

**Monday  
21 May 2018**

**Volume 641  
No. 142**



**HOUSE OF COMMONS  
OFFICIAL REPORT**

**PARLIAMENTARY  
DEBATES**

**(HANSARD)**

**Monday 21 May 2018**

---



# House of Commons

*Monday 21 May 2018*

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

## PRAYERS

[MR SPEAKER *in the Chair*]

## Oral Answers to Questions

### WORK AND PENSIONS

*The Secretary of State was asked—*

#### Universal Credit: 2017 Budget Changes

1. **Stephen McPartland** (Stevenage) (Con): What steps she is taking to implement the 2017 Budget changes to universal credit. [905434]

**The Secretary of State for Work and Pensions (Ms Esther McVey):** I would like to start by thanking my hon. Friend for his support in securing the Budget changes. We have increased advances, so claimants can receive up to 100% of their entitlement within days of a claim. We have removed waiting days, so the time to the first full payment is reduced, and we have given claimants an additional two weeks of housing benefit to provide extra support when they transition to universal credit.

**Stephen McPartland:** I campaigned hard for those changes, along with Members on both sides of the House, and I am delighted that the Government listened and delivered. Does the Secretary of State have any information or feedback on how those changes are helping claimants on the ground?

**Ms McVey:** People are moving on to universal credit now with a smoother transition. When on universal credit, they are getting into work quicker, staying in work longer and looking for more opportunities in work. They are also getting more personalised support through the claimant commitment, which is helping them whether they are in debt or need IT support. This is about developing universal credit to respond to people's needs.

**Stephen Timms** (East Ham) (Lab): The modest changes in the Budget were welcome, but I wonder whether the Secretary of State has seen the recent research showing that food bank demand is growing much faster in areas where universal credit has been fully rolled out than it is elsewhere. Does she have substantial proposals to solve the very serious problems with this new benefit?

**Ms McVey:** They were not modest changes; they were quite significant changes, made after listening to what people said on the ground and meeting various action groups on the ground to see what was needed. We listened and we changed, and that is why we have done a very slow roll-out. I meet some of the poverty action groups across the country on a weekly basis to ask what else can be done. All have welcomed the changes we

have put in place and the record number of people we have now got into employment, but of course where we need to give debt support or advances, we will continue to do so.

**Maggie Throup** (Erewash) (Con): With universal credit being fully rolled out in Erewash, can my right hon. Friend state how universal credit can impact the claimant count numbers and what can be done to explain like for like?

**Ms McVey:** My hon. Friend asks a pertinent question. Employment is going up and unemployment is going down, which is reflected in the numbers, but because this is a brand new benefit that takes on people in work and people out of work, we are seeing the number of people claiming double. We are now giving support and career progression to people in work, so we will see the claimant count increase and, in some areas, double.

**Neil Gray** (Airdrie and Shotts) (SNP): Increased debt, job insecurity, rising stress, housing insecurity and unpredictability of income are