, the Government and NHS England. However, when we see a deadlock, all of that information is for naught. Thousands of people are suffering irreversible lung damage that could be stopped if the current impasse between those around the negotiating table was broken. Those who will suffer the most are stuck in the middle.

It is up to the Government to facilitate the end of the deadlock so that people can access Orkambi and see their lives transformed. One way to do that is to begin the job of implementing the recommendations set out in the accelerated access review, which the Opposition welcome. The goal of speeding up access to drugs by cutting four years off the time needed to bring new medicines to patients is something that we should all welcome; we need to see whether it can be achieved. The review has the potential to change the philosophy of the NHS in line with the five-year forward view, but also to help to maintain our global lead in life sciences. The recommendations set out in its final report have the

potential to transform how we provide drugs and treatments, ensuring that we see innovation in drugs, diagnostic tools and healthcare developments. However, there still remain issues around thresholds for new drugs, which NICE and NHS England are currently consulting on. I understand that some associations and charities have raised concerns about that, and I hope that the Minister will update us on some of those discussions.

**Mark Durkan** (Foyle) (SDLP): My hon. Friend is right to be so positive about many aspects of the accelerated access review. However, as she has mentioned, there are concerns that new definitional ruts could be created by some of the terms of the review, which could lead to some patients and some promising drugs being trapped in exactly the sort of deadlock that she has described.

**Mrs Hodgson:** My hon. Friend is right to raise those concerns. We do not want to move into a new system that will create new unintended consequences. Perhaps the Minister will touch on that in his speech.

Although some are calling for interim solutions to help people who are stuck waiting for the accelerated access review's recommendations to be implemented, it is also important that the Government get on with implementing those changes. The review was announced more than a year ago and was published two months ago now. It is important to remember that the transformation that we all want to see will not happen straight away, but it is still right that we keep up the pressure for the recommendations to be implemented. There are many such recommendations, and I hope that the Minister will be able to update us today on the progress on each of them. There are two in particular that illustrate what can be done to resolve the deadlock around Orkambi—the immediate establishment of an accelerated access partnership and the setting up of a new flexible strategic commercial unit.

The accelerated access partnership is one way in which, through co-ordination and collaboration across the system, we could see drugs brought on to the market more quickly to benefit patients who need access to them. I would be interested to hear from the Minister what progress has been made on its creation, especially in conjunction with the issues surrounding the deadlock on Orkambi.

It is clear that the strategic commercial unit could help to benefit those who wish to see Orkambi offered on the NHS. The unit could work with those involved in this dispute to end the current deadlock through facilitation of the flexibility and transformational change promised by the accelerated access review. That would go some way towards helping to access data on drugs such as Orkambi and getting them out to patients. There is a willingness out there for that flexibility to be brought into the system; for example, the Cystic Fibrosis Trust has offered to use the UK cystic fibrosis registry to help to provide essential data that can help to prove how effective drugs can be and what more needs to be done. We have already heard how substantial that registry is; it includes 99% of sufferers. I understand that the trust's offer has been welcomed by all sides in the negotiations but is blocked due to the lack of progress in implementing the changes set out in the review. I hope that the Minister will give us some clarity on when the unit will

be created and when we can see a culture shift within the system that will allow for flexibility to accept data and information that show how much effect these drugs have on people's lives.

**Dr Philippa Whitford:** Does the hon. Lady share my concern about drugs for other conditions, such as sofosbuvir for hepatitis C? Even after they get NICE approval, those more expensive drugs are now being rationed at the NHS England stage. At the moment we are fighting to get through NICE, but it needs to be a smooth path all the way through.

**Mrs Hodgson:** The cost of drugs sometimes leads the NHS into the terrible and unfortunate situation in which rationing seems to become the norm. There can also be a postcode lottery, which is another element that we need to look at. The price of drugs really is the crux of the issue.

In conclusion, I hope that the Minister will offer some insight into the progress being made on the recommendations of the accelerated access review. The case of Orkambi can help to drive through these changes and to end this deadlock, which, as we have heard, is causing unnecessary suffering for those living with cystic fibrosis. The review has established a space for change and for patients to access new and innovative drugs and treatments. It is important that there is no stalling or delay in transforming the system, because people's lives depend on the changes called for by the review. I am sure that the Minister will keep that in mind when he goes back to his officials.

10.47 am

**The Parliamentary Under-Secretary of State for Health (David Mowat):** It is good to serve under your chairmanship today, Sir Alan. I congratulate the hon. Member for Dudley North (Ian Austin) on leading the charge in this debate. The right hon. Member for Leigh (Andy Burnham) rightly said in his very good speech that this is not really a political issue. Every Member in this Chamber has constituents who would benefit from these drugs. There are 10,500 people in the country with cystic fibrosis and it is massively important that we do everything we can to make progress on the issue. I also congratulate the Cystic Fibrosis Trust on its work and on its "Stopping the Clock" campaign. Debates such as this give prominence to these issues and to the need to make progress.

The debate is really about two drugs, a drugs company and an evaluation process. I shall speak about all of those and about where we are going with the accelerated access review. The two drugs are Kalydeco, which applies to something like 4% of cystic fibrosis sufferers, and Orkambi, which would apply to a further 40% of sufferers. Both are relatively small populations: for Kalydeco it is something like 400 people in England, and for Orkambi it is something like 2,700 or 3,000. Kalydeco has been routinely available on the NHS since 2013. As mentioned today, it was extended on 4 December to children aged two to five. It makes a big difference and we are pleased to have made that progress. Both Kalydeco and Orkambi are produced and owned by a Boston-based drugs company called Vertex, which I shall talk about later.

Orkambi could be used by around 3,000 patients. It has a price of something like £100,000 per annum—the implication being that the cost of its approval in England would be in the order of £300 million or £400 million a

[David Mowat]

year. As several Members have said, it is obviously right that there is a process that weighs that cost of £300 million to £400 million a year against other NHS priorities and other drugs. That process is the NICE process. A number of comments have been made about the efficacy of that process, and it has been suggested that it may have deficiencies in respect of providing precision drugs to small numbers of users. I will try to address those concerns. I think everybody agrees that we need a consistent method of evaluating these matters, and there needs to be a way forward based on that.

When NICE evaluated Orkambi in July, it found that it had clinically significant and important benefits, which several Members have spoken about. There is no dispute about that, but the evaluation process—which is based on quality-adjusted life years, as has been said—also found that it was not cost-effective. I spent some time last night reading the NICE evaluation, and make the point to colleagues and other Members that it was not a near miss. It looks like there is a factor of 10 in NICE's evaluation of its cost-effectiveness. I guess that is largely driven by the price of £100,000 per annum and what that would mean.

**Andy Burnham:** It is obviously reassuring to everybody that the Minister has taken such a close interest in the issue before coming to the debate. He says it was not a near miss. That may have been the case on the data that NICE had, but does he accept the point made by my hon. Friend the Member for Dudley North (Ian Austin) and other Opposition Members that those data were very limited indeed? The 96-week trial data that are now available would probably have produced a very different overall calculation.

**David Mowat:** To be honest, I am not qualified to have an opinion on that. The right hon. Gentleman rightly said that decisions of this sort should not be made by politicians and that there has to be a process around them. It is clear that if NICE is presented by Vertex with new clinical data, or indeed new price data—this is perhaps equally relevant, but we have not really discussed it—a review could be carried out quickly without any need for us to go through the whole process again. There is a precedent for that, and if those data exist and Vertex presents them, they would be looked at. I give my commitment, and certainly that of the Minister responsible for this policy area, that that would be the case and there is no impediment to that. I do not want to raise false hopes by saying that, and I do not think I have done so. The fact that it is not a near miss—it is possibly out by a factor of eight or 10—implies that there is quite a lot of work to do on pricing.

It is worth recapping what other countries have done. Orkambi is available in Germany, although it appears from the data available that its use there is quite mixed, with perhaps no more than one in five eligible people having access to it. In France, the other country in Europe that has authorised it, Vertex has booked no sales yet this year. The picture seems quite mixed in those countries. The countries that have not authorised Orkambi include Scotland.

**Jim Shannon:** In my speech I mentioned a young girl from my constituency, Rachel, who has been on the Orkambi trials and shown exemplary improvements in

her health. That is an example we can all point to of where goodness has come out of the drug for those who have had the opportunity to have it, and that is true not only in my constituency but throughout the whole of the United Kingdom of Great Britain and Northern Ireland.

**David Mowat:** There is no dispute that the drug works, and there is no dispute at all that it is life-changing. The issue before us is the extent to which it justifies a price tag of £300 million to £400 million versus other NHS priorities. All I can say on that is that it is right that the decision is not made by politicians, for the reasons given earlier by the right hon. Member for Leigh.

I was discussing the countries that have so far not authorised Orkambi. Neither Scotland nor the Republic of Ireland accepted that it was cost-effective, and it is not used in Scandinavia or Canada either.

**Mark Durkan:** The Minister mentioned Scotland and the Republic of Ireland, where there are clearly challenges—we only have to look at the pictures in *The Irish Times* yesterday to see the graffiti about Orkambi in Dublin. Will he commit to working with colleagues from across these islands to use the underdeveloped and underused machinery of the British-Irish Council to literally get our act together when it comes to rare diseases? We should combine our purchasing power when negotiating with the drugs companies and ensure that there are much better networks for referral and treatment. We should improve that collaboration and literally get our act together on these islands.

**David Mowat:** I, too, saw the press. I think the Republic of Ireland drugs Minister has talked about writing around to that effect, and it would be a great idea were we to use our combined procurement muscle in that regard. He is certainly pressing at an open door.

I wish to spend a little time talking about Vertex. The company owns the drugs we are discussing and is worth \$18 billion. As well as looking at the NICE review last night, I spent quite a lot of time looking at Vertex's financial position. The company needs to sell these products; indeed, its continued functioning as a major pharmaceuticals company depends on that. Its share price has fallen by a third during the course of this year—I estimate that is a loss of value of something like \$7 billion—because its sales are not adequate. There needs to be a meeting of minds here. I am sure that people from Vertex are listening to this debate, as will people from other places, too. We all want a solution whereby the drug becomes available at a cost-effective price, but the negotiation is not a one-way street; Vertex is part of it as well. Were the company to come forward with different pricing data, those would be looked at very quickly. At some point in the future—I know it will be a long time—the drug will be available generically, although I accept that that will not give hope to some of the people we have heard about today.

In the couple of minutes I have remaining, I wish to discuss the accelerated access review, which was a manifesto commitment we made at the election. We set up the review panel. The basic intent was to enable transformative drugs to come forward more quickly and for there to be, as Members have mentioned, a commercial unit in the

NHS that is empowered to do deals and bring treatments forward more rapidly. In October the review team and panel published the final report, to which something like 600 stakeholders contributed. It is a valuable piece of work and we know its direction of travel: bringing drugs into the system more quickly, allowing the NHS to set priorities for the drugs it wants, and giving drug companies some notice and knowledge that if they develop drugs, they will be used. That will mean that a lot of the commercial discussions can happen earlier and progress can be made more quickly.

The Government are reviewing the results of the accelerated access review. There is much in it, if not all of it, that will be accepted, although I am not in the position to accept it today—that is not my role here. We do, though, want to make progress, which should give some hope for the potential of another review of the matters we have been discussing. Nevertheless, I must say again to Government and Opposition Members that the NICE process and the people carrying it out—they are rigorous scientists and serious doctors—need to be treated and understood with respect. We can all agree that the current situation is heartbreaking for many people. The world has a drug that would change people's lives, but the world has not rolled that drug out to them because of real and reasonable financial issues. I accept that that is a very difficult thing to explain to people and it is very difficult to accept.

*Motion lapsed (Standing Order No. 10(6)).*

## Education: Knowsley

11 am

**Mr George Howarth (Knowsley) (Lab):** I beg to move, That this House has considered education in Knowsley.

It is a pleasure to serve under your chairmanship, Sir Alan; I am sure we will be treated impartially and fairly. My hon. Friend the Member for St Helens South and Whiston (Marie Rimmer) had hoped to be here, but she is currently recovering from an accident; she wanted me to make it clear that she would be here if she was fit.

Secondary education in Knowsley has received attention in this House and in the media recently, particularly as a result of the report by the ResPublica think-tank. Unless urgent action is taken, at the end of this academic year not a single education institution in Knowsley will offer A-level provision.

Let me say first a word about the ResPublica report, which was commissioned by Knowsley Council. The Prime Minister is known for weighing up matters before pronouncing on them, but I doubt that she had actually read the report before quoting from the press release about it at Prime Minister's questions on 16 November; if she had, she would have noticed that the report that the council received in May did not mention grammar schools at all. In Knowsley, 39% of the secondary school population attends schools in neighbouring boroughs, which amounts to 3,164 school students and takes more than £17 million a year out of Knowsley's education system. Unchecked, that is in danger of escalating to the point at which secondary education in the borough becomes unviable.

Let me be clear: parents rightly decide what is the best education for their children and my comments should in no way be taken as a criticism of people who choose to send their children to schools outside Knowsley—that is their right. However, the fact that they do so does challenge us to improve attainment levels, and education in Knowsley needs some radical changes. Frankly, the problems we face would not be resolved by the creation of a grammar school. Indeed, it would make matters worse for the overwhelming majority of school students. For example, the Education Policy Institute yesterday concluded that, overall, its analysis

“supported the conclusions reached by the OECD for school systems across the world – that there is no evidence that an increase in selection would have any positive impact on social mobility.”

Sir Michael Wilshaw, head of Ofsted, said:

“The notion that the poor stand to benefit from the return of grammar schools strikes me as palpable tosh and nonsense”.

I think he put that firmly enough.

Together with my hon. Friends the Members for Garston and Halewood (Maria Eagle) and for St Helens South and Whiston, I have been exploring possibilities for ensuring that A-level provision in the borough continues beyond 2017. We had a meeting with the schools Minister in June. There are potential solutions. At a recent meeting with the principal of Knowsley Community College about the proposed merger with St Helens College, I was pleased to hear that, if the merger goes ahead, they have some serious ideas about how to restore viable A-level provision in the borough.

**Maria Eagle** (Garston and Halewood) (Lab): Does my hon. Friend agree that for a borough such as Knowsley, which has a substantial population, the idea of having no academic A-level provision is embarrassing for all the schools and education institutes? It does not bode well for the future of the borough if our young people cannot get the education they need—of whatever variety—in the place that they live.

**Mr Howarth:** My hon. Friend puts that very well. I agree with her entirely and was just going on to add a word about the impact of the negative publicity and comment.

Before setting out some ideas that I believe will help improve secondary education, I want to note some positive things that are already happening. Hard-working heads and teachers are understandably demoralised at the continual denigration that they experience in the media and from the Government; parents and school students are understandably upset that their hard work and achievements are continually rubbished. Yet there is so much good work going on that never gets a mention.

Ten days ago, for example, I visited the Lord Derby Academy, part of the Dean Trust, and met head of school Vicky Gowan and assistant headteacher, Josette Arnold. On a tour of the school, it was obvious that they were doing a lot right. The sense of discipline and the rigorous approach to teaching were obvious and commendable, and promise to bring about big improvements. Much the same could be said for the other secondary schools in Knowsley. Similarly, I recently had the privilege of opening the new Northern Logistics Academy in Kirkby, a joint undertaking between St Helens College and Knowsley Community College. It provides logistics training for those seeking to work in that industry, which is a real growth industry in our city region.

Knowsley Council, having disowned the ResPublica report, has now established an education commission, chaired by Christine Gilbert, previously chief inspector of schools in England and head of Ofsted, and supported by other distinguished commissioners, which is charged with producing an improvement plan. That approach should be supported and I would ask the Minister to commit the Government to that. It is worth noting that the commission has the potential to signpost ways in which other deprived areas such as Knowsley can also make appropriate improvements.

Two developments which could lift achievement are the Shakespeare North and Bio-Inspire projects. Both implicitly offer opportunities to raise aspiration for school students in Knowsley, and I hope that the Government will continue to support both initiatives.

If we are to improve social mobility in areas such as Knowsley, the single most powerful engine for doing so is education. That being so, and given Knowsley's high level of deprivation, it came as a surprise that Knowsley was not one of the six opportunity areas recently announced by the Government. I feel that the methodology used to identify those areas was flawed. Will the Minister undertake to review the methodology? Will she undertake to look at how Knowsley could be included in any further strategies to improve social mobility?

I want to make a suggestion about how educational attainment could be improved. Before doing so, I should say a word about how attainment is measured. Attainment 8

measures a student's average grade across eight subjects, which are the same subjects that count for progress 8. Those new metrics are a significant change to education reporting; performance measurement is spread across a wider range of subjects and is no longer based solely on attainment, and there is an emphasis on progress.

Knowsley ranks bottom in the north-west, with an overall attainment 8 score of 39, compared with Liverpool on 47 and Trafford, which is top, on 57. It also has the worst progress 8 score in the north-west, with a score of minus 0.88 compared with Liverpool on minus 0.35. Those figures illustrate the scale of the challenge in Knowsley.

I expect that the commission established by Knowsley Council will look at how post-14 education could be radically reorganised. There is, in my view, a case to be made for creating a choice post-14, but not through a grammar school. Many students in their later years do not regard the sort of education on offer as suited to their future aspirations. Sir Michael Wilshaw has, on a number of occasions, called for a skills revolution in the UK, arguing that every multi-academy trust should run a vocational university technology college for youngsters aged 14 to 19. He said:

“We need to say to youngsters, ‘there are other paths than university’. If you're going to make a success of Brexit, this should be the number one priority of government. Not grammar schools ... Otherwise we won't have the skills. And the prospects for growth in the economy and productivity in the economy will suffer.”

**Maria Eagle:** Does my right hon. Friend accept that Halewood Academy closed its sixth form not because it no longer wished to teach A-levels but because, and I do not blame the head and the governors for their decision, financially it is obliged to balance its budget and it simply no longer had enough pupils wanting to go into the sixth form—for various reasons—to enable it financially to continue? As a consequence, there is now no academic A-level provision in the entire borough. Does my right hon. Friend agree that it is commendable that Knowsley, which has no longer has any levers to provide education in its own borough and gets blamed when it goes wrong, has done what it can in establishing the commission? We hope that the Government will do what they can, in supporting that process, for all the young people and families in Knowsley.

**Mr Howarth:** I agree entirely with my hon. Friend. She is right to point out the limited scope of Knowsley Council, which is the local authority that has suffered the greatest cuts in the country while also being among those with the highest need. As I said earlier—it is an extension of my hon. Friend's point—it is no longer viable to offer sixth-form provision in Knowsley, and if we do not do something urgently it will become unviable to offer any kind of secondary education at all. I agree with my hon. Friend, and I also agree with Sir Michael Wilshaw.

In many cases it would be more effective if the opportunity for vocational education were available post-14, offering pupils a programme of GCSEs, technical and professional qualifications and work experience. That is not to say that those who aspire to a more academic education should not have that choice but, rather, that it should be a choice and not the only option.

Time does not allow me to give a detailed account of how such a reorganisation would need to be carried out. Who would offer the more vocational post-14 option and could the existing secondary system be adapted to provide the more academic option? Those are examples of tough questions that need to be worked through. It is also essential that the vocational and technical education courses on offer are of a high quality and of equal status to the conventional curriculum.

I should perhaps declare an interest at this point. I was one of the generation who left secondary school at 15 but went to technical college. I studied engineering and then went on to do an engineering apprenticeship. Later, in my 20s, I did a degree. Those were options I had, and options I could take, and my worry is that such options are no longer available for young people, other than through the apprenticeship system. The problem with some apprenticeships is that they are too narrowly focused on the needs of the employer and, therefore, the young people who go through them do not acquire the transferable skills that might be needed when they are ready to move on to another employer. Post-14 opportunities in vocational education offer the prospect of their gaining those skills.

I am clear, as is Knowsley Council and my hon. Friend the Member for Garston and Halewood, that improvement is essential, and that a great deal of responsibility sits on the shoulders of the commissioners to come up with a way forward. Again, I ask the Minister to endorse that approach. Finally, it is important to point out that I have first-hand knowledge that young people in Knowsley are no less capable and no less ambitious than young people from better-off families. They deserve the same opportunities as young people from other parts of the country and from more prosperous areas. I hope that the Government will work with Knowsley Council, the commission, my hon. Friends the Members for Garston and Halewood and for St Helens South and Whiston, and me to ensure that that is exactly what happens.

11.15 am

**The Parliamentary Under-Secretary of State for Education (Caroline Dinenage):** It is a great pleasure to serve under your chairmanship, Sir Alan. I congratulate the right hon. Member for Knowsley (Mr Howarth) on securing this really important debate and on the obvious passion and understanding with which he speaks about the challenges in his constituency. I also thank the hon. Member for Garston and Halewood (Maria Eagle) for her support today, and I add my voice to those wishing the hon. Member for St Helens South and Whiston (Marie Rimmer) a speedy recovery.

I know that we all share the Government's ambition to build a country that works for everyone, and that means providing a good school place for every child, one that caters to their individual talents and abilities and, indeed, their needs. Thanks to the incredible hard work of teachers and the action we have taken over the past six years, there are now more pupils in "good" or "outstanding" schools than in 2010. But if just one child in England is not able to access a good school, that is, of course, one too many, and that is a particular issue in Knowsley, where none of the six secondary schools is "good" or "outstanding".

Provisional 2016 results for secondary schools in the borough show that pupils, on average, make half a grade less progress than other pupils nationally with the same prior attainment. Knowsley has been the lowest-performing local authority at secondary level for a number of years. I absolutely understand, therefore, why the right hon. Gentleman has raised this really important issue. We are working in partnership with Knowsley Council and other key stakeholders in the region to improve and extend the reach of high-performing schools and leaders, to provide the best possible outcomes for Knowsley's young people, which is, of course, absolutely nothing less than they deserve.

**Maria Eagle:** Will the Minister put on the record today the fact that she and her Government will work with the local authority and local MPs to ensure that academic A-level provision is available from next September when Halewood Academy's sixth form unfortunately ceases? We must not send a signal to all young people of an academic bent in Knowsley that they have to leave the borough to continue their education.

**Caroline Dinenage:** The hon. Lady is absolutely right to raise that issue. I understand that the regional schools commissioner is meeting Lord Nash and local MPs in early January to discuss options for A-level provision in the area. Those options are being explored by the Department for Education as we speak. I also know that the educational issue across the board in Knowsley is one on which people are working very collaboratively. We have a number of strong multi-academy trusts in the north-west that are now supporting schools within Knowsley; and the regional schools commissioner, in conjunction with the education commission, is bringing them together for a roundtable discussion next week to consider some of the challenges around school performance in the borough and other issues.

The leader of Knowsley Council, Andy Moorhead, has acknowledged that educational performance in the local authority needs to improve. He recognises that although over the years a number of actions have been put in place to address the issue, a different approach is now needed. That is why we very much welcome the launch of the Education Commission for Knowsley, which I hope will provide that new approach. The commission will work closely with the Department for Education and national and local leaders in education, as well as with business partners, to address the underlying causes of educational under-performance in the area. The commission will draw on the expertise and knowledge of its members who are key leaders in education at a local, regional and national level, including Christine Gilbert, the former chief inspector of schools, Vicky Beer, the regional schools commissioner for Lancashire and West Yorkshire, and Sir Kevan Collins, chief executive of the Education Endowment Foundation.

I know that the commission will want to work closely with those who work in local schools; they are the real experts, who have clear views on how to get the much-needed improvement. The right hon. Member for Knowsley is right that we should be championing the dedication and commitment of the hard-working teaching professionals in our local schools, seeking to support, not denigrate, and seeking to encourage, not undermine. The commission will want to focus not only on immediate

[*Caroline Dinenege*]

interventions to make visible improvements, but on long-term measures to ensure that all pupils achieve their full potential and leave school with confidence and ambition.

On A-level provision, we are working in partnership with Knowsley Council and other key stakeholders in the region, such as Learn and Lead and the Liverpool city region combined authority, to improve and extend the reach of high-performing schools and leaders to look for that solution and provide high-quality A-levels. I have already spoken about the meeting in January with the regional schools commissioner and Lord Nash.

To clear up the confusion that the right hon. Gentleman rightly raised about the ResPublica report, the version that was seen in May was a very early draft. The final report, “Achieving Educational Excellence in Knowsley”, did not come out until October. That is the one that acknowledges the transformative impact that grammar schools can have on the life chances of less well-off pupils. The Prime Minister has been clear that every child should be allowed to rise as far as their talents will take them, and that their background should not be a barrier. We want all pupils to have access to a good local school, which is why we are consulting on reforms to a number of different schools, including not only grammar schools, but independent and faith schools.

**Mr George Howarth** *rose*—

**Caroline Dinenege:** I will give way to the right hon. Gentleman in a moment, but I will make a tiny bit of progress first; he has asked me a number of questions and I do not want to leave anything out.

We want to tap into the expertise of all these types of schools and spread the knowledge across the system, so that every child has access to a good space. That is what the consultation is all about, and it is still open. We are considering how new grammar schools can open where parents want them, but with strict conditions to make sure that they improve the education of pupils in other parts of the system. We believe that all “good” and “outstanding” schools that have the capacity to expand should be able to do so to meet the demands of parents in their local area. Our proposals will also result in more universities and independent schools sponsoring academies and establishing free schools. There are positive examples of that happening in Merseyside, where, for example, the Liverpool Institute for Performing Arts has set up a free school.

The Government’s reforms have increased autonomy in the education system, placing a relentless focus on improving standards and tackling underperformance and encouraging innovative partnerships to improve existing schools and create new ones. The right hon. Gentleman was absolutely right to raise the issue of post-14 technical education—he is one of the great alumni of that sort of system. Fourteen to sixteen-year-olds are able to take up high-quality, technical applied qualifications alongside their GCSEs, enabling students to gain valuable experience in a range of subjects not normally covered by GCSEs and develop practical and technical skills. Up to three technical awards can count in headline performance measures.

**Mr George Howarth:** Will the Minister give way?

**Caroline Dinenege:** I will in a moment, when I get to the end of this bit; the right hon. Gentleman was very keen to talk about technical education and I do not want to miss anything out. As he will be aware, 48 university technical colleges are currently open. A further seven are in development and plan to open in 2017 and beyond, and along with the 48 open UTCs, they will create opportunities for more than 35,000 young people to train as the engineers and scientists of the future.

**Mr George Howarth:** I am grateful to the Minister for giving way. I do not want to make a big issue of the Prime Minister’s comments at Prime Minister’s questions; I just want to set the record straight. Knowsley Council received the report that it commissioned from ResPublica in May, and that did not include any reference, in any shape or form, to the need for a grammar school in the borough. As I understand it—I spoke to the local authority at some length yesterday—the only reference to a grammar school was in a press release, which I assume the Prime Minister was quoting from. It was not in the body of the report that the council received.

**Caroline Dinenege:** I am grateful to the right hon. Gentleman for raising that point, which we will look into. My understanding is that the very early draft in May did not refer to grammar schools, but that the final report, which came out in October, did. However, I will pass his comments back to the Department.

**Maria Eagle** *rose*—

**Caroline Dinenege:** I am very aware of the time—it will have to be quick.

**Maria Eagle:** Is the Minister saying that a new grammar school in Knowsley is the solution that the Government might come up with?

**Caroline Dinenege:** No, what I am saying is that it is all about choice, flexibility, keeping our options open and listening to people’s views. That is what the consultation is all about. It is not about writing anything off, because we do not want to write off our children’s future. We want to consider any changes that will bring about the best possible social mobility for all those in our schools. We want every child to be able to fulfil their potential.

I will briefly talk about the opportunity areas for social mobility, as the right hon. Member for Knowsley was concerned about that issue. I understand his frustration that Knowsley was not included in that, because it is the lowest-performing authority at secondary level. However, it is not the weakest in the social mobility index, so it is not currently considered an opportunity area. Opportunity areas have been selected as social mobility “cold spots”, where we will trial new ways of addressing entrenched problems. However, we will use the learning from those areas to spread excellence to other areas, which will, of course, include areas such as Knowsley, where we want outcomes in schools to improve. We also want to go beyond schools and make sure that all programmes, from early years to accessing employment, help to break the link between a person’s background and what they achieve as adults. That is fundamentally very important.

I am very pleased that the right hon. Gentleman has raised these issues today. He is absolutely right that we must ensure that this country works for everyone, not

just the privileged few. It is so essential to create a socially just and socially mobile society, in partnership with fantastic teachers, strong schools and college leaders. We must all work together to ensure that the Government's education reforms will be successful in raising educational standards for all.

*Question put and agreed to.*

11.26 am

*Sitting suspended.*

## Operation Midland: Henriques Report

[MR GARY STREETER *in the Chair*]

2.30 pm

**Sir Gerald Howarth** (Aldershot) (Con): I beg to move,

That this House has considered Operation Midland and the Henriques report.

I am very grateful to you, Mr Streeter, for chairing this debate today, and to hon. Members from all parties in the House who have come to take part in this important debate.

One of the founding purposes of our Parliament, which was established 751 years ago, was for the redress of grievances. So let me say from the outset that where people—particularly the young and the vulnerable—have been abused by others, however high the alleged perpetrator is, they are not above the law. That was an assertion of the late and great Lord Denning, which is not in dispute. What is in dispute, and the subject of this debate, is the manner in which a number of police forces have chosen to operate and the rules under which they have operated.

Today I make no apologies for seeking to highlight what I and many others consider to be a major miscarriage of justice by the Metropolitan police and indeed by other police forces across the land. I intend to concentrate my remarks on Operation Midland, which involved the pursuit of unfounded claims that sexual offences were committed by the former Home Secretary, the late Lord Brittan; the former Chief of the Defence Staff and distinguished Normandy veteran, Field Marshal The Lord Bramall; and my long-standing friend, Harvey Proctor. Mr Proctor was also accused of murdering three children. I served in this House with both Leon Brittan and Harvey Proctor, and I have met the Field Marshal and his late wife, Lady Bramall, a number of times.

Other well-known people, such as Sir Cliff Richard, Paul Gambaccini and even the late Prime Minister, our former colleague Sir Edward Heath, have also been caught up in this scandal of police failure and mismanagement. However, such is the weight of evidence against—

**John Glen** (Salisbury) (Con): I am very grateful to my hon. Friend for giving way. Would he just care to reflect on precisely what he means when he refers to the former Prime Minister, because from my perspective—as Salisbury's Member of Parliament—I see that Wiltshire police have conducted their inquiries perfectly within the guidance set out by the College of Policing and are going where the evidence takes them?

**Sir Gerald Howarth**: I am grateful to my hon. Friend for his intervention. I was about to say that, such is the weight of evidence against the police operations, that time will not permit me to make more than a passing reference to them. I am afraid that I disagree with his view of Chief Constable Veale of Wiltshire. The chief constable's recent assertion—his bravado—was quite unwarranted. Sir Edward has been dead for 10 years, but I wish to leave that point there, because I think others may well deal with it, and I am sure that my hon. Friend will be able in due course to make his case in defence of Chief Constable Veale.

[*Sir Gerald Howarth*]

These people have lost income. Paul Gambaccini told the Home Affairs Committee that he had lost £200,000 in income and payment of legal fees following his suspension from the BBC and other broadcasters. Harvey Proctor lost his income following his sacking by the Duke and Duchess of Rutland, to whom he had acted as secretary. That sacking was largely at the behest of Leicestershire's constabulary and social services. Loss of the job meant he also lost his home on the duke's estate and he is now living in an outhouse with no running water and no lavatory facilities. That is the hard effect of this travesty.

In addition, the distress caused is difficult to imagine. During the investigation conducted under Operation Midland and Operation Vincente, Lord Brittan died and Lord Bramall's wife died, neither of them knowing that the investigations had both been wound up. In the case of Lord Brittan, who died in January 2015, it was well over a year before the Metropolitan police told Lady Brittan that the Operation Midland case had been dropped, and only when they were asked by her lawyers to verify a report in *The Independent on Sunday* did the Metropolitan police say that they would not have proceeded.

However, the distress was not confined to that aspect of the case. Lady Brittan endured the indignity of the search of her property. As she told me, 10 to 20 officers invaded the house. She said it was like witnessing a robbery of one's treasured possessions, including letters of condolence and photographs, without ever being told why. The police were insensitive to her circumstances and never told her that she had certain rights during a search. In her Yorkshire house, the police asked if there was any newly turned earth in the garden, again without saying why.

As Lady Brittan says, while it was ordinary police officers who were instructed to undertake the searches, responsibility for the control of this operation rests with senior police officers, whose insensitivity and incompetence has been revealed.

**Sir Nicholas Soames** (Mid Sussex) (Con): Does my hon. Friend agree that what appears to be at work here is the most extraordinary want of any form of judgment and balance? And would he care to comment on why there is a pattern running through all this activity of an absolute inability of the police to think for themselves?

**Sir Gerald Howarth**: My right hon. Friend makes an important intervention, and in looking at all of this I have tried to work out precisely what motivated the police. As I will say in a moment, they seem completely bereft of any common sense. However, if he will forgive me, I will try to address that point later on.

In respect of the searches of Lady Brittan's home, one sergeant told her, "Thank goodness we are only lowly cogs in this investigation".

Let me turn to my long-standing friend, Harvey Proctor. It took him 28 years to rebuild his life following conviction in 1987 for a sexual offence, which is no longer an offence and which of course cost him his place in this House. He shunned the public spotlight and became a very private citizen until, out of the blue, his home was raided by police, who spent 15 hours searching, removed papers and possessions, and told him that he

was accused of being involved in historical child sex abuse. It took the police a further two months to accuse him of being a child serial murderer, a child rapist and an abuser of children. Those were the wild allegations of one fantasist known only to the public as Nick.

**Sir Henry Bellingham** (North West Norfolk) (Con): I think my hon. Friend is coming to a very important area. Does he agree that we must be very careful about talking about victims, because surely what we are talking about are complainants? There are no victims until allegations have been proven.

**Sir Gerald Howarth**: My hon. Friend makes a very important point and it is one that I intend to address in some detail in a moment.

Not content with making these serious charges against Harvey, Nick suggested that there was a paedophile ring operating in Westminster, accusations that the hon. Member for West Bromwich East (Mr Watson), who is the deputy leader of the Labour party, was keen to exploit as a Tory scandal and for which he should now offer a full and unreserved apology.

Harvey had staying with him in his house a couple and their newborn child. He was told two weeks before the search of his house by the Metropolitan police that that child should be removed for their own safety, and secret sessions between the Leicestershire police, Leicestershire social services and the duke's representatives were convened when pressure was placed on the duke and duchess to sack Harvey from his employment after the search of his house. Leicestershire constabulary and the Met passed responsibility for this issue to each other, backwards and forwards, but it happened.

What are the charges against the Metropolitan police and the other forces involved? First, it is that they adopted a policy that the accusations were, in the words of Superintendent Kenny McDonald, "credible and true". Gone was any pretence of old-fashioned policing—looking dispassionately at the evidence and seeing where it leads.

This is where we are assisted by the excellent report produced by Sir Richard Henriques, a former High Court judge; admittedly, that report was at the specific request of Sir Bernard Hogan-Howe, the Commissioner of the Metropolitan police. What Sir Richard found was that the chief constable of Norfolk, Simon Bailey, who I understand leads for the Association of Chief Police Officers on child protection and abuse investigation, produced guidance in November 2015 that insisted that complainants should be described as victims. He wrote:

"If we don't acknowledge a victim as such, it reinforces a system based on distrust and disbelief."

He said:

"The police service"—

please note the reference to the police service, not the police force—

"is the conduit that links the victim to the rest of the criminal justice system; there is a need to develop a relationship and rapport with a victim...in order to achieve the best evidence possible."

That is the point made by my hon. Friend the Member for North West Norfolk (Sir Henry Bellingham).

**Mr Jacob Rees-Mogg** (North East Somerset) (Con): Does not that fundamentally undermine the bedrock of our justice system—that somebody is innocent until proved guilty?

**Sir Gerald Howarth:** My hon. Friends are intervening in such a way that they keep anticipating the next paragraph of my speech. I will be coming precisely to that point, because it goes to the heart of this case.

Sir Richard, in describing the approach as “flawed”, said that use of the word “victim” to describe a complainant “gives the impression of pre-judging a complaint.”

So confident is Mr Bailey, he countered that by “asserting that only 0.1% of all complaints were false”—

so, according to the chief constable of Norfolk, 0.1% of complaints were false—

“any inaccuracy in the use of the word ‘victim’ is so minimal that it can be disregarded.”

What an astonishing claim to be made by a senior police officer in this country! Not one complainant with whom Sir Richard discussed the issue felt that the word “victim” should be applied instead. On the issue of searches, Sir Richard concluded that they were simply illegal.

Sir Richard turns next to the question of belief, noting that a 2002 police special notice dealing with rape investigations read that

“it is the policy of the MPS to accept allegations made by the victim in the first instance as being truthful.”

A 2014 report on police crime reporting by Her Majesty’s inspectorate of constabulary recommended:

“The presumption that the victim should always be believed should be institutionalised.”

As my hon. Friend the Member for North East Somerset (Mr Rees-Mogg) said, that approach represents a fundamental reversal of a cardinal principle of English law, namely that a man is innocent unless and until proved otherwise.

As Rupert Butler, counsel of 3 Hare Court, put it to Sir Richard:

“The assumption is one of guilt until the police have evidence to the contrary. This involves an artificial and imposed suspension of forensic analysis which creates three incremental and unacceptable consequences. Firstly, there is no investigation that challenges the Complainant; secondly, therefore, the suspect is disbelieved; and, thirdly, and consequently, the burden of proof is shifted onto the suspect.”

The second charge against the police relates to the evidence of witnesses. Sir Richard observed that

“prominent people...are more vulnerable to false complaints than others...They are vulnerable to compensation seekers, attention seekers, and those with mental health problems. The internet provides the information and detail to support a false allegation. Entertainers are particularly vulnerable to false allegations meeting, as they do, literally thousands of attention seeking fans who provoke a degree of familiarity which may be exaggerated or misconstrued in their recollection many years later. Deceased persons are particularly vulnerable as allegations cannot be answered.”

I emphasise that point to my hon. Friend the Member for Salisbury (John Glen)—the allegations against Sir Edward are allegations that cannot be answered by him.

**John Glen:** If I may respond to that point, very rarely does an individual act alone. When there are victims—I say victims—who are still alive and connected parties still alive, there is a duty to seek justice for those individuals if they exist.

**Sir Gerald Howarth:** My hon. Friend says “if they exist”; I am not saying they do not. I do not know, but what I do know—it is a fact—is that Sir Edward Heath is dead and cannot answer back.

Paul Gambaccini, whom I met yesterday, referred to the “bandwagoner”—a person who hears about a complaint against a well-known personality and adds their own false complaint, possibly to make money. That motive should not be discounted in the consideration of these matters.

The third charge relates to the reliability of witnesses. Nick, the man upon whose evidence much of this monstrous submission was based, was dismissed by his mother, his stepmother, his ex-wife and his siblings as a fantasist. In their investigation, Northumbria constabulary must be ruthless in their analysis of why that man should have been free to make such deeply serious accusations against prominent figures when it would appear that little research was undertaken into his background. If his own mother denounced him, why did the police attach such credence to his claims? Of course, this is a man whose evidence was said to be “credible and true” by that chief superintendent. Did they not even think it was worth asking his relatives?

Fourthly, “victims” were constantly kept informed of progress on the case, but the alleged suspects remained in the dark throughout. That cannot be allowed to happen again.

Finally, why did the police abandon all notion of common sense? My right hon. Friend the Member for Mid Sussex (Sir Nicholas Soames) made that point. At the time of the alleged offences committed by Lord Bramall, he would have had any number of senior officers around him. What attempt was made by the police to ask for their opinion? Or did the police prefer to believe an unknown witness over one with close knowledge of the suspect? The idea that he was cavorting in some orgy on that most solemn of days, Remembrance Day, is not only absurd but an insult to a decorated war hero.

At my surgery on Saturday, I met Lieutenant Colonel Ben Herman. He is an ex-Royal Marine and a former equerry to His Royal Highness the Duke of Edinburgh. He lives in the constituency of my hon. Friend the Member for North East Hampshire (Mr Jayawardena), who cannot be here because he is attending a Committee. Lieutenant Colonel Herman was charged after being kept on bail for more than two years, but was acquitted after 15 minutes’ consideration by the jury. It was his contention that the attraction of his case was the opportunity to land a big fish. Lowly police officers carrying out dull work—except, I suppose, when they were infiltrating subversive groups and fathering children by the women they were supposed to be investigating—were salivating at the prospect of nailing a servant of the royal household. How far did such sentiments permeate the minds of those engaged on Operations Midland, Vincente and Yewtree?

These investigations constituted a grotesque and inexcusable failure by the Metropolitan police. Sir Bernard has accepted that there was failure, but who has been reprimanded or even sacked for the damage done to the individuals concerned and to the reputation of the Metropolitan police? We await the investigation of the Independent Police Complaints Commission with interest. I hope it will be expedited. On the other hand, the behaviour of those facing these dreadful accusations

[*Sir Gerald Howarth*]

has been extraordinarily dignified. My noble Friend Lord Dear, a former chief constable of West Midlands police, said that in contrast to the dignity shown by Lord Bramall, “the police investigation lurched from over-reaction to torpidity.”

I will outline what is needed. First, Sir Bernard Hogan-Howe should ensure that those responsible for authorising payments to the real victims of this witch hunt—the people whose reputations his force has shredded and to whom immense distress has been caused—are provided with that authority before he leaves office early in the new year. I spoke briefly to him last night to let him know I was initiating this debate. He must sign the cheques before he leaves. Forcing these people to go to court to seek compensation would simply add insult to injury. However, in the absence of an agreed arrangement, that is what they may be obliged to do. As Paul Gambaccini said to me yesterday, no man should acquiesce in his own annihilation.

Secondly, the Henriques recommendations must be implemented urgently. In particular, the requirement that those making claims of historical child abuse be regarded as victims and not complainants must be reversed forthwith, as it overturns the centuries-old principle of the burden of proof. In an article in *The Guardian* on 10 February this year, Sir Bernard Hogan-Howe said—he kindly sent it over to me this morning:

“The public should be clear that officers do not believe unconditionally what anyone tells them.”

But that flatly contradicts Her Majesty’s inspectorate of constabulary’s ruling, which I mentioned earlier, that the presumption should be that the victim is always believed.

Thirdly, the recommendation of anonymity before charge should also be implemented without delay. The Home Affairs Committee’s report on police bail, published on 17 March last year, was clear about that. It concluded:

“Newspapers and the media are prohibited from revealing the name of a person who is the victim of an alleged sexual offence. We recommend that the same right to anonymity should also apply to the person accused of the crime, unless and until they are charged with an offence.”

In support of that recommendation, the Committee referred to its predecessor Committee’s inquiry into the Sexual Offences Bill 2003, which

“called for anonymity for the defendant in such cases, because it felt sexual offences were ‘within an entirely different order’ to most other crimes, carrying a particular and very damaging stigma.”

I agree and, I am pleased to say, so does Sir Bernard Hogan-Howe. At least we have found common ground there.

Fourthly, I am disappointed that the Home Secretary feels unable to intervene in any aspect of this saga. In response to my call for the full Henriques report to be published and for compensation to be paid, she wrote to me last month to say that:

“The police are operationally independent of Government, and so any arrangements in connection with the publication of Sir Richard’s report are a matter for the Commissioner of the Police for the Metropolis to consider and address.”

I do not agree. These are not operational matters. I regard them as matters pertaining to public policy, which cannot simply be passed back to the commissioner. Indeed, I would argue that it is unfair on him to leave him with the sole responsibility. I gather that, as far as

compensation is concerned, Sir Bernard Hogan-Howe has to seek authority from other unspecified people, but I hope that the Minister will be able to confirm to me that that will be forthcoming shortly.

I have not been able to contact the Mayor of London, although his office phoned me about five minutes before this debate started. Again, I understand that he does not feel that this is a matter for him because it is an operational matter. I fundamentally disagree. This is a matter of public policy. There has been a serious miscarriage of justice, and Ministers cannot simply stand by and wash their hands of it. They may not agree with my view, but they should at least have a view. I think that the full Henriques report should be published. There is, for example, an entire chapter on Paul Gambaccini, which has not seen the light of day; it has been redacted in its entirety.

For all those people, this has been a harrowing experience exacerbated by insensitivity combined with incompetence on the part of the police. Lord Brittan went to his grave not knowing that the allegations in Operation Vincente had been dismissed. Lady Bramall went to hers not knowing that her husband had also been exonerated. Harvey Proctor said at his press conference on 25 August 2015:

“This whole catalogue of events has wrecked my life, lost me my job and demolished 28 years of my rehabilitation since 1987.”

Not a single police officer has been reprimanded, let alone sacked. Responsibility for this scandalous failure must lie with Sir Bernard and his senior officers. Either they knew what was being done in their name, which clearly renders them culpable, or they did not, which begs the question why they were not closely updated on cases involving multiple child murders and child sexual abuse, allegedly perpetrated by a Westminster ring involving a former Prime Minister and other public figures. In the case of Sir Cliff Richard, we know that the South Yorkshire police disgracefully conspired with the BBC to film the raid on his home.

However, there is one police officer who deserves praise. Detective Chief Inspector Paul Settle is the senior officer responsible for Operation Vincente into the allegation of rape made against Lord Brittan by a woman known only as Jane. In September 2013, he decided that the investigation should not proceed any further, and concluded that any action against Lord Brittan would be grossly disproportionate and would not have a legal basis. As he told the Home Affairs Select Committee, as a result of the hon. Member for West Bromwich East piling pressure on the Met, a hurried review of DCI Settle’s decision was carried out by another officer, who failed to look at all the documents and, in particular, did not look at DCI Settle’s decision log, a document he described as “an intrinsic and fundamental part of all major investigations.”

That provides further evidence that culpability for this matter resides at the top of the Met.

For acting with probity, DCI Settle was ordered by his line manager, Detective Superintendent Gray, to have nothing more to do with the case. Not only was he brushed aside and not only was his hitherto distinguished career blighted but he was referred to the Independent Police Complaints Commission for allegedly leaking information to the media. As one police source is reported to have told the *Daily Telegraph*:

“He was the only detective who spoke out against the witch hunt of VIPs and he is being punished for his honesty.”

It seems that he is being sacrificed by his superiors.

Finally, I say to those who might be tempted to think that I am concerned with those in high places suffering injustice only because they are people I know in one way or another that I am not. If that is how the police treat those in high places, what confidence can the ordinary man in the street have that he will receive fair and impartial treatment from the police?

**Several hon. Members** *rose*—

**Mr Gary Streeter (in the Chair):** Order. We have about 36 minutes until the wind-ups begin, and six people who have indicated that they wish to speak, so they have about six minutes each.

2.55 pm

**Simon Danczuk (Rochdale) (Ind):** It is a pleasure to serve under your chairmanship, Mr Streeter. I thank the hon. Member for Aldershot (Sir Gerald Howarth) for securing this debate, which gives us the opportunity to examine policing in relation to one of the most serious crimes of our age. At the outset, I should say that I have spent a good number of years campaigning on child sexual abuse, and I have met many survivors of sexual abuse. Furthermore, my second wife was sexually abused as a child, as is publicly known, so I know that it destroys lives.

I have an additional perspective on this matter: I have been the subject of accusations of sexual abuse, which were investigated by the police. I knew the allegations were nonsense, and it was a very distressing time as I had to wait many months before the Crown Prosecution Service put me out of my misery and dropped the case because there was no evidence. It also cost me a considerable amount of money—the hon. Gentleman talked about that issue. I think I can therefore contribute an understanding not just of the seriousness of this type of crime but of the trauma that innocent people are put through when malicious allegations are made against them.

I have also been critical of the police for the mistakes they have made in investigating sexual abuse. I have had good reason to do so on behalf of my constituents, especially in relation to the Rochdale grooming scandal. Greater Manchester police eventually apologised for that.

I have also read the Henriques report on Operation Midland. It is clear that that investigation also suffered from chronic failures, albeit of a different kind. The pendulum swung from a situation in which the police showed little interest in investigating the crime to one in which, haunted by failures of the past, they became over-zealous and they over-reached. Neither approach is acceptable, and it is right that scrutiny and criticism have followed.

I am pleased that the Home Secretary has announced that the police should have a licence to investigate child abuse to ensure consistent standards and to prevent officers from being forced to take on roles for which they are not prepared. However, I also believe that the Home Secretary should introduce mandatory reporting of abuse, although that is perhaps a debate for another day. As important as it is to scrutinise Operation Midland, we cannot give the public the impression that we are here to protect our own or to make the police think

twice before investigating any current or former Members of this House. The police must act without fear or favour. They should not be intimidated or discouraged from carrying out investigations into MPs. It is just as important that justice is applied to a Home Secretary as it is that it is applied to a homeless person.

We must remember that we have had Government Whips such as Tim Fortescue boasting that they could cover up scandals involving MPs and small boys; we have had papers from the head of MI5 sent to the Cabinet Secretary under Margaret Thatcher warning that Peter Morrison MP had a penchant for small boys; and we have had significant allegations of child abuse by Lord Janner. There are currently 29 cases before the Independent Police Complaints Commission involving allegations of the police covering up child sexual offences from the '70s to 2005. The IPCC has admitted that some of those allegations concern Members of Parliament—people who have been Members of Parliament. I could go on with other examples. It is clear that Sir Ian Horobin, the MP who was jailed for child sexual abuse in 1962, was certainly not the only person in this House guilty of that type of crime.

But that is the wider context. I would like now to focus on my personal understanding of the failings in relation to Operation Midland. After I wrote a book on Cyril Smith and the abuse that he meted out, I was inundated with correspondence making all sorts of allegations about other politicians, including Leon Brittan. I looked into those allegations, but I could find no evidence to suggest that he had done anything criminal. Furthermore, my office spoke to the person known as Nick, who was a key source of evidence during Operation Midland. The feedback that I received was that he had been instructed by the now defunct news website Exaro not to provide details to me about VIP abusers. Nick was clearly a very damaged individual who was struggling to cope, and I do believe that he had been abused. I just did not know by who.

I found all that a depressing tale and decided not to do anything with Nick's testimony. However, I assumed that the Metropolitan police would not rely on one victim and that there were surely others. It now appears that that was not the case, and it was obviously a mistake to rely on so much from just one person. That said, I will not join in the calls to have Nick prosecuted for perverting the course of justice. I do not think that would be wise. There is some irony, in that we do not have to go too far back in modern history to find a Director of Public Prosecutions stating that it was not in the public interest to prosecute Cyril Smith MP for child abuse, or Victor Montagu MP, who admitted abusing a boy for nearly two years, and yet there are now calls for a survivor of abuse to be prosecuted. I certainly do not think it is in the public interest to prosecute Nick.

The law is messy and imperfect. Child abuse is a difficult crime to investigate, and a combination of disinterest and inadequate police skills over recent decades has resulted in far too many people getting away with a very serious crime. On occasion, that has also resulted in the wrong people being accused, with a lot of unnecessary hurt caused as a result. Finally, the ongoing football scandal shows that we have been far too slow to act. We must be more vigilant about powerful people abusing children.

3.1 pm

**Sir Nicholas Soames** (Mid Sussex) (Con): I am grateful to be called to speak, Mr Streeter, and I am very pleased to be able to make a short contribution to this important debate. I congratulate my hon. Friend the Member for Aldershot (Sir Gerald Howarth). Everyone knows him to be a very good man, but it takes courage and determination to raise this sort of matter. I warmly support everything that he said.

The cases in question have created widespread concern about how the Metropolitan police and other forces have handled high-profile cases involving serious accusations of criminal offences allegedly committed by some of the leaders of our country. There is the apparently ongoing, astonishing case of our former colleague and Prime Minister, Sir Edward Heath. So far, £700,000 has been spent on Operation Conifer, which is investigating the allegations against him. Some of the original allegations apparently included those of satanic rituals. Those complaints have since been dismissed, but they are illustrative of the bizarre extent of the allegations. The chief constable for Wiltshire has responded to the inevitable questions about why the police are wasting so much money on claims against a man who died more than 10 years ago and cannot answer back by defiantly affirming that he would not be

“buckling under pressure to not investigate or to conclude the investigation prematurely.”

My hon. Friend the Member for Aldershot mentioned the raid on the home of Lord and Lady Brittan. I should declare an interest: both Lord and Lady Brittan are very old friends of mine. My hon. Friend also mentioned the horrific indifference of the police officers involved. Furthermore, I remind the House of what happened to Lord Bramall. His house was raided by a 20-strong search team in a blaze of publicity, with police cars parked in the pub car park, advertising to the world what they were about. What an unspeakable way in which to treat a second world war veteran, let alone a former Chief of the Defence Staff of utmost probity. That calls the police’s whole sense of proportion and loss of judgment into question.

I knew Harvey Proctor slightly. He had been in the House for four years when I was first elected in 1983. We were not political soulmates, but I was one of those Members of Parliament proud to rally around to help him to set up his shop in Richmond following his conviction in 1987, which resulted in his leaving the House. I was heartened to see that, once again, people such as Matthew Parris and Michael Portillo were rallying around to support the public-spirited initiative of Iain Dale to raise money for Mr Proctor, who in my judgment has been unspeakably treated. The effort raised some £11,140, including many small contributions from ordinary people disgusted by what they had read about the handling of the case by the Metropolitan police.

Another case concerns a former fire officer in Dorset, David Bryant, who is 66 years old and has received commendations for gallantry. He spent almost three years behind bars for a crime that he did not commit, solely on the evidence of a man with a history of mental illness. Danny Day, now aged 53, had gone to the police in 2012 claiming that he had been raped by Mr Bryant and another firefighter, who is now dead, at the fire

station in Christchurch on a single unspecified date at some time between 1976 and 1978. Mr Day said he was aged about 14 at the time of the alleged attack.

Mr Bryant, who the court heard was of “impeccable character” and had no previous criminal record, was convicted in 2013. Initially, he was sentenced to six years in jail, later increased to eight. Mr Day, who waived his right to anonymity in a series of newspaper interviews after the conviction, was finally exposed as a liar after detective work by a brave Mrs Bryant and a team of lawyers and private investigators who had been so horrified by the conviction that they had agreed to work on the case for free. Mr Justice Singly, hearing the case with Lord Justice Leveson and one other senior judge, said that other fresh material before the court included information that

“over a period from 2000 to 2010 the complainant in this case had to seek medical attention from his GP in relation to what can only be described as his being a chronic liar”.

David Bryant said:

“What happened to me must never be allowed to happen again. Being wrongly imprisoned as an innocent man is a living hell and something I wouldn’t wish upon my worst enemy.”

To conclude, there are terrible cases that must be dealt with—I agree with the hon. Member for Rochdale (Simon Danczuk)—but what comes through in the case of Harvey Proctor and others is the monstrous treatment of an innocent man, who lost his livelihood, his way of life and everything else that he had strenuously worked for to re-establish his good name. The Metropolitan police must put him back and recompense him for that terrible evil. A monstrous injustice has been done and is too regularly done. I beg the Home Secretary and others in some way to ensure that the police exercise a proper sense of proportion, common sense and good judgment when dealing with such difficult cases.

3.8 pm

**Patricia Gibson** (North Ayrshire and Arran) (SNP): I extend my thanks to the hon. Member for Aldershot (Sir Gerald Howarth) for securing the debate.

As more and more allegations of historical child sex abuse come to light, more focus is inevitably placed on how our police forces handle such important matters. We have had Operation Yewtree into the Jimmy Savile cases; the umbrella inquiry, Operation Fairbank, which investigated politicians and other high-profile public figures; and Operation Midland, which is our particular focus today. Operation Midland was closed without any charges being brought.

As is now agreed, the allegations of historical child sex abuse that gave rise to Operation Midland were mishandled at best and shambolic at worst. In the event, worryingly, 40 areas of concern were identified in Sir Richard Henriques’s report, including the “automatic believing” of the allegations of the person known as Nick, whom we have heard about. Nick, the principal complainant, was treated as being “credible and true”, to use Henriques’s words.

Although there can be no further doubt that Operation Midland is an example of investigation at its worst of most serious allegations, and that lessons must be learned so that such allegations in the future are properly and fully investigated, it is also essential that those who allege they have suffered sexual abuse always remain at

the heart of police investigations and feel able, supported and confident about coming forward to report crimes in future.

Although the Henriques report spoke of police failings in automatically believing the complainant Nick, whose account and allegations contained inconsistencies that ought to have made investigators more sceptical and more questioning, he is only one person, and all future complainants should not be tarred with the same brush. False allegations of historical sexual abuse, or any sexual abuse, are not seriously believed by many people to be widespread, and we must remember that.

However, concerns about this entire unfortunate episode persist. There has been much criticism of the fact that only around 10% of the Henriques report will be published. What does that mean for full transparency in such a serious matter? The fact that its publication coincided with the day of the presidential election in America has also raised concerns about attempts to bury bad news, but bad news such as this is like Banquo's ghost; it will appear at the most inopportune moments to haunt those concerned. This attempt to bury bad news does not reassure the public or gratify those who feel they were unfairly targeted as part of Operation Midland.

Scotland Yard has been accused of attempting to limit the damage to its reputation by heavily redacting the report. The main complainant who gave rise to Operation Midland has now been dismissed, as we have heard, as a fantasist who faces potential charges. We must also remember that, by their very nature, allegations of historical sex abuse can be extremely challenging to investigate and very difficult to prove in court. Amid all the criticism, we need to remember that the police have an extremely difficult task. If they were not to be seen to investigate such allegations, they could be accused of being conflicted over investigating establishment figures. Clearly, that would lead to a loss of public confidence.

Investigating in a heavy-handed and gung-ho all-guns-blazing procedure is not appropriate, either. A balance must be struck that most people would agree was not struck in Operation Midland. That should be a cause of great concern to us all. It is a concern that there should not be and must not be any negative implications for how such allegations are treated in future. It is a concern that the police learn the lessons and investigate all such allegations in future without fear or favour and go wherever their investigations take them. It is a concern that victims of such abuse are not dismissed out of hand and have confidence that allegations will be fully and properly investigated. It is a concern that the public must feel that establishment figures will be fully investigated properly and transparently when such allegations are made against them in future, in the same way as such allegations should be investigated against any ordinary person. Those are important points, as more allegations of historical sex abuse emerge from the world of football as we speak.

Child sex abuse is the dirty little secret that is slowly exposing itself more and more as more people find the courage to come forward. We need to treat such allegations with proper care and attention and investigate them correctly. We owe that to every single person who has lived through such horrific abuse. It is important that no one is seen to be above the law, and no matter how

historical the allegations are, they must be subject to full analysis. When there is sufficient evidence, those who are found to be guilty must be punished.

Mistakes in Operation Midland should serve warning of the importance of getting this right for both alleged victims and alleged abusers. It should not and must not be used as a barrier or a reason to automatically disbelieve future allegations. We need to get this right. I hope that today the Minister will reassure us that the Government are placing a strong emphasis on making sure they get this right in future.

3.14 pm

**Richard Benyon (Newbury) (Con):** We all bring prejudices into this place. The greatest prejudice that perhaps we all share is one of revulsion at the idea of child sexual exploitation, but when it affects an individual we know or revere, our prejudice is to immediately assume they are innocent. That was the case, in my circumstances, with Field Marshal Lord Bramall. He is an individual who, in my regiment, is revered, with a semi-godlike status. The whole family of the regiment were horrified that he should have been accused in such a way, and we rejoice that all the effects of the accusation have been removed from his character. However, we remain demanding of answers in this case.

Of course the great and the powerful should be investigated when allegations are made, just as allegations against anyone should be investigated, but it is how we investigate that matters. The Henriques report has outlined an appalling catalogue of errors in all the cases that hon. Members have mentioned in this debate. In the case of Lord Bramall, the report says that it was wrong to raid his home based on the testimony of a single complainant since dismissed, as hon. Members have said, as a fantasist. I entirely agree with my right hon. Friend the Member for Mid Sussex (Sir Nicholas Soames) about the number of officers, where they parked and the other factors involved in the case. The Henriques report says that it was entirely wrong to wait 10 months for the investigation to be dropped. In addition, Henriques questions the police tactics in obtaining search warrants for Lord Brittan's and Harvey Proctor's homes.

We have to ask who in the team conducting the search on Lord Bramall's home questioned the ethics of entering the house of someone in their 90s in the way that they did. This was someone nursing his terminally ill wife. The police spent 10 hours in that house, many of them dressed in forensic suits, causing great distress to the ailing Lady Bramall. They took personal items out of the house and did not return them for a very long time. What kind of appalling groupthink existed in that team? I understand the medical term for it is cognitive dissonance. We have seen this in hospitals that have declined to see terrible figures on mortality. We have seen it in other organisations. I suggest it was prevalent in the Operation Midland team. Was there—is there—an adequate whistleblowing system that would have allowed someone properly to raise this?

I warmly congratulate my hon. Friend the Member for Aldershot (Sir Gerald Howarth), who secured this debate. He made an excellent speech. In many of our public services, including our most secret intelligence services, there is a system for people to raise concerns, but the system clearly failed in the case of Operation Midland.

[Richard Benyon]

The hon. Member for Rochdale (Simon Danczuk) rightly talked about the pendulum swinging. The police were appalled at the attacks that had been made on them for their failure in the Savile case and they swung the other way. But did anyone lose their job over the treatment of people like Lord Bramall, Lord Brittan and Harvey Proctor? Such high-profile people who are still alive are articulate and able to make a powerful case on their own behalf, whatever the privations they have suffered as a result.

**Sir Nicholas Soames:** On that point, I thank my hon. Friend for his excellent speech. Someone was in charge of this. Someone was providing the leadership for the teams and exerting the judgment, issuing instructions and orders, and yet no one has been held accountable for the dreadful way in which it was being done.

**Richard Benyon:** As my right hon. Friend's grandfather might have said, who was in charge of the clattering train? But it is not just about famous and well-known people. What about the teacher, the carer, the social worker, the fireman who are treated in this way? Blame lies not just with the misguided officers behind so many of the failures in Operation Midland. The climate was perpetrated by—I will name him—the hon. Member for West Bromwich East (Mr Watson) and others, who fostered a conspiracy theory culture around many of the investigations into the individuals.

The hon. Member for Rochdale was right to mention the loathsome people behind Exaro, the news website that put innocent people's names in the public domain. It is hard to credit that the initial failures of the search and the delay in announcing that the inquiry had been dropped were compounded by the official letter Lord Bramall received, which was very churlish in its conclusions. It just said there was insufficient evidence to merit continuing the inquiry, and that further investigation could take place if more information came out. That was sent to a 90-year-old war veteran, with his dying wife in the house. What kind of mindset prevailed in the organisation?

I want never again to be ashamed of any action taken by the police force in any part of the country. I revere the police and firmly agree that they have a most difficult job; but the way things were done in the case I have outlined is deeply worrying to all of us who believe that fairness before the law is this country's greatest virtue. I hope that the Minister will understand the strength of feeling that means he needs to hold the police force to account.

3.20 pm

**Sir David Amess** (Southend West) (Con): I congratulate my hon. Friend the Member for Aldershot (Sir Gerald Howarth) on his powerful speech. I entirely agree with everything that was said by my right hon. Friend the Member for Mid Sussex (Sir Nicholas Soames). He was absolutely right when he focused on the issue of common sense. I should not want to be a police officer, and no doubt a police officer would not want to be a politician; but Operation Midland is not the police's finest hour.

I think that there are five colleagues present in the Chamber who have been in this place since the time when those who were accused were parliamentarians;

so most of us knew those individuals. Of course, it is not for us to judge the rights and wrongs of whatever they were accused of. Lord Bramall, about whom my hon. Friend the Member for Newbury (Richard Benyon) spoke, is someone for whom I have the highest regard. It is unforgivable that his wife died without knowing that the accusations against her husband were false. The way the raid on his home was conducted was a disgrace. The late Lord Brittan was a fine Home Secretary and a great European Commissioner. When I heard of the allegations against him I just could not believe them. It is, again, unforgivable that he died without knowing he had been cleared of the allegations.

However, I want to focus in my speech mainly on Harvey Proctor. He was the Member of Parliament for Basildon first, and then Billericay, from 1979 to 1987. I was elected for Basildon in 1983 and Harvey Proctor then became the MP for Billericay. As a newly elected Member of Parliament, elected under extraordinary circumstances to a House that was very different from the way it is today, I was grateful for all the help and support that he gave me. I speak as I find; he was perhaps the least materialistic Conservative colleague I have ever known. His reputation as an assiduous constituency Member still holds good today. It was a shock when, in May 1987, in the first week of the general election campaign, there was a trial and Harvey was convicted of an act of gross indecency; he was fined £1,450. Suddenly, in the first week of the campaign, there was a new Conservative candidate, the late Teresa Gorman.

I think that Harvey paid a heavy price for what he was found guilty of in 1987. I have been in correspondence with the Prime Minister, when she was Home Secretary, to see what could be done about the charges. I pay tribute to my right hon. Friend the Member for Mid Sussex for what he and others did to try to rescue Harvey's career, which had been destroyed. So it was a shock when, in March 2015, Harvey's home at Belvoir was raided. Between 1987 and 2015 I had rather lost contact with him and it was after some years, at a caravan rally at the Duke of Rutland's estate, where he was the manager, that we met. I was reminded—we are all busy people and we forget about things—how his life had been destroyed; he was haunted by what had happened in 1987. Harvey was, of course, accused of rape and murder, and has been acquitted.

Sir Richard's report, which is excellent, makes 40 recommendations. I want to end by saying that I am tiring of Ministers responding to debates with what amounts to saying they cannot do anything. In 1983 they could do something, so how is it that 33 years later Ministers seem to be so powerless? Surely a word could be said, or a message could be sent. As far as Harvey Proctor is concerned, his life has been destroyed; he is more than entitled to compensation, as indeed the other victims should be.

3.25 pm

**Rishi Sunak** (Richmond (Yorks)) (Con): Early one morning in March 2015, one of my constituents opened the front door of her home in Wensleydale to find a group of police officers standing there, with a warrant to search her house. Having lost her husband of 35 years just weeks before, she watched while the officers upturned every inch of the home they had shared. She told me it was "like seeing your house burgled in front of your eyes".

My constituent is Lady Diana Brittan, and her husband Leon was once my constituency's representative in this House.

By any measure, Leon Brittan was a great man. Our nation's youngest Home Secretary since Churchill, he helped to guide the country through the long night of the miners' strikes. As Secretary of State for Trade, he played an instrumental role in creating the World Trade Organisation and, as Britain's EU Commissioner, he won the nickname "Bulldozer" for his immovable commitment to UK interests. In pursuing what he knew to be right, regardless of who told him otherwise, Leon soon proved that he had, in spirit at least, been a son of Yorkshire all along.

However, in the last year of his life, when he was dying from cancer, he received a phone call from the Metropolitan police. He was told that he was to be investigated for an allegation of rape some 48 years old. The phone call was made despite the fact that the officer in charge of the case described the investigation as "grossly disproportionate", and despite the fact that, as the Director of Public Prosecutions would later confirm, the case "at no time" met the necessary threshold for a realistic prospect of conviction. No one is above the law. It is of course right that the police should vigorously pursue allegations of criminality. However, in the case of my constituent it is clear that the Metropolitan police committed grave errors. As the Select Committee on Home Affairs said, the police acted in fear of

"media criticism and public cynicism".

That is not a proper basis for police operations. The pursuit of justice is not an exercise in public relations.

Commissioner Hogan-Howe is to be commended for initiating the excellent independent Henriques review of the Met's performance. However, the report is damning and lists more than 40 different failings, of which I will touch on three. First, current police guidance dictates that officers must "believe" a complainant's allegations and that complainants should be referred to as "victims". That is a dangerous principle. It flies in the face of the most fundamental principle of our justice system: that an accused is innocent until proven guilty. It goes beyond the reasonable requirement that officers should treat any allegations seriously and respectfully, and it creates a mindset where investigators may be tempted to fit facts to an accusation rather than approach their investigation with an open mind. It was precisely such thinking that led officers allegedly to mislead a judge about the credibility of a witness, thereby obtaining an unjustified search warrant and causing my constituent Lady Brittan so much distress.

Secondly, there were serious shortcomings in the way that the Metropolitan police interacted with the media. Our laws rightly preserve the anonymity of the accuser for sexual offences. Yet for the accused, our protections have repeatedly proved inadequate. Current police practice of confirming to the media the age and location of suspects is clearly incompatible with the police policy that suspects should maintain their anonymity until charged. For Leon, whose long years of public service made him easily identifiable, anonymity was lost well before it should have been, with devastating consequences. Lady Brittan, who was a dedicated magistrate, described to me how she and Leon, who was then in the late stages of cancer, were chased down narrow Yorkshire lanes by

photographers and how their daughters fended off journalists outside their home. I appreciate the delicate arguments involved in considering statutory pre-charge protection of anonymity, but the failings of Operation Midland provide a compelling case for review.

Lastly, and most unforgivably of all, the police failed to inform the Brittan family that they were no longer pursuing their investigations. They found the time to inform the complainant, but it was not until nine months later that Lady Brittan read in a newspaper what she had known all along: that her husband had done nothing wrong. That delay meant that Leon died without ever seeing his innocence confirmed. It is shameful that the man who led our police force through one of its most challenging periods found himself so poorly repaid at its hands.

In conclusion, I have no doubt that if Leon, with his fierce intellect, had been standing in my place today, he would have made a far better case than I ever could. However, foremost in his mind would have been that the lessons must be learned, and learned properly. No one should ever suffer the injustice that he and his family have had to endure.

**Mr Gary Streeter (in the Chair):** If each of the Front Benchers aims for nine minutes, that will give Sir Gerald two minutes to respond. I call Richard Arkless.

3.30 pm

**Richard Arkless (Dumfries and Galloway) (SNP):** Thank you, Mr Streeter. I will not attempt to take up any more time than I have been allocated; I am keen to hear what the other Front Benchers have to say. I, too, congratulate the hon. Member for Aldershot (Sir Gerald Howarth) on bringing this sensitive and difficult topic to the Chamber. It is not easy to take the position that he has taken on this matter, and I recognise his bravery for doing so.

I will start by bucking the trend and praising the police—although obviously not in the context of Operation Midland. In my experience, the police in all four nations of these islands do a terrific job, and we should not forget that. This seems to be an isolated incident, and it is right that we express concern about it and try to tackle it.

Like most Members in the Chamber, I believe two things in this respect. First, I believe in the presumption of innocence. I am a lawyer, so for me that is a cornerstone of a civil society and the rule of law and it ought never to be discarded. Secondly, I believe that child sexual abuse is the most heinous crime that human beings have ever committed against other human beings. It is a heinous crime not only to be committed, but for someone to be accused of if they have not committed it. We should remember both those things. It is the only crime for which I could possibly justify reinstatement of the death penalty—clearly not in cases where people are innocent, but it is the most appallingly disgusting crime.

**Sir Nicholas Soames:** Does the hon. Gentleman agree that in the case of Cliff Richard, for example, the presumption of innocence was done away with when the search of his house and the reason for it was broadcast live on television with the connivance of the police?

**Richard Arkless:** I thank the right hon. Gentleman for that intervention. I have just said that I appreciate that child sexual abuse is the most heinous crime not only to commit but to be accused of, and I have certain personal sympathies with Mr Richard's position that there should be anonymity before charge. That debate is ongoing, and it is right that we have it. I do not disagree at all that child sexual abuse is the most heinous and appalling crime to be convicted of, and I have sympathy with anyone who has ever found themselves in that position.

I suppose the public will watch debates such as this and think to themselves, "What on earth was going on 20, 30 or 40 years ago?" The allegations made in the context of Operation Midland could not be proven—rightly so, it seems—but we have had other high-profile cases such as Savile, and we now have allegations involving football players and clubs. It seems that when two or three victims, or complainants, have the courage to come forward, that unlocks a Pandora's box that no one thought was there. Although the points that the hon. Member for Aldershot made are steeped in sense, the danger of this debate is that we somehow appear to be protecting our friends and pals. If we do that, it will completely put off more victims from coming forward, and if they do not come forward, we will never understand the scale of what seems to have happened in a time about which I quite frankly cannot understand what I have seen and heard over the past few years.

The hon. Gentleman made a fantastic and powerful speech, and I was struck by the recommendations that he made. I was interested in his points about 3 Hare Court chambers—which I used to work with, incidentally, so I trust its advice. I was quite perturbed and distressed by the words "if they exist". Clearly, in Operation Midland, it was difficult to prove that Nick was telling the truth, but if we in this place start taking that attitude—"Do victims exist? Should these allegations be believed? Are they spurious?"—we will put a lid on people being brave enough to come forward and describe such allegations, so that we in society can face up to what people did years ago, which none of us would suggest we have any part in.

That is the main point that I wanted to make. I was going to comment on some other speeches—I have been impressed by all the speeches—but I am keen to hear what the other Front Benchers have to say. I conclude with a note of caution: although it is right that we have this debate, we should be very clear and careful about the message that we send out. Presumption of innocence is one thing, but I would rather have a debate about the thousands of people all over these islands who have been sexually abused—not by the gentlemen investigated by Operation Midland, granted—and who never had the courage to come forward. I would like those people to come forward so they can finally get justice. That is what I would prefer to be talking about.

3.35 pm

**Carolyn Harris** (Swansea East) (Lab): May I, too, congratulate the hon. Member for Aldershot (Sir Gerald Howarth) and all other Members on their passionate and interesting speeches? May I also say what a pleasure it is to serve under your chairmanship, Mr Streeter?

The report's findings are extremely serious. They relate to the poor conduct of the police investigation and the breach of the police's own guidelines on the

anonymity of suspects, which have caused the Met to be in crisis. However, people's focus is changing, and there now appears to be more attention on the credibility of rape and sexual assault victims. There is no evidence in the report to support a blanket change in policy for the treatment of all victims, which would run counter to all the evidence and the positions of all stakeholders.

Rape Crisis England and Wales says:

"The vast majority of survivors choose not to report to the police. One significant reason...is the fear of not being believed." The National Society for the Prevention of Cruelty to Children carried out a series of focus groups with victims of Jimmy Savile to identify common themes that prevented those victims from reporting their abuse to the police at the time and to explore how the police could improve their management of the reporting process and subsequent interviews and contacts. In all those groups, a key reason victims gave for not disclosing abuse was their overwhelming belief that if they had done so, they would not have been believed. Those who did not report abuse cited feelings of shame, guilt and a fear of not being believed, as well as feeling intimidated by Jimmy Savile's profile, as their reasons for not telling anyone. Status and position must not be a shield against investigation. We have heard a lot about loss of income and livelihoods. If just one case is proven, that is one child's childhood that has been taken.

The Met has made very serious errors. The detail of the Henriques report should be used to strengthen police procedures for both investigation and the treatment of suspects. It cannot and must not be used to downgrade the seriousness of allegations of rape or sexual assault—crimes that are already woefully under-reported and have low conviction rates. Victims fearing that they will be doubted only serves to prevent reporting and to degrade those victims. There must be no move backwards by the police to make matters even worse. There must be no return to the abysmal treatment of victims or lack of seriousness in investigations, or to the police denigrating victims or denying them their rights.

**Mr Gary Streeter (in the Chair):** Thank you. The Minister now has plenty of time to respond. I call Brandon Lewis.

3.39 pm

**The Minister for Policing and the Fire Service (Brandon Lewis):** It is a pleasure to serve under your chairmanship, Mr Streeter, especially as you have effectively encouraged colleagues to intervene on me. Thank you for that.

As others have done, I congratulate my hon. Friend the Member for Aldershot (Sir Gerald Howarth) on securing this debate, and I thank him and others for the points that they have raised about this serious matter. I am grateful to all hon. Members for the quality of the debate, which shows Parliament at its very best. This subject is difficult and can be sensitive, but they have made their points clearly. I was going to say that if there is anything I do not touch on due to pressure of time, I will write to hon. Members, but I think we should have time to cover everything thanks to the tight speeches from the Opposition Front-Bench Members.

One of the difficulties with a debate such as this, as a couple of Members rightly mentioned, is getting the balance in the system, and understanding that there is a balance, that finds the correct line between making sure

that people can come forward as complainants or victims—there is an issue about the definition of victims, which was raised by hon. Friends and is in the Henriques report—and judging that against the rights of the individual, ensuring that we have a system in which people have the freedom and confidence to come forward to make complaints in the first place.

One of the things the police force should be proud of—we should all be proud of this—is that we are seeing a rise in recorded crime, with the two main causes of that being the improvement in the quality of recording crimes and the number of people who have had the confidence to come forward that was not there before. We need to ensure that we retain that while we ensure that the police and criminal justice system have the credibility we all want them to have so that when an allegation is brought forward that has no substance and no finding, the police deal with it effectively and efficiently as well. I will now come to that issue, which is at the core of the debate.

I want to be clear at the outset that I am not going to defend—nor could I—the actions of the Metropolitan Police Service in this case. We in Government share the deep concerns that hon. Members have articulated so clearly during the debate and those about the Metropolitan police's handling of non-recent sexual abuse allegations, including Operation Midland. The Metropolitan police's credibility in dealing with child sexual exploitation generally was highlighted and clearly shown to be well below the standard it should be in the recent report by Her Majesty's inspectorate of constabulary, which, to quote Sir Tom Winsor, is about the worst report that it has ever written about any police force in the country.

We recognise the anguish felt by those who had their reputations traduced by allegations that were subsequently discovered to be unfounded, and I empathise with them. To be unjustly accused of any crime, and, as the hon. Members for Rochdale (Simon Danczuk) and for Dumfries and Galloway (Richard Arkless) outlined, especially of a crime such as this, is a terrible experience for any individual. For that trauma to be exacerbated by police failures and behaviour is an affront to our criminal justice process and it should not happen.

Sir Bernard Hogan-Howe, to his credit, was right to ask Sir Richard Henriques to carry out the independent review, but now he must stand up to the findings of that review. It sheds a light on the errors made by his force in carrying out the investigations. He has been frank in acknowledging the failings of the Metropolitan Police Service, and he, and I would say also his successor—I hope that he will deal with this so that it is not an issue for his successor to pick up next year—must not shy away from a proper consideration and response to Sir Richard's recommendations or from taking all action necessary to ensure that that litany of errors never occurs again. I do mean all action necessary, and I will come to the detail of that in a moment. It is imperative that that is done without shying away from it at the earliest opportunity.

The Metropolitan police are now consulting on the recommendations with the National Police Chiefs Council, the Mayor's Office for Policing and Crime, the College of Policing and statutory and voluntary partners in the criminal justice system. I urge all parties involved in that work to consider the recommendations swiftly and decisively. They must learn the lessons from the failures.

Investigations into allegations around sexual offences must be carried out professionally and appropriately for both parties.

**Mr Julian Brazier** (Canterbury) (Con): Having benefited hugely from particular kindness from both Field Marshal Lord Bramall and Lord Brittan, may I suggest, as colleagues have, that it is not just about learning lessons? Those who were responsible for the disgraceful behaviour on the day and the failure to follow up afterwards must be identified.

**Brandon Lewis:** My hon. Friend makes a good point that the review deals with. I will come specifically to that in a moment.

This problem will not go away. Reports of child sexual abuse are increasing year on year and our public must have confidence in the system and that their police force—whoever and wherever that is—will handle those cases appropriately. However, again, that works both ways. Members have noted the case of South Yorkshire police and Sir Cliff Richard and how that was dealt with. That is a great example of how to do it badly and in a way that brings the entire police force into disrepute.

In order to wield the power, the police have to take investigations forward properly and appropriately; they have to understand the adage that with great power comes responsibility. At what point could anyone take the view that it is appropriate to carry out a raid with the BBC or any media outlet in tow?

**Sir Gerald Howarth:** Like my hon. Friends, I find the behaviour of the police and the BBC completely inexplicable. What action has been taken? What reprimands have there been? Has anyone been sacked? Can the Minister tell us?

**Brandon Lewis:** My hon. Friend may be aware that there have been changes in the leadership at South Yorkshire police, and work is being done there to look at how they act. One of the other things we are doing to ensure that action is taken more widely nationally is to look at some issues that the Home Secretary has raised. I will come to that in just a few moments.

Today I have spoken to the national policing lead, Simon Bailey, who will be coming to see me before Christmas to discuss the recommendations of the review and the work that the police are doing more generally in response to these serious issues. There is also the issue of compensation for those who feel that they have been poorly treated and who have seen their reputations tarnished by the Metropolitan police force. As Members have said, that is important.

Of course, as we have taken power from the centre and moved it into police forces, it is for the Metropolitan police to address any claims for compensation that arise from the report's findings and the general issues around such cases, particularly the Harvey Proctor case. I am sure that the House will agree that money cannot give someone back their previously unsullied reputation; nor can it give back the months, if not years, of anguish and turmoil they will have suffered. It does however at least provide some recognition of failure and responsibility, and recompense for the cost that people have suffered. That is something on which the police must focus. I am seeing Sir Bernard Hogan-Howe next week, when I will

[*Brandon Lewis*]

raise that issue and what the Metropolitan police are doing in that case. I assure the House that I will treat these matters with the utmost seriousness in raising them with him, and indeed in the conversations that I will have with the national police lead.

**Richard Benyon:** The Minister has rightly talked about maintaining the right balance, and he is making a powerful speech. However, if a member of a team going to search an individual's house knows that what they are being asked to do is intrinsically wrong, what mechanisms exist in the police? I am mindful that the police have to maintain good order and discipline and cannot have people questioning them and going to the press, but there must be a hierarchical system in which an individual can say, "This is wrong. Something has to change."

**Brandon Lewis:** I will come in a second to how the police should be dealing with those issues and going about their investigations, but, in terms of something happening whereby a member of the force sees something is wrong, in the first instance we should have a police service in which any member within it has the ability and confidence to come forward to the hierarchy of that service with a complaint and an outline of where things are going wrong. However, going beyond that and realising that we live in the real world and that in some hierarchical organisations, no matter how much we want it to be different, people feel that they cannot do that, in the Policing and Crime Bill that is going through Parliament we are giving more power to the Independent Police Complaints Commission so that it can take things up directly to give better protection to whistleblowers.

**Sir Peter Bottomley** (Worthing West) (Con) *rose*—

**Sir Gerald Howarth** *rose*—

**Brandon Lewis:** I give way to my hon. Friend the Member for Aldershot.

**Sir Gerald Howarth:** Detective Chief Inspector Settle did precisely that. He said that he thought the inquiry should go no further. What happened to him? Basically, he was destroyed. I do not think any legislation that my right hon. Friend can put on the statute book will remedy what has happened, which is a failure of leadership in the Metropolitan police.

**Brandon Lewis:** I will give way to my hon. Friend the Member for Worthing West (Sir Peter Bottomley) and then deal with both issues.

**Sir Peter Bottomley:** The Minister is helping the debate, but may I pursue the point made by my hon. Friend the Member for Newbury (Richard Benyon)? Rather than having to go to the extreme of whistleblowing and making a formal complaint, why cannot someone say to their leading officer, "What on earth are we doing? Who told you to do this? Why are we doing it? Explain it." I can do that with my Whips. Why cannot they do that with their inspectors?

**Brandon Lewis:** I am sure that the members of the Government Whips Office will be delighted to hear that my hon. Friend feels rightly confident in having that conversation with them. He is right; that is exactly what

should happen. However, through the Policing and Crime Bill we are trying to recognise that from time to time, as much as I wish it were not the case, there may be an officer who feels for whatever reason that they cannot go down that route and effectively act as a whistleblower. I will come on to how that should be handled going forward in more detail in just a few moments.

I will turn to some of the specific issues raised during the debate, but hon. Members will be aware that I cannot comment in detail on some of the specifics of Operation Midland, or indeed on individual cases associated with it. It is inappropriate for the Government to comment on operational matters such as those. Additionally, I am sure hon. Members are aware that action is being taken by the Independent Police Complaints Commission, which I will outline, as a result of some of the failings identified in the review.

Five Metropolitan Police Service officers, ranging from a detective sergeant through to a deputy assistant commissioner, have been referred to the IPCC. Indeed, the individual who originally made the allegations that Operation Midland focused on is also being investigated by an outside force for attempting to pervert the course of justice. To that end, I hope the House appreciates that I am constrained by various ongoing proceedings, but I am happy to continue and to outline some further wide-ranging points.

On the publication of the report, to which my hon. Friend the Member for Aldershot referred in his opening remarks, I believe that there should be a presumption in favour of transparency in a situation like this. It is to the commissioner's credit that he commissioned this report, and I will discuss his plans for publishing it when I see him next week. There is a balance to be found between considering any legal implications of sensitive and confidential material in the report and publishing that material, which is an issue I know the commissioner has to look at. I will discuss that with him next week. In the first instance, we and the Metropolitan police should look to be as transparent as possible.

I understand the views of Sir Richard Henriques and Sir Bernard Hogan-Howe on whether the police should "believe" all victims. I cannot be clearer on the matter than by reiterating the words of my right hon. Friend the Prime Minister, who was then the Home Secretary. She said that the police should focus on the credibility of the allegation, rather than on the credibility of the witness or victim. That has to be right, but as was said earlier, it works both ways in terms of how the police deal with these issues.

The position of the National Police Chiefs Council—I spoke to Simon Bailey about this earlier today—is that officers and staff must approach any investigation without fear or favour, and must go where the evidence takes them. I understand that Simon Bailey clearly made the point to Sir Richard Henriques, as he was putting together his report that outlined how many claimants' allegations tend to be baseless, that once the victim has come forward, that case and its investigation must be undertaken without fear or favour to get to the bottom of whether that allegation is correct. If it is, it should quite rightly be followed through to its finality, which the police are required to do by the code of practice of the Criminal Procedure and Investigations Act 1996.

The evidence of the victim is just one part of an investigation; “believing” victims, or even referring to them as such at the point of disclosure when recording the crime, as opposed to complainants, should not and must not interfere with that. However, we need a system under which people who believe they are a victim feel confident and free enough to come forward in the first place. I am sure we all wish to see that continue. As with the rest of Sir Richard’s recommendations, I know that the Metropolitan police, the Mayor’s Office for Policing and Crime, the College of Policing and the National Police Chiefs Council are looking closely and carefully at that, as they must, in order to respond fully.

**Richard Benyon:** Lord Dear made an important interjection on this issue in the other place. He said that the loss of the Police Staff College has had an impact on decision making and leadership. Does the Minister agree, and are there plans to put something like it in its place?

**Brandon Lewis:** I understand why Lord Dear made that point; I met him recently and he outlined his thoughts. However, we now have the College of Policing, which is working to make sure that we have the standards and the sharing of best practice in place. That is exactly what the college is there for.

The Home Secretary recently announced the development of a licence to practise for child sexual abuse investigators, as hon. Members outlined earlier. That will ensure that only qualified officers are carrying out those complex investigations and in the correct and appropriate way, and are hopefully dealing with some of the issues raised earlier. As a Government, we have done more than any other to lift the lid on what are heinous crimes. We have acknowledged the painful treatment endured by victims and by those wrongly accused. We have to make sure that we get that balance right. Similarly, we have to acknowledge the pain endured by those who have suffered sexual abuse and whose voices went unheard for such a long time. We saw that with the revelations relating to Jimmy Savile several years ago, and we are sadly seeing it again now with the appalling scale of allegations of abuse within football, as was noted earlier.

Child sexual abuse is a despicable crime. We have to do everything in our power not only to prevent it from happening but, where it happens, to root it out, deal with it and bring people to justice. We have been consistently clear that, where abuse has taken place, victims must be encouraged to come forward and have their allegations reviewed thoroughly and properly investigated so that people can be brought to justice. Again, that has to work both ways. To have confidence in the system, both the victims and the accused must have confidence that they will be treated with respect and will be brought to justice where appropriate.

In the case of Operation Midland, the Metropolitan police is clearly guilty of serious errors, as we heard earlier. Those failures must not be allowed to undo so much of the good work that we and they have done in recent years in giving that confidence to victims, survivors and the wider public to ensure that the police take these crimes seriously. Victims should—and increasingly do, as we have seen with the football scandal—feel able to come forward, to report abuse and to get the support

that they need. In ensuring that that continues, we must not turn a blind eye to when the police get it wrong. In this instance they got it wrong, and they must stand up to that.

I again thank my hon. Friend the Member for Aldershot for raising these important issues in such a powerful way, along with other right hon. and hon. Members. I hope that I have been able to assure hon. Members on the Government’s position; I will update them further following my meetings over the next week.

3.56 pm

**Sir Gerald Howarth:** I am most grateful to all right hon. and hon. Members who have taken part in the debate. It has been a seminal debate and has been very powerful and useful indeed.

I agree entirely with the hon. Member for Dumfries and Galloway (Richard Arkless) that child abuse is the most heinous crime. That is why it is so serious for those who have been falsely accused; it is the most heinous crime. The hon. Member for North Ayrshire and Arran (Patricia Gibson) was also absolutely right that accusations must be investigated, and the hon. Member for Rochdale (Simon Danczuk) said that the police must not be intimidated.

That is common ground among us all, but I think the hon. Member for Rochdale was right when he said that the pendulum had swung too far the other way. We know of the ghastly things that happened in his town; blind eyes were turned to the most heinous of crimes there, which must never be allowed to happen again. The issue is getting the balance right, which we have to do. I think that the guidance has to change. I cannot believe that we can carry on, as is required at the moment, having to believe people making these sometimes very wild accusations.

It is important that the point made by Sir Richard Henriques is taken on board—that some people in public life, particularly entertainers, are especially vulnerable to fantasists’ made-up accusations. In winnowing out all of these cases, it is important to recognise that some people may themselves be the target of fantasists who are interested simply in making money. I readily understand, as Sir Bernard Hogan-Howe said in his February article in *The Guardian*, that investigating these cases is exceptionally difficult. However, this debate has illustrated that the pendulum has gone too far, and that the police have to adopt a different standard. They must call people “complainants” and not “victims”, because otherwise they have prejudged the case at the outset.

I am grateful to my right hon. Friend the Minister for his comments. I am delighted that he is meeting Chief Constable Bailey next week, because the issue is the nomenclature and the police’s approach to these claims. I particularly welcome his meeting next week with the Metropolitan Police Commissioner, Sir Bernard Hogan-Howe, and his belief that compensation, particularly in the case of Harvey Proctor, must be resolved before Sir Bernard Hogan-Howe retires. That is a precondition, and I hope that my hon. Friend will reinforce that message and secure that result. I end by thanking all hon. Members for taking part in the debate, and by reminding them that this inquiry has cost the British taxpayer between £2.5 million and £3 million.

*Motion lapsed (Standing Order No. 10 (6)).*

## Legacy Issues: Northern Ireland

[NADINE DORRIES *in the Chair*]

4 pm

**Sir Henry Bellingham** (North West Norfolk) (Con): I beg to move,

That this House has considered legacy issues arising from cases in Northern Ireland.

It is a pleasure to serve under your chairmanship, Ms Dorries. I think all of us agree that the Northern Ireland peace process has surpassed all expectations. Who could ever have dreamt 20 years ago that we would see in the Northern Ireland Administration both Democratic Unionist party Ministers and Sinn Féin Ministers? It is in everyone's interest that the peace process continues and endures.

I will say something about the legacy. I remind colleagues that 3,500 people were killed. Of those, 2,000 were killed by republican terrorists, 1,000 were killed by loyalist paramilitaries and 368 were killed by security forces. In total, 722 members of the security services were killed, which includes 477 serving British soldiers. The overwhelming majority of those deaths were fully investigated. The vast majority of wrongdoers were brought to justice. A very small number remain unsolved, and I understand the desire of some of those victims' relatives for closure. However, we have to be cautious. We simply cannot get away from the obvious fact that these events took place many, many years ago, and much of the evidence has disappeared.

In 2010, the Police Service of Northern Ireland set up the historical inquiries team to look at various cases. I understand that it completed investigations into 1,615 cases. It then set up the legacy investigation branch in January 2015 to look at the remaining 923 cases. Of those, 379 were republican cases, including 228 so-called on-the-runs, 230 were loyalists, and 283 were security forces. The active caseload is eight republican cases, one loyalist and five security forces. That means there are 911 cases outstanding. This could go on for many years. So far, the cost has been £33.2 million.

The cases are split pretty evenly between republicans, loyalists and security forces. However, I believe strongly that there cannot be any parity or moral equivalence between paramilitaries and terrorists and members of the armed forces. Those brave members of the armed forces were doing their duty, wearing the uniform of the Crown and working to keep the peace. We should not forget that the Army was originally called into Northern Ireland to restore order and to protect Catholics. The vast majority of those soldiers were young people, conducting themselves invariably to the highest possible professional standards and following the Yellow Book. The terrorists and paramilitaries, on the other hand, had one simple plan and aim in life: to kill and injure.

**Jim Shannon** (Strangford) (DUP): I congratulate the hon. Gentleman on securing this debate. He clearly outlined the case for British soldiers who courageously, energetically and within the law did their job to an exemplary standard. Does he share my concern, as many people in Northern Ireland do, that at 60 or 70 years old, these men are thrown to the wolves? Does he think that should happen?

**Sir Henry Bellingham:** I will come to that in a moment. Dragging veterans—people in their 70s and 80s—out of their retirement to face trial when most of the evidence has long since disappeared is a fundamental breach of the military covenant.

**Mr Julian Brazier** (Canterbury) (Con): In that context, may I mention Corporal Major Dennis Hutchings? He served in the same squadron as a very dear friend of mine—an extremely brave soldier. A terrorist was killed in an incident in which three soldiers were involved. He is the only one who is still alive. How can he ever have a fair trial?

**Sir Henry Bellingham:** My hon. Friend anticipates what I am coming on to.

In the Province, 1974 was an incredibly difficult year. A large number of people—just under 300—were killed. It was a very tough and challenging year indeed, with a number of serious incidents. Colleagues will remember the M62 coach bombing, when 12 people were killed by the IRA. They will remember the Provisional IRA bomb that exploded outside the Houses of Parliament, injuring 11 people and causing extensive damage. They will remember the Guildford bombings, carried out by the IRA, and the Birmingham bombings. During that summer in the troubled Province, the Life Guards—one of the most senior regiments of the British Army—were deployed to Armagh, Dungannon and Cookstown. They had a very tough tour, with predominantly young soldiers on the frontline who were under a great deal of pressure but at all times behaved with the utmost professionalism.

I want to look at the Army report of some incidents that took place around that time. The report states that the threat level against the Life Guards in the areas around Dungannon and Armagh was particularly high. All patrols had been warned to take special care. A number of shooting incidents involving the Life Guards had occurred close to Eglish, and it was generally believed that the unrelated non-fatal shooting of a soldier from the Life Guards on 4 June was in direct retaliation to an arms find in that area. The same day, a Life Guard foot patrol surprised a group of young men who were in the process of transferring weapons into a car in the village of Eglish. The patrol was fired upon, and an exchange of fire took place. Three men were arrested, and a quantity of arms and explosives were recovered. At least three gunmen escaped.

During that particular incident, Corporal Major Dennis Hutchings, to whom my hon. Friend the Member for Canterbury (Mr Brazier) referred, was mentioned in dispatches for his exemplary bravery and leadership. Two days later, Dennis Hutchings led a patrol of four men in a follow-up operation aimed at locating further arms caches near the village of Benburb. They chanced on John Pat Cunningham, who was challenged to give himself up—he was behaving in a suspicious manner. The patrol believed they were threatened. They opened fire and, as we know, John Pat Cunningham was tragically killed. It transpires that he was not a terrorist but an innocent civilian. It was a tragic case of mistaken identity.

That incident was investigated fully by the Life Guards. It was investigated by the military police, the Royal Ulster Constabulary and the Director of Public Prosecutions. The four patrol members were completely exonerated and cleared, and the regiment believed that was the end of the matter. If we fast-forward to 2011, Dennis Hutchings

was staggered and flabbergasted when he was investigated by the PSNI historical inquiries team. A comprehensive investigation took place at the time. He co-operated fully and was told, after a short period, that no further investigations would take place because there was no case to answer and the whole matter could be closed. He specifically asked whether that was the end of it and was told that it was, so he went back to his retirement, to his grandchildren and great-grandchildren, and got on with his life.

We now fast-forward to April 2015, when there was a dawn raid on the corporal major's house in Cornwall. By then he was in very poor health. He was arrested, taken to Northern Ireland for four days of questioning and then charged with attempted murder—of course, a charge he vehemently denies. After 42 years, there are no witnesses left. The three other members of the patrol have died. There is no forensic evidence. There are no weapons left.

I was certainly taught at law school that one of the key tenets of criminal justice is the need for credible, current and corroborated evidence. It is beyond belief that he has been charged. There is no conceivable way he could ever receive a fair trial without proper evidence. These charges fly in the face of all the basic rules of criminal justice. We are seeing an outbreak of revisionism. We cannot simply revisit cases from 42 years ago and try to reinterpret them through the prism of the 21st century, with its emphasis on human rights.

**Gavin Robinson** (Belfast East) (DUP): The hon. Gentleman might take comfort from the Secretary of State's words last week at Northern Ireland questions, when he said that

"the system is heavily focused on the 10% rather than the 90%, and the balanced, proportionate measures that I put forward will assist in changing that."—[*Official Report*, 7 December 2016; Vol. 618, c. 199.]

**Sir Henry Bellingham:** That gives me a certain amount of comfort.

What has changed? There is no new evidence, but what has changed is that the DPP in Northern Ireland is now Barra McGrory, QC—the same person who represented Martin McGuinness in the Saville inquiry. This is the person who is prepared to move away from credible evidence to political decision making, which I find very worrying. It has to be stopped. There are potentially 278 more cases involving the security forces. I do not want any more veterans to be dragged out of their retirement homes any more than I want Sinn Féin councillors to be dragged out of council chambers.

**Sammy Wilson** (East Antrim) (DUP): Has the hon. Gentleman not hit the nail on the head? This is not about opening cases to find out who is guilty or not guilty. It is about political revisionism, rewriting history, and trying to move the blame from the terrorists to those who served their country faithfully. The Government ought to get a grip on this now and say, "No more."

**Sir Henry Bellingham:** I agree entirely. I will quote what my right hon. Friend the Prime Minister said back in October. She said that

"we will never again in any future conflict let those activist, left-wing human rights lawyers harangue and harass the bravest of the brave, the men and women of our Armed Forces."

Furthermore, in a letter from my right hon. Friend the Minister for the Armed Forces, dated 15 November, to my hon. Friend the Member for South East Cornwall (Mrs Murray), he said that we

"will always salute the remarkable dedication and courage of the RUC and our Armed Forces in defending the rule of law and in ensuring that Northern Ireland's future would only ever be determined by democracy and consent. We will never forget the debt we owe them...we will also never accept 'equivalence' between the security forces and those who carried out acts of terrorism'."

I submit in conclusion that we have to find a way forward. We have to draw a line under this. We have to see the scrapping of the legacy investigation branch. I suggest to my hon. Friend the Minister that he look at what happened in South Africa. If he does not want to scrap the legacy investigation branch and put a line under this, could he look at something along the lines of the Truth and Reconciliation Commission and amnesty committee that South Africa set up so successfully? The alternative does not bear thinking about. It would represent a betrayal of our armed forces and a tearing up of the military covenant, and could imperil the entire peace process.

**Sir Gerald Howarth** (Aldershot) (Con): I represent the home of the British Army and have constituents in their 70s and 80s who still await a potential knock at the door. My hon. Friend has made a powerful speech. Does he agree that what is being done will seriously damage the morale of British troops? If they feel that their Government are not prepared to stand by them, they will think, "What is the point in putting my life on the line for my fellow citizens?"

**Sir Henry Bellingham:** I fear that if we do not draw a line under this, we will be not just undermining the morale of our armed forces, but betraying veterans. We could also imperil the entire peace process.

**Nadine Dorries (in the Chair):** Sir Henry Bellingham has agreed to give four minutes to Danny Kinahan.

4.12 pm

**Danny Kinahan** (South Antrim) (UUP): Thank you, Ms Dorries. I am very pleased to be speaking in the debate, and that the hon. Member for North West Norfolk (Sir Henry Bellingham) initiated it and put the argument so eloquently. I must declare that I was a Household Cavalry officer a long time ago and therefore I have a great deal of interest in this case. When I heard about it, I wrote to every Lord and every MP, to the Secretary of State for Defence and to the Minister for the Armed Forces, and I have spoken with the Secretary of State for Northern Ireland on two occasions and to the Minister, who I am glad is here today—but all to no avail. All I have really had, all the way through, is the straight bat: "This is an ongoing investigation. Sorry, we can't speak about it," or "It's all part of a future legacy deal."

I sometimes think that society has gone mad. On 11 November every year, we remember those who died in conflict as their fellow soldiers, sailors and airmen march along, thinking of the horrors and the great heroic moments that they shared, past cenotaphs throughout the United Kingdom. That is what we mark on that day, yet cynically I look at that now and think, are they all walking past and wondering when their day

[*Danny Kinahan*]

is coming—when will there be that knock on the door, when will they be called to answer for something they did when they were doing their duty?

I would like to remind everyone that the British Army went to Northern Ireland to keep the peace and, in time, found itself fighting the most vile and horrendous conflict with terrorists. We are thankful to all who served—I said that in my maiden speech—and we must remember them, and all the work that they have done, all the time.

We have heard that more than 3,000 people died between 1969 and the Belfast agreement in 1998, but many people out there still want closure and, at the same time as all this, we must find a way of getting closure for them. Our sympathy must go to all those who have lost loved ones and especially to the Cunningham family, whom we are talking about today.

The Secretary of State said in September that the approach to legacy should be fair, balanced, impartial and, crucially, proportionate. It is vital that no one is above the law, whether they are security force personnel or paramilitary, and many people feel that there can never be an amnesty of any kind.

What we are concerned with is that the approach to the past is disproportionately focused on state actions. The basic facts that we have heard are that 90% of the deaths during the troubles were a direct consequence of terrorist groups and only 10% were the responsibility of the state. I have heard in a response from the Assistant Chief Constable that out of the 2,538 cases being investigated, 88% are republican or loyalist and 315 are security force cases. We asked about the detail, and we have already heard the numbers. Going through at the moment are 14 cases: eight republican, one loyalist and five security force cases. That is 36%, not 10%, so it is not proportionate. Of those referred by the DPP—four of them—all, 100%, are security force cases, and one of those is that of Corporal Major Hutchings. Do we really think that that is proportionate?

The Hutchings case is one example of where scrutiny has been applied to the security forces in a way that has not been allowed for others. John Downey was able to blow up the Household Cavalry in 1982. He was given a comfort letter and let off. That is completely wrong. We seem to have lost our sense. Lady Justice Hallett said that this was a clear distortion of our justice system, so the justice system knows about it. We must do things better and find a better way of going forward.

4.17 pm

**The Parliamentary Under-Secretary of State for Northern Ireland (Kris Hopkins):** It is a pleasure to serve under your chairmanship, Ms Dorries. I congratulate my hon. Friend the Member for North West Norfolk (Sir Henry Bellingham) on securing the debate and on a passionate speech. I also congratulate the hon. Member for South Antrim (Danny Kinahan) on his contribution.

It is evident that for many people, the legacy of Northern Ireland's past continues to cast a dark shadow over the present. I am conscious that in approaching this issue we need to recognise the terrible loss suffered by so many people during the troubles, in Northern Ireland and in other parts of the United Kingdom. As has been pointed out, over the period of the troubles—

broadly, from 1968 to 1998—more than 3,500 people were killed, mostly, though by no means all, in Northern Ireland. Many of those were members of the armed forces, killed in the line of duty protecting the public and maintaining the rule of law. Thousands were also maimed or injured during the terrorist campaigns.

This Government have always been clear that we wholly reject the suggestion that there is some equivalence between the security forces and those who carried out acts of terrorism. Terrorism was and is wholly wrong. It was never and could never be justified, from whichever side it came, republican or loyalist. No injustice, perceived or otherwise, warranted the violent actions of the paramilitary groups. The terrorist campaigns caused untold misery and suffering, and the terrorists left lasting scars, physical and psychological, in the wake of every atrocity that they carried out. We will never agree—I repeat that we will never agree—with a version of history that seeks to legitimise that.

The Government have also shown that where the state has got things wrong, we are prepared to face up to and account for what we have done. I say this as someone who has served in Northern Ireland. As a proud member of the British Army, I witnessed at first hand the remarkable dedication, professionalism and courage of the armed forces and the officers of the Royal Ulster Constabulary.

**Sammy Wilson:** Does the Minister not see that with the hounding of individual members, whether in cases in Northern Ireland or what we see with soldiers who face enemy fire in Afghanistan and Iraq, that is exactly how soldiers perceive it—that they are not stood up for by their own Government?

**Kris Hopkins:** I will come to the issue around proportionality, but I went to Northern Ireland to maintain law and order. I said I saw people acting bravely and professionally, but if I saw somebody doing something wrong, I would expect the state to challenge those individuals and bring them to account. We cannot have one set of rules and have another set of rules for another set of people. Proportionality, which the hon. Member for South Antrim raised, is really important. I will come to that in a second.

More than 1,000 members of the security forces lost their lives over the period of Operation Banner, which was the longest continuous deployment in our country's history. Over 7,000 awards for bravery were made and, quite simply, without the dedication and self-sacrifice of the security forces in keeping people in Northern Ireland safe, the circumstances that enabled the peace process to take root would never have happened.

I will briefly talk about the case of Dennis Hutchings. First, I recognise that Dennis Hutchings was a senior NCO in Her Majesty's forces. I met the proposer of today's debate last month after he raised the case of Mr Hutchings in Northern Ireland Question Time in October. As I said to my hon. Friend the Member for North West Norfolk on that day:

“Criminal investigations and prosecutions are a matter for the police and the prosecuting authorities, who act independently of Government and politicians.”—[*Official Report*, 26 October 2016; Vol. 616, c. 270.]

I cannot, therefore, comment on this individual case.

**Sir Gerald Howarth:** Forgive me, but that is simply an unacceptable answer from a Minister of the Crown. I am sorry, but this is what we hear. We heard in the previous debate that it was an operational police matter. We are now told that this is a matter for the Police Service of Northern Ireland. This is a matter of public policy. We have heard that Corporal Major Hutchings was told that the matter was closed. Now, in his dotage, it is being reopened. Ministers cannot pass this responsibility to the police force. This is a matter of public policy and the people of Britain—particularly those with whom the Minister formerly served in the armed forces—will expect Ministers to stand by it and not simply pass the buck to the police.

**Kris Hopkins:** May I respectfully say that I am not going to get into the debate over Mr Hutchings? Actually, the process of law in this country is that politicians and Government do not get involved. There is a department for prosecutions, a criminal process to go through and a police service that must be allowed to pursue its inquiries. We cannot create one set of rules for one part of society and another for another part of society. I will briefly address the issue of proportionality, which is the most important.

**Mr Nigel Dodds (Belfast North) (DUP):** Does the Minister understand that many people in Northern Ireland and elsewhere are perplexed and confused about the fact that the PSNI is pursuing people, such as the gentleman who was mentioned, in a disgraceful way, yet senior members come on the radio and cast aspersions about all sorts of people, saying they are involved in criminal activity, and yet do nothing about it? They are talking about active people. Is that not the dichotomy? Is it not disgraceful that people who served their country are being pursued, while police say they know all about the activities of others and are doing nothing about it?

**Kris Hopkins:** I recognise the right hon. Gentleman's point. This issue of proportionality is really important and that is why the Secretary of State and others have sought to find a mechanism, because the present situation creates the challenges that people are talking about at this time. We need to find another way that brings proportionality to the system and enables people to feel justice on both sides of society.

**Mr Brazier:** I am grateful to my hon. Friend, who has been generous in taking interventions. I welcome his last statement about looking for a new way forward, but does he accept that although the decision to prosecute is independent, the manner in which it is carried out—raiding the house of a great-grandfather with police cars, thus giving away his address and all the rest of it—can be commented on? Indeed, we just had comments on the Met from our right hon. Friend, the Minister for Policing and the Fire Service, a few minutes ago in another context.

**Kris Hopkins:** I expect the police to always maintain a high standard when they go to arrest somebody, and I am sure that every Member here would as well.

I want to talk about proportionality. As has been pointed out, 90% of victims were as a consequence of terrorist interventions. The proposals that are out there, which the Secretary of State would like to consult people on, are around how we ensure that those accused, from both the state side and the republican side, are brought before the courts and examined in a proportionate way. The proposals are that each case would be examined chronologically. There will be a conclusion within a period of five years, to give people some closure and some idea of timescale.

**Tom Elliott (Fermanagh and South Tyrone) (UUP):** From what the Minister said, I assume he accepts that there is not proportionality within the legacy investigation branch at the moment, given that for places like Enniskillen—the explosion in the poppy day bombing—there is not one police officer investigating that case.

**Kris Hopkins:** The next line that I was going to read states that the almost exclusive focus on the actions of the state is disproportionate and must be challenged and redressed if we are to deal with the past in a way that is fair and balanced and allows victims and survivors to see better outcomes than the current piecemeal approach. That is why the Government continue to believe that the Stormont House agreement institutions remain the best way forward in dealing with Northern Ireland's past.

I believe that these proposals will make the situation better for victims and survivors, and will be the only chance we have of prosecuting terrorists who murdered soldiers and police officers along with other innocent victims. I believe that the historical investigations unit, a body proposed under the Stormont House agreement, has a number of important advantages over the current system. I reiterate that it will investigate deaths in a chronological order. The HIU will not focus on the deaths caused by soldiers, as the investigations systems in Northern Ireland do today. Instead, it will take each case in turn and will investigate the many hundreds of murders caused by terrorists, including the murders of soldiers. Honourable Friends, it is estimated that without reform of the current mechanisms, around 185 murders of soldiers, not to mention the many murders of RUC members, will not be investigated. There will be a statutory duty for the HIU to act in a balanced, proportionate, transparent, fair and equitable way. The HIU will be time-limited, as I said, with an objective to bring to an end all investigations into the past in five years.

I have outlined the reasons why the Secretary of State announced his intention to move forward into a public phase on legacy bodies, and why he and I have been engaging extensively with political parties and victims groups to find a way forward in these outstanding cases. I believe that this approach has the potential to build greater confidence in the new bodies and to resolve the remaining issues. It is clear that the status quo is not working well enough for victims and families, and it is time that progress is made. This should create a more proportionate approach in dealing with the past and ensure that the balance of investigations is rightly on the terrorists who caused so much pain and suffering, rather than disproportionately on the brave soldiers and police officers who sacrificed so much to protect us.

*Question put and agreed to.*

## Local Government Funding: Birmingham

4.30 pm

**Steve McCabe** (Birmingham, Selly Oak) (Lab): I beg to move,

That this House has considered local government funding for Birmingham.

It is an absolute pleasure to serve under your chairmanship today, Ms Dorries. I asked for this debate because social care services in Birmingham are on the brink of collapse. Public libraries and parks are likely to become a thing of the past and children's services, which we are supposed to be improving, are braced for swingeing cuts. This is no less than political vandalism; some people in our city are set to experience the most severe and catastrophic consequences of deliberate Government policy.

The core spending power of Birmingham is set to reduce by 5% at a time when some Tory-led authorities have received funding increases of almost 8%. Last February, the Secretary of State announced a hardship fund of transitional money worth £300 million for councils facing the sharpest reductions in grant, but not one penny went to Birmingham. It went to places such as Conservative-led Bromley, Conservative-led Kingston upon Thames, Buckinghamshire and Oxfordshire. How exactly does the Minister justify that state of affairs?

**Ms Gisela Stuart** (Birmingham, Edgbaston) (Lab): This is not the first year that Birmingham has experienced such a situation. There is a pattern and, on top of that, the councils that get a higher percentage increase also have a lower dependency on core funding. Birmingham is therefore being hit disproportionately year after year.

**Steve McCabe:** My right hon. Friend has anticipated a point that I will make later about council tax, but she is absolutely right: this situation is not new and there is a pattern.

The simple truth is that we are suffering from a legacy of unfairness in our city. Part of that dates back to the 2014-15 and 2015-16 settlements, and as a result the chickens are now coming home to roost on the Minister's watch. Birmingham, the second city in the country and home to more than 1 million people, is also the second-hardest-hit by Government cuts in the whole country. How is that fair?

Most people would expect a Government Minister to acknowledge the special factors in Birmingham that ought to be taken into account: most of our properties, as I think my right hon. Friend the Member for Birmingham, Edgbaston (Ms Stuart) indicated, are in council tax bands A, B and C, which means that we have a lower council tax base than many other places. We are therefore more heavily affected by the withdrawal of Government grant and raise proportionately less from council tax or precept rises. We suffer from classic big-city issues. Infant mortality is almost 8%—almost double the national average—and life expectancy for men and women is eight and five years shorter respectively when we compare the most affluent and poorest areas. Birmingham is ranked No. 1 in the country when it comes to the total number of fuel-poor households. We should consider Birmingham's predicament in that context.

This year we expect a £30 million shortfall in the social care budget; that is after the council has followed the Minister's advice and slapped an extra 2% social care council tax precept on our long-suffering residents. Because extra funding from the social care precept is skewed towards more affluent areas until resources from the improved better care fund become available, we estimate that Birmingham will be disadvantaged to the tune of £98 million in terms of social care come 2017-18. An obvious crumb of comfort that the Minister could offer today would be to say that he will meet us to consider how resources from the better care fund could be used now to recognise the fact that social care spending pressures are being experienced now.

It is not just council services that are teetering on the edge of disaster as a result of deliberate decisions by the Government. Our police have suffered successive cuts to personnel and resources. Just the other day, the chief constable admitted that more than 170,000 calls to 101 went unanswered because of staff shortages. Our NHS is crippled by bed-blocking, rising waiting lists and the spectre of deficits, as well as a sustainability and transformation plan designed to further reduce access to some services.

I have no doubt that, at some point, the Minister will quote his estimate of the city council's spending figure, as his officials did when they briefed the press earlier today. It is all very well to quote big-sounding numbers from spreadsheets, but what experience does he have of taking an enterprise that is responsible for over 1 million people and slashing its budget by more than £750 million? That is what the Government have done to Birmingham. Health visitors warn that the budget cuts are putting safeguarding at risk. Children's centres are to be cut so severely that only those who can pass through the super-deprived gateway can expect any help or support. Nurseries, despite the Government's care offer, are bracing themselves for closures and a massive reduction in services.

The council has almost halved its workforce. More than 12,000 jobs have been lost—those are real people and real jobs. Homelessness prevention services have had to be cut by so much that rough sleeping in Birmingham has quadrupled. On 29 November, a homeless man froze to death on the streets of our city on one of the coldest nights of the year. The Secretary of State for Communities and Local Government, the right hon. Member for Bromsgrove (Sajid Javid), who is not exactly unfamiliar with the city, said at the time:

"I think one person homeless is one person too many so you have always got to do more."

As the Minister knows, the relentless period of cuts means that we have now reached the stage at which the council has to reconsider the Supporting People budget. I am sure he knows that the sole purpose of that budget was to fund accommodation-related support, particularly supported housing. In 2009, it was his Government who removed the ring fence on the Supporting People budget. We are talking here about homeless young people aged 16 to 25—about care leavers. Elsewhere in this building today, the Minister for Vulnerable Children and Families is telling Members about his seven principles for childcare, which he describes as the heartbeat of his plans. How will that work if there is no supported accommodation for those young people?

**Mr Jim Cunningham** (Coventry South) (Lab): I congratulate my hon. Friend on securing this debate and I have every sympathy for what he says, because Coventry has experienced the same thing. Importantly, it was only some weeks ago that a private Member's Bill was approved in this House and we were being assured that homeless people would be found accommodation. However, we never got a price tag put on that.

**Steve McCabe:** My hon. Friend makes a good point and he is exactly right. It is difficult to see how the Government can say they are doing a great job with the homelessness reduction legislation if its effect will be to impose more duties on local authorities that are unable to fund their existing proposals for Supporting People.

I am concerned about young people, older people with support needs, those with learning disabilities or mental health needs, and the victims of domestic violence. If there is a cut in budgets for Supporting People, all that help is at risk. It will lead to a reduction of provision and a further reliance on the costly unregistered and unregulated sector. Is that what the Minister wants? I commend the Birmingham pathway model for under-25s to the Minister. I understand that it is seen as a national exemplar and has been used to inform the work of his Department in establishing a framework for all other services for single homeless people. Why would he want to stand by and see it close down?

The Minister might want to remind me of the council's failings and suggest that its members should put their own house in order, rather than complain to the Government. I acknowledge that Birmingham is under scrutiny. We have had: an independent review of education and the appointment of a Government commissioner for education; an independent review of children's services and the appointment of a children's services commissioner; and the Kerslake report into the structure and functioning of the council itself, and the appointment of a Government improvement panel to oversee the implementation of the recommended changes. How many meetings has the Minister had with those commissioners and members of the improvement panel since being appointed to his post? Does he consult them weekly or fortnightly? What is the frequency of the contact? Surely he cannot be defending this dire approach to our city's future without reference to his own appointed experts. Would that not be tantamount to a dereliction of duty on his part?

We want a fundamental re-evaluation of spending needs to determine the funding levels of different local authorities, and we want a fair system, not a skewed or fixed one. We want recognition of some of the unique problems that confront Birmingham and an offer of some transitional support while that re-evaluation takes place. I can try to be helpful to the Minister, if he is in any kind of listening mode. I am not simply calling on him to give the city council more money. I am open to discussions, as are a number of my colleagues—any place, any time—to see what kind of partnerships, innovative approaches and pilot schemes might be available to help to ease the plight of our city and its people. As I have indicated, the Minister might like to consider bringing forward resources from the better care fund to recognise that pressures are being experienced now. I am open to suggestions about how that extra funding might be distributed. My concern is that those in desperate need get help. If the Minister has set his face against

giving any extra money to the city council, I will accept an alternative approach to boosting the overall social care resource if he is ready to make that offer.

The Birmingham Social Housing Partnership has made a proposal to Government to pilot a locally administered co-investment model for supported housing, which would make possible the squeezing out of transactional costs. If agreed, it could be part of a national pilot for the delivery of supported housing. Can the Minister offer any comfort on that front today?

If we do not see some improvement in the financial situation facing our city, I predict dire consequences: the abandonment of the elderly, vulnerable and homeless; the full-scale closure of libraries, public parks and play areas; the second city reduced to a wasteland; and a breakdown of the social consensus on which the very basis of our community exists. Our city has had an extremely raw deal. I beg the Minister to treat these warnings seriously.

4.45 pm

**Jack Dromey** (Birmingham, Erdington) (Lab): It is a privilege to serve under your chairwomanship, Ms Dorries.

I congratulate my hon. Friend the Member for Birmingham, Selly Oak (Steve McCabe) on securing the debate, not least because, as he said in his powerful speech, but two weeks ago a young man froze to death on the streets of Birmingham. Who are the young homeless? One in 10 young people in Birmingham over the past five years have suffered from homelessness. Half of those in homeless accommodation are young people. I, for one, object sometimes to the caricature of those young homeless people as somehow being druggies, drunks and dropouts. I remember when we organised, here in the House of Commons, the first ever Youth Homeless Parliament, and there were Brummies here from the YMCA and St Basils. We saw quintessentially middle-England young people whose lives had spiralled downwards and who had ended up homeless on the streets.

The Secretary of State said, as my hon. Friend the Member for Birmingham, Selly Oak mentioned, that one young homeless person dying on the streets was "one too many". He went on to say that we always have to do more. That is why, only yesterday, co-ordinated by St Basils, the charity for homeless people in Birmingham, 14 organisations supporting the homeless in Birmingham wrote to the Government calling for a fair settlement for Birmingham. They praised Birmingham City Council for having protected, thus far, the most vulnerable from the biggest cuts in local government history, and said that, thus far, Birmingham City Council had managed to protect the Supporting People budget, unlike many other local authorities. However, they went on to say that it was now becoming increasingly difficult, concluding that there was a social and financial line that should never be crossed. But that is exactly what is happening.

Only today, Alan Fraser, the chief executive of the YMCA in Birmingham, has warned that further cuts to the city council's budget, with particular reference to Supporting People, will

"massively increase the risks of these deaths happening again."

He is right.

The chief executive of Birmingham City Council, Mark Rogers, in a powerful interview, today said something similar, saying that the risks of more people dying were

[*Jack Dromey*]

“massively increased” because of the cuts. He is right. That is why it is wrong that the great city of Birmingham—Britain’s second city—has been hit by a combination of the biggest cuts in local government history on one hand, and grotesquely unfair treatment on the other. Mark Rogers, a man who is normally cautious in the way he expresses himself, said in the interview:

“We are fast reaching the point where there could be catastrophic consequences for some people.”

That is little wonder, in circumstances where the council’s employee headcount has halved since 2008 from 24,000 to just over 12,000. The council will, by the end of this financial year, have made £800 million of cuts since the era of austerity, which, I stress again, was the biggest in local government history; the council lost 50% of its grant from central Government. Eligibility for social care has been restricted so that only those with substantial or critical needs now receive help.

What we are seeing increasingly in Birmingham—this is heartbreaking—are those 15-minute flying visits to people in need of care, who previously were able to count on something very different and much better. Another £28 million has just gone from the adult care budget. The combination of what is happening in the health service and in the council has led to a £150 million black hole in the city’s finances this year. This is a tough year but, on the current trajectory, things will get even worse in the next financial year, with a further £113 million reduction to the city council’s budget on top of the previous £800 million.

Mark Rogers talks about cuts to youth services. Birmingham used to pride itself on being an exemplar city with its programmes for young people. There were dozens of youth services, but there are now just two left. Birmingham had 40 advice centres in 2010; now there are just four. There is also an increasing impact on children’s centres. Half have gone and, as my hon. Friend said, only those in what are sometimes described as super-deprived communities get the support that people were previously able to count on through the excellent Sure Start children’s centres.

On the very survival of some nursery schools, I took the heads of our four nursery schools in Erdington—Castle Vale, Osborne, Marsh Hill and Featherstone—to meet the Minister with responsibility for nurseries, the hon. Member for Gosport (Caroline Dinéage), and they waxed lyrical, as do the people who use those nursery schools, about how they have made a difference to children’s lives. The best way of achieving social mobility is addressing what happens at the ages of two, three and four. I heard powerful stories, including from the grandad who said, “He never used to open his mouth. He was only in the nursery school for nine months, and now he never stops talking.” I heard how the kids have come on and about the support being given to the parents. The idea that some of those nursery schools, which are in a deprived community, now face closure as a result of the continuing budget cuts is absolutely unthinkable.

On the one hand, my hon. Friend the Member for Birmingham, Selly Oak is right that in the past we said that the council had to up its performance, but on the other hand, the argument that this is all due to the council is completely false because of the sheer scale of

what has happened. Indeed, in a stark warning today, the chief executive said that the imposition of large cuts is not simply a response to the 2008 banking crisis:

“Deficit reduction enabled first the coalition and then the straight Tory government to pursue a straight Tory objective of a smaller state.”

He is right, and it is not just that; it is the grotesque unfairness of approach.

After we went to see the Minister and had a good hearing, the nursery school heads were utterly dismayed to see that the outcome of the funding formula review was that Birmingham got less but—surprise, surprise—Maidenhead got more. Overall, Buckinghamshire is being treated twice as fairly as high-need Birmingham. The scale and unfairness is simply wrong.

The previous Secretary of State, the right hon. Member for Tunbridge Wells (Greg Clark), a man with whom we had good discussions, admitted to the Members of Parliament for Birmingham earlier this year that there had been an unfairness of approach. We were led to believe that it might be put right but, as my hon. Friend the Member for Birmingham, Selly Oak said, the £300 million fund overwhelmingly went to leafy, Tory shires. Not a single penny went to Birmingham, despite the sheer scale of the cuts that have been taking place.

As Members of Parliament for the city, we wrote to the Chancellor in advance of the autumn statement to make a series of proposals—I will not repeat what my hon. Friend has already said—including bringing forward the better care fund, greater investment in health and, crucially, a fair local government settlement. As Members of Parliament, we stand ready to engage with the Government on the next stages, but it cannot go on like this, with the Government seemingly oblivious to the sheer scale of what is happening and the sheer scale of the consequences for our city. That is why this debate is so important in asking that the Government hear the city’s case before the local government settlement.

I am proud to represent my Erdington constituency, and I always say that it may be rich in talent but it is one of the poorest in the country. It is a stark statistic that a person who gets on the train at New Street and gets off at Gravelly Hill or Erdington is likely to live seven years less than a person who continues on to Four Oaks in the leafy shires of Sutton Coldfield. That cannot be right. When such appalling statistics and discrepancies show the sheer scale of what is happening in the city, it cannot be right that our nursery schools and children’s centres are at risk—I stress again that they are vital to giving kids the best start in life.

Home-Start supports struggling families locally, and its services are desperately needed. I have seen its outstanding work first hand, but it is now living from hand to mouth. As a consequence of what has happened to the Supporting People programme, the financial security of New Oscott retirement village and the Ralph Barlow house, which look after those in the twilight of their years and those who are vulnerable for one reason or another, is being fundamentally undermined. The Members of Parliament for Birmingham appeal to the Government to hear the case of Birmingham and to recognise that the sheer scale cannot continue because of the serious implications. The time has come for fair treatment of a great city.

4.55 pm

**Jess Phillips** (Birmingham, Yardley) (Lab): As always, it is a pleasure to serve under your chairship, Ms Dorries—everyone has said something different. I have just come out of the debate on Aleppo, and a Government Member who served in the armed forces stressed that perhaps we would not be so ready with some of our suggestions had we seen some of the things that he had seen. I express exactly the same sentiment here. If some of those in the Department for Communities and Local Government, including the Secretary of State, the right hon. Member for Bromsgrove (Sajid Javid), had seen some of the things that I have seen in my work with the homelessness services in the city of Birmingham, they would not have made the decisions that they have made in the past six years and are continuing to make.

The people who use those services rely on them for their lives. Compare that with the money we spend on other things. I have seen people's lives saved. These people are not just about managing; they are surviving. Without the refuges, without the St Basils youth homelessness service and without Sifa Fireside—I invite the Minister to sit and eat breakfast with me every morning at Sifa Fireside—we are condemning these people to death with a cut of £5 million to £10 million in Birmingham City Council's budget for those services.

I am not shroud-waving. I am an expert—I know we do not like experts any more—and I know what even half the proposed budget cut to our current Supporting People services will mean. It will basically mean that the services cannot function any more. There are 4,000 victims of domestic violence in the city of Birmingham. Already, every single day, hundreds of people in our city are turned away from specialist services. We are about to start turning away many more.

On average, there are 97 homelessness applications in our city every single day. We used to have services all across the city where people could go to get help and advice, which reduced the number of homelessness applications. I set up some of those services. Birmingham & Solihull Women's Aid used to provide specialist support in each of our neighbourhood offices so that there was a specialist, not a checkbox, there when a victim of domestic violence came in needing support for their housing. Those specialists have been gone for about two years; the centres they were housed in no longer exist.

My hon. Friend the Member for Birmingham, Selly Oak (Steve McCabe) began his powerful comments on the subject of social care. I put in a freedom of information request to every single council in the UK, asking how much they spent weekly on adult social care in care homes. In Birmingham, the spend is £436 per week. That is £100 less than it costs the care homes in my constituency to care for the people who need adult social care, so the poorest people in our country are paying a top-up fee. In Buckinghamshire, the weekly cost provided by the council is £615; in Richmond, it is £805.

Yesterday, I asked the Care Minister, the Under-Secretary of State for Health, the hon. Member for Warrington South (David Mowat), do the nans and grandads, the aunts and uncles, the mums and dads in Buckinghamshire and Richmond matter more than my nan and grandad, than my mum and dad? Because that is what those figures tell me—and that is post-precept. Those figures

show an already widening gap, where some people matter and some people don't. That is what is being created all around the country.

**Liam Byrne** (Birmingham, Hodge Hill) (Lab): How does my hon. Friend think the situation will now unfold, given that the funding gap in social care in our city grows to something like a quarter of a billion pounds by 2020-21? Never has a social care system had to withstand this kind of pressure. The situation that she describes is only the beginning.

**Nadine Dorries (in the Chair)**: Order. Mr Byrne, you really should know better than to walk into a debate and intervene as soon as you walk in, without even hearing the opening speeches. You also should address the Chair, not the individual Member.

**Jess Phillips**: I could not agree more with my right hon. Friend. There is a huge gap, and it is widening. Care homes in my constituency often get a bad name when we see "Panorama" documentaries about how awful care homes are, but the ones in my constituency are largely not for profit. Yardley Great Trust and Grey Gables have both told me that given the situation with the social care budget, the simple fact is that they will have to close their doors. Where do the people go who live there?

The social care budget problems will not be solved in Birmingham by a further increase in the precept. It is a sticking-plaster on an enormous wound and it will simply put a burden on those who are just about managing, when the percentage of their income that goes on council tax is far higher than for those at the highest end of society. I am not sure why I should be asking those who are just about managing, to pay that price. Perhaps we could ask Andy Street.

What my FOI request revealed about the social care budget is its clear and stark unfairness. Since I came to this House, I have heard an awful lot of Government Members talking about the stark unfairness in schools and education funding—"They are getting loads more money," and so on. Those calls have been answered by the Government; incidentally, it has meant staff reductions in my constituency, and in my own children's school. My son's class will now have 33 children, exceeding the legal limit. I have watched Ministers stand at the Dispatch Box and say, "It isn't fair that children in Knowsley get this much." Well, I am here to speak up for the old people of Birmingham. My children are paying the price because this Government are righting a perceived unfairness in education funding. I am asking for my unfairness to be righted, and for social care disparities to be addressed today. The problem is not going away; it is a problem now, and it must stop.

What I would say about all the different people sent into Birmingham City Council—rightly so; I am sure that all of us, as Members of Parliament across the country, have seen our councils do good and bad things and got annoyed at them—is that it seems like moving the deckchairs while Rome burns. Nothing has changed for the end users, the citizens. I ask the Minister to look at the figures—Richmond with its £805 a week, Birmingham with its £400, Coventry with even less and Wolverhampton with £350—and tell me that he thinks that is okay.

5.5 pm

**Mr Roger Godsiff** (Birmingham, Hall Green) (Lab): Thank you, Madam Chairperson. I congratulate my hon. Friend the Member for Birmingham, Selly Oak (Steve McCabe) on securing this debate and making such an excellent case on behalf of the people of Birmingham. I also congratulate my hon. Friends the Members for Birmingham, Erdington (Jack Dromey) and for Birmingham, Yardley (Jess Phillips) on adding to it with their comments.

Madam Chairperson—

**Nadine Dorries (in the Chair):** Order. Mr Godsiff, it is appropriate to call me “Ms Dorries” in here, just to save you all tying yourselves up in knots.

**Mr Godsiff:** I apologise, Ms Dorries. I feel frantic that my city faces a shortfall in its budget next year of £150 million. That could well lead to the closure of children’s centres, leisure centres and libraries and, as has been said, cuts to care services. I feel doubly affronted that the Government have a transition fund of £300 million, yet not one penny has gone to Birmingham. Furthermore, 83p in every pound of that £300 million has gone to Tory shire counties. That is not fairness; that is great injustice.

Reference has been made to what the chief executive of Birmingham City Council said in his front-page interview with *The Guardian* today. He said that Birmingham faces a “catastrophic” situation if nothing is done, and that youth services in Birmingham are virtually non-existent. Birmingham is the youngest city in the country. It has a huge population of young people, many of whom are Muslim. What does the Minister think the effects will be if youth services in Birmingham cease to exist? Where will those young people go? The Government are rightly concerned about radicalisation among young people, but if they do not have centres to go to where they have the opportunity to mix with young people from other communities, play with them and enjoy life with them, they will be more and more vulnerable to the small percentage of people within their communities who seek to radicalise them.

Birmingham has had more arrests under the Prevention of Terrorism Act 2005 than any city in the country. Only this week, two people in Birmingham were given long sentences for funding the Brussels bombing attacks. If the Minister wants to prevent young people from becoming radicalised, he must give them not only hope but facilities. If a city such as Birmingham has virtually no youth services, as the chief executive said, I fear the consequences.

I am sure that the Minister is an honourable man, but I remember that the Tory Secretary of State Nicholas Ridley said in the 1980s that local councils needed only two meetings a year—one to hand out the contracts, and the second to review them—and that local government did not really need to exist. I very much hope that the Minister will give some assurance that he does believe in local government and that he does believe that Birmingham City Council has the problems that have been outlined today; because if he does not, there will be consequences, and the people of Birmingham will know exactly who is to blame.

5.10 pm

**Mr Gareth Thomas** (Harrow West) (Lab/Co-op): I am grateful for the opportunity to take part in this debate. I congratulate my hon. Friend the Member for Birmingham, Selly Oak (Steve McCabe) on securing it, on making such a detailed, determined and effective speech on behalf of his constituents and on defending his city as he did. I also acknowledge the contributions of my right hon. Friends the Members for Birmingham, Edgbaston (Ms Stuart) and for Birmingham, Hodge Hill (Liam Byrne), and my hon. Friends the Members for Birmingham, Erdington (Jack Dromey), for Coventry South (Mr Cunningham), for Birmingham, Yardley (Jess Phillips), and for Birmingham, Hall Green (Mr Godsiff), who supported my hon. Friend the Member for Birmingham, Selly Oak today and who each sought to defend and make the case for the people of Britain’s second city.

My hon. Friend the Member for Birmingham, Selly Oak set out the scale of the cuts that have hit Birmingham—some £90 million in 2016-17 in total. After Liverpool, Birmingham is the local government area hit hardest by the Government’s funding cuts: some £750 million has been cut from its budget since 2010. He went on to point out very powerfully the failure of the Conservatives to ensure any transitional funding at all for Birmingham in last year’s settlement. Conservative-led Surrey got £12 million and Hampshire got £19 million; those are just two examples, alongside the others he mentioned, of areas that benefited from the transitional funding package, while his city—one of the biggest and most significant local authority areas in the UK—got nothing at all.

I will come back to some of my hon. Friend’s opening remarks, but let me first dwell on the contribution of my hon. Friend the Member for Birmingham, Erdington. He referenced the impact of local authority cuts on homelessness in Birmingham, and particularly on young people suffering homelessness. He noted the work of 14 charities in Birmingham that support their Members of Parliament today in demanding a better settlement for Birmingham and in praising the efforts of the council to protect the most vulnerable in challenging times.

**Mr Jim Cunningham:** I do not want to detract from the bigger issue of Birmingham, but I am sure that my hon. Friend knows that other local authorities in the west midlands are experiencing exactly the same cuts to public services—youth services, libraries, teachers, education budgets, social services, you name it.

**Mr Thomas:** My hon. Friend widens the debate to the impact of cuts in funding on local authority areas throughout the west midlands. He could also have widened it to underline the cuts in funding that all English local authorities have suffered since 2010. In that context, Thursday’s local government finance settlement will be particularly important, not only for Birmingham and for local authorities in the west midlands but for the whole of England.

If he will forgive me for saying so, my hon. Friend interrupted my praise for the contribution of my hon. Friend the Member for Birmingham, Erdington, who underlined a number of points made by my hon. Friend the Member for Birmingham, Selly Oak about the need for further improvements in areas for which the council

is responsible. He said quite rightly that that is absolutely no justification for the scale of cuts that various local government Ministers have demanded of Birmingham's public services.

My hon. Friend the Member for Birmingham, Yardley made particularly powerful points about the impact of local authority funding cuts on the many victims of domestic abuse in Birmingham. She backed up the comments of my hon. Friends the Members for Birmingham, Selly Oak, and for Birmingham, Erdington on the impact of homelessness in Birmingham and the lack of available support. She underlined the significance of Birmingham's social care funding crisis, which we will particularly need to focus on when the local government finance settlement is debated on Thursday. She went on to widen the debate from services directly funded by local authorities to other public services. She spoke about the impact on children in our schools of the real-terms cuts in schools funding. My hon. Friend the Member for Birmingham, Selly Oak referenced the impact of other aspects of the funding cuts on the national health service and the police.

My hon. Friend the Member for Birmingham, Hall Green made a series of important points about the impact on youth services, which, when they exist, can offer alternatives to crime and radicalisation. He underlined the concern expressed by my hon. Friend the Member for Birmingham, Selly Oak about the scale of the cuts in youth services that Birmingham City Council has had to push through because of the loss of funding.

Before the debate, we had the chance to read some of the comments made to the media by the chief executive of Birmingham City Council, Mark Rogers. It is impossible for anybody who has read his comments to doubt the veracity of my hon. Friends' contributions today. He spoke about the

"catastrophic consequences for some people"

in the city of Birmingham of years of cuts that have forced it to slash funding for key services for vulnerable people. He said that the council had

"just two youth centres"

left and that the

"youth service has all but gone."

The article also states that, according to Mr Rogers,

"homelessness prevention services had been cut by so much that rough sleeping had quadrupled".

Understandably, he is worried about the impact of cuts in funding on social care and about how fewer elderly people are now eligible for care at home. He is expecting to have to implement £113 million of cuts in 2017-18, on top of the cuts that have been made since 2010. In the context of the much-debated social care crisis, which many Members on both sides of the House have underlined to the Government, the fact that Birmingham is having to look at taking almost £30 million out of its adult care budget will be profoundly worrying to anyone who knows people who are elderly, in need of care or vulnerable in other ways.

We already know from the letter that Ministers sent to councils last year with the details of their funding settlement that the Government increasingly expect councils such as Birmingham to increase council tax by as much as 20% by 2020. Across the country, that is equivalent to an increase in average band E of about £300 a year by 2020. Effectively, the people of Birmingham are being

expected to pay 20% more in council tax while getting dramatically lower levels of service. Will they get better street cleaning? Will their bins be emptied more regularly? Will they have a better chance of seeing the elderly people they love get better care? Sadly, the brutal truth is that the quality of services is going down as the Government seek to continue to cut funding.

We are told that Ministers are no longer talking about austerity, but the brutal reality of the cuts in funding that Ministers are still making is that public services will continue to decline. We hope for something different when the local government finance settlement is announced on Thursday.

5.19 pm

**The Parliamentary Under-Secretary of State for Communities and Local Government (Andrew Percy):** I begin with an apology on behalf of the Under-Secretary of State for Communities and Local Government, my hon. Friend the Member for Nuneaton (Mr Jones), who is unable to be here to respond to the debate because of a personal issue. It is a pleasure to serve under your chairmanship, Ms Dorries, and to respond to a Westminster Hall debate for the first time as a Minister. I congratulate the hon. Member for Birmingham, Selly Oak (Steve McCabe) on securing this debate and for the passionate way he presented the issues facing Birmingham, as did, indeed, other Members who took part in the debate.

We should remind ourselves of the context in which local government operates. Many of the decisions that have been taken by Birmingham City Council have been taken locally and independently of central Government, although that is not to pretend that the Government have not had a role to play through challenging funding settlements, about which we have been quite honest over the years. We have been absolutely clear that, as councils account for a quarter of public spending, they, too, need to play their part in deficit reduction. No Member present went into the most recent general election offering more money for local government—that was accepted across the various parties.

We have tried to provide local authorities with a fair and sustainable financial settlement. Fundamentally, we have provided councils with a financial settlement that is broadly flat in cash terms, moving from £44.5 billion in 2015-16 to £44.3 billion in 2019-20. Over the course of this Parliament, council core spending will see a decrease of just 0.4% in cash terms. As a result, councils will have almost £200 billion to spend on local services. Birmingham's average core spending power per dwelling will remain significantly higher than that for many other metropolitan authorities. We must remember that £1,983 per dwelling compares with £1,767 for other local authorities, and is higher than in Manchester and Leeds, which have had to manage similar issues.

Like many other Members, the hon. Member for Birmingham, Selly Oak raised the issue of social care, which is undoubtedly a massive challenge for the country given the changing demographics. The hon. Member for Birmingham, Hall Green (Mr Godsiff) asked whether I personally care about local government. I spent 10 years as a local councillor when some of the difficult decisions we are now facing started to be made. Over that period, which was not when we were in government but under a different Government, we saw councils start to change their intervention criteria substantially due to rising

[Andrew Percy]

pressures. This is not an issue that has developed overnight. We have to be honest that it is a massive challenge for the country to deal with.

The hon. Member for Birmingham, Selly Oak, along with others, mentioned NHS funding. It is at a record level, although I do not for a moment pretend that that will necessarily deal with all the issues relating to the demographic shift—the increasing pressures, the increasing number of people going through the system, the cost of treatment, the number of people living with long-term conditions, and all the rest of it—that is putting huge pressure on the social care and health system. I do not for a moment want to pretend that the issues we are discussing are solely related to local government funding, or that they have developed overnight.

The Government are providing Birmingham with £77 million of new support for social care by 2019-20. Over the four-year period, assuming the social care precept is taken up, the figure will be £149 million, but of course I must put that in the context of changing demography and increasing demand. Many other countries in the west are trying to deal with the same issues. We have also delivered to Birmingham, and local government generally, guaranteed budgets to councils for 2016-17 and for every year of the Parliament. Birmingham is among the 97% of councils to have signed up to that. We are looking to have 100% retention of business rates by the end of the Parliament.

The hon. Member for Birmingham, Selly Oak mentioned the independent improvement panel. We have to put many of the decisions that are currently being taken in Birmingham in the context of a failure to deliver on the budgets that we passed and outlined. I welcomed the contribution of colleagues who said that they understood some of the challenges to have resulted from budgetary issues and management in Birmingham. The hon. Gentleman asked whether the Government had met the independent improvement panel. As it happens, I met one of its members yesterday, as Councillor Nick Forbes, the Labour leader of Newcastle City Council, was taking part in the independent financial review. As this is not my policy area, I have not met the other members of the panel, but I assure the hon. Gentleman that DCLG officials are meeting them regularly, and the Under-Secretary of State for Communities and Local Government, my hon. Friend the Member for Nuneaton, has done so on several occasions as well.

**Steve McCabe:** I do not want to interrupt the Minister, and I appreciate that this is not his specific policy area, but when Ministers or departmental officials have met the improvement panel, have they heard the panel tell them that it is worried about the level of resources available in Birmingham?

**Andrew Percy:** The hon. Gentleman will understand that I have not been in the meetings so I cannot comment on their content. Needless to say, because I was meeting Councillor Forbes yesterday to discuss another matter, I had a brief conversation with him about the issues in Birmingham, but I cannot comment beyond that.

I could list lots of the other investment the Government are putting into Birmingham through local growth deals, which are having a significant impact and transforming

people's lives, but I want to respond to as much of the debate as possible rather than discuss overall investment in the region. The hon. Member for Birmingham, Yardley (Jess Phillips) made a powerful case about transition funding, which was also mentioned by other Members. Birmingham did not get transition funding for the simple reason that it had benefited from the 2015-16 change. The shire counties were the authorities hardest-hit by that change, so the transition funding was naturally focused on them.

The hon. Lady also mentioned school funding. I represent the third-worst—sometimes worst—funded education authority. If she wants to come to Goole in my community, she will also see very high levels of deprivation and huge challenges, but ones that we have to address with many hundreds—

**Jess Phillips:** Do your schools have 33 kids in their classes?

**Andrew Percy:** Yes, some of them do. We have funding differences of many hundreds of pounds below the national average, let alone our neighbouring authorities. Nobody owns one particular community. I grew up in one of the poorest cities in the country and attended one of the worst comprehensive schools, and for many years I taught in some of the toughest schools in the country, let alone in the city. I understand the challenges as well as the hon. Lady, as do others on the Government Benches. Some of her comments were a little divisive, trying to set Tory-run shires against Labour-run metropolitan areas. There are huge challenges in many areas. Deprivation and poverty do not necessarily respect local government boundaries.

A couple of points were made about homelessness, which is of course a massive challenge. I cannot comment on the specifics of the funding decisions that have been made in Birmingham, but the Government do take the issue seriously, which is why we have supported the Homelessness Reduction Bill introduced by my hon. Friend the Member for Harrow East (Bob Blackman). Homelessness is at half its 2003 peak. Birmingham has received nearly £1.1 million in homelessness prevention funding for 2016-17, and we are investing £500 million in seeking to tackle homelessness.

In the short time remaining, I say to Members who represent Birmingham that the Government see solving the issues there as a partnership. It is important that the decisions that need to be taken on financial management in Birmingham are taken. As I have said, other local authorities and metropolitan boroughs have, with less spending power per dwelling, dealt with the very challenging settlements for local government. We want to assist Birmingham in doing the same. We have to wait for the independent financial review, which should conclude in the middle of January, to report so that we can consider matters further.

We are determined to try to get Birmingham, like many of the metropolitan councils, into a position where the budgets that are set are realistic, so that people know what services are being delivered. Plenty of other local authorities, many with much lower funding per dwelling, are not reducing services in the way described today. Key to that is having a budget that is viable and realistic, which is what we hope will come out of this process.





# Written Statements

Tuesday 13 December 2016

## TREASURY

### ECOFIN

#### **The Chancellor of the Exchequer (Mr Philip Hammond):**

A meeting of The Economic and Financial Affairs Council (ECOFIN) was held in Brussels on 6 December 2016. EU Finance Ministers discussed the following items:

#### *Early morning session*

Ministers were briefed on the outcomes of the 5 December meeting of the Eurogroup and the European Commission presented an update on the current economic situation.

#### *Investment plan for Europe*

Ministers discussed proposals for the investment plan for Europe and reached a general approach on the Commission's proposal to amend the European Fund for Strategic Investments (EFSI) legislation as part of the planned extension beyond its original 2015-2018 lifetime. Ministers also discussed draft council conclusions on measures to tackle bottlenecks to investment identified under the third pillar of the investment plan for Europe.

#### *Anti-tax-avoidance directive 2*

Ministers discussed the Commission's proposals on the anti-tax avoidance directive (ATAD2).

#### *Enhanced co-operation in the area of financial transaction tax*

Ministers received an update on the proposal for a Council directive implementing enhanced co-operation in the area of financial transaction tax.

#### *Banking union: risk-reduction measures*

The Council presidency presented its new proposals, published on November 23, to revise the capital and resolution frameworks for banks and large investment firms, which was followed by an exchange of views.

#### *Anti-money laundering directive*

The Council presidency provided an update on the discussions for proposal for a directive on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing.

#### *Current financial service legislative proposals*

The Council presidency provided an update on current legislative proposals in the field of financial services.

#### *VAT digital package*

The Commission presented on the digital single market VAT package.

#### *Deepening the economic and monetary union: Follow-up on the 5 Presidents' report*

The Commission provided information on the 5 Presidents' report: Completing Europe's economic and monetary union.

#### *Improving the predictability and transparency of the stability and growth pact*

Ministers endorsed draft Council conclusions on improving the predictability and transparency of the stability and growth pact.

#### *Report on strategic issues in the area of customs by the high level group of customs directors general*

Ministers were informed about the outcome of the pilot meeting of the high level group of directors general for customs policy, taxation and customs co-operation on 25 October 2016.

#### *European semester 2017*

The Commission presented to Ministers on the publication of the 2017 annual growth survey (AGS) and alert mechanism report (AMR), which was followed by an exchange of views.

#### *Implementation of the Banking Union*

Ministers discussed the current state of play regarding implementation of banking union within the eurozone.

#### *Fight against the financing of terrorism*

The Commission gave a presentation on the fight against the financing of terrorism.

#### *Capital Markets Union*

The Commission provided information on the capital markets union.

[HCWS349]

## COMMUNITIES AND LOCAL GOVERNMENT

### Rotherham Metropolitan Borough Council

#### **The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones):**

On 19 October 2016, I announced my intention, after careful consideration of the recommendation of the commissioner team, to return licensing functions to Rotherham Metropolitan Borough Council. On the same day, representations were invited from the authority regarding this intention. I have now considered the representations, including from the leader and the chief executive, and I am satisfied that the council is now able to exercise this service area in compliance with the best value duty and that the people of Rotherham can have confidence that this will be the case.

Therefore, today I am exercising my powers under section 15 of the Local Government Act 1999 to return licensing, including all associated executive and non-executive functions, to the council. Handing back this function will allow some democratic control to be returned and is an important milestone for the council, which has demonstrated steady progress in its improvement journey.

Today, the Secretary of State for Education and I have issued further directions amending the directions issued on 11 February 2016 that return this service area to the authority. With effect from 13 December, councillors will be responsible for decision making in this area. The commissioners will continue to provide oversight on licensing as well as the set of functions returned in February 2016 and ensure that they are exercised in accordance with the statutory best value duty. Commissioners also continue to retain powers in additional service areas including children's services (including all services relating to child sexual exploitation); adult social care and audit.

I am placing a copy of the documents associated with this announcement in the Library of the House and on my Department's website.

[HCWS351]

## CULTURE, MEDIA AND SPORT

### Telecommunications Council

**The Minister for Digital and Culture (Matt Hancock):** The EU Council of Ministers' Telecommunications Council took place in Brussels on 2 December 2016. I represented the UK at this Council. As is procedure, this statement sets out a formal record of that meeting.

The first item was a policy debate on the two legislative instruments and two communications that form the European Commission's recently-published connectivity package:

The European electronic communications code directive (First reading—EM 12252/16);

Regulation on body of European regulators for electronic communications (First reading—EM12257/16);

Communication on "5G for Europe: An action plan" (EM12279/16); and

Communication on "Connectivity for a Competitive Digital Single Market—Towards a European Gigabit Society" (EM 12364/16).

My intervention was as per the pre-Council statement.

The Council then adopted a general approach on amending regulation (EU) No 531/2012 as regards rules for wholesale roaming markets (First reading—EM 13555/13).

The Council was then provided with an update from the Slovak presidency on the proposal for a regulation of the European Parliament and of the Council on cross-border parcel delivery services (First reading—EM9706/16). There was no substantive debate on this item.

The Council then adopted a partial general approach on the proposal for a regulation of the European Parliament and of the Council amending regulations as regards the promotion of internet connectivity in local communities (First reading—EM 12259/16).

This was then followed by three items under AOB led by the Commission, the first being on fair use policy in the context of roaming services, followed by information on digital single market initiatives and finally under AOB, current internet governance issues. There were no substantive debates on any of these items.

Finally, the Maltese delegation informed the Council of their priorities for their forthcoming presidency before Council adjourned until the next meeting in Q2 2017.

[HCWS347]

## FOREIGN AND COMMONWEALTH OFFICE

### Lebanese Armed Forces

**The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Mr Tobias Ellwood):** Contagion from the worsening crisis in Syria is having a direct effect on its neighbours, particularly in areas adjacent to Lebanon's eastern border. The UK remains firmly committed to Lebanon's stability and security. Our support to the Lebanese armed forces (LAF) aims to minimise contagion from the Syrian conflict and combat the spread of Daesh. As part of this commitment, since 2012 the UK has been assisting the LAF, through the rapid land border security assistance project, to establish and mentor the LAF land border regiments (LBRs).

Lebanon faces a number of budgetary pressures, including the cost of hosting 1.2 million Syrian refugees, and would be unable to fund the LBRs without UK support. This project is the main pillar of our defence co-operation with Lebanon and our efforts to protect stability in the region. The mission of the LBRs is to observe, identify, deter and deny activities by illegal armed actors in the near border areas, in line with agreed international human rights standards. Between 2012 and 2016, approximately £38 million of conflict pool and conflict security and stability funds were allocated to provide observation, protection, mobility and communications equipment to 1st, 2nd, and 3rd LBRs, and to establish key elements of a 4th LBR, as well as a programme of training and mentoring.

The command element of the 4th LBR has been established, and is preparing its deployment plan to cover the remaining 25% of the borders with Syria, from Arsal to Masnaa. Recent Daesh actions in the Arsal area pose a threat to UK and Lebanese security, and make it imperative that the LAF completes the expansion of the LBRs southwards. This is part of an overall strategy to bring the entire eastern border with Syria back under the authority of the state.

We intend to provide a package of £4,867,665.18 of observation and operating equipment for the continued development of the 4th LBR of the Lebanese armed forces. It will be funded by the Government's conflict, security and stability fund. The equipment has been assessed under the consolidated EU and national arms export licensing criteria. There are no objections to the release of these items to the LAF.

The proposed provision of equipment has been scrutinised and approved by a senior, cross-Whitehall conflict, stability and security fund (CSSF) approval board, which has confirmed that it is in line with the Government's strategic objectives. FCO officials have also assessed the project for human rights risks, using the overseas security and justice assistance guidelines established by the former Foreign Secretary in 2011. They concluded that the risk of human rights violations arising from the project's delivery could be successfully mitigated.

If, during the period of four parliamentary sitting days beginning on the date on which this statement was made before the House of Commons, a Member signifies an objection by giving notice of a parliamentary question or a motion relating to the minute, or by otherwise raising the matter in the House, final approval will be withheld pending an examination of the objection.

[HCWS350]

## INTERNATIONAL DEVELOPMENT

### Foreign Affairs Council: Development

**The Parliamentary Under-Secretary of State for International Development (James Wharton):** On 28 November, I attended the Foreign Affairs Council for Development in Brussels. The meeting was chaired by the High Representative of the European Union for Foreign Affairs and Security Policy and Vice-President of the Commission, Federica Mogherini. A provisional

report of the meeting and conclusions adopted will be deposited in the Library of the House for the convenience of Members.

The UK is leaving the EU. While we remain a member we will continue to play a full role in line with our rights and obligations and represent the interests of the people of the United Kingdom.

*European consensus on development*

The Council discussed the European Commission proposal on a new European consensus on development following a presentation by Neven Mimica, the Commissioner for International Co-operation and Development. Discussion of a new consensus, in light of the 2030 agenda for sustainable development, centred on retaining the fundamental focus on poverty eradication and human development, but with calls for more work on tackling the root causes of migration; engaging civil society and the private sector; and ensuring greater links between development and humanitarian work. I emphasised the need to finish the job on the millennium development goals, but to also go beyond aid to support countries emerging from poverty.

*A renewed partnership with Africa, the Caribbean and the Pacific (“Post-Cotonou”)*

Development Commissioner Mimica set out a proposal to renew the EU’s partnership with Africa, the Caribbean and Pacific (ACP) when the Cotonou agreement expires in 2020. I highlighted the UK’s desire for a differentiated approach towards partner countries at different stages of development and called for a light-touch framework which gives flexibility to work with different developing country partners as well as non-EU donors, saying that the UK wanted to take a full part in the debate now and could be a partner in future. I also welcomed the broad focus on Africa and the continued importance of the EU’s relationship with the Caribbean and the Pacific.

HRVP Mogherini concluded that more work needed to be done to achieve a common position before a negotiating mandate could be proposed next year.

*Energy and development*

Council conclusions on energy and development were agreed by the Council during a lunch discussion attended by Ministers and Maroš Šefcovic, Vice-President of the European Commission with responsibility for the energy union. Vice-President Šefcovic focused on the importance of improving linkages between energy and sustainable development. I emphasised the opportunity provided by enhanced private sector involvement in renewable energy investments.

*Migration and development*

HRVP Mogherini led discussions between member states that built on the various initiatives that had been launched since last year’s Valletta summit, including the emergency trust fund for Africa, the new partnership framework and ongoing negotiations on the external investment plan. On the partnership framework, the UK joined other member states in calling for a full assessment on the effectiveness of progress with current priority countries before further expansion.

*Other agenda items*

Ministers adopted several sets of Council conclusions, including on mainstreaming digital solutions and technologies in EU development policy, the Court of Auditors report on humanitarian aid to the great lakes region, energy and development, and the EU common position for the second high-level meeting of the global partnership for effective development co-operation. Details of these Council conclusions will also be placed in the Library of the House.

[HCWS348]



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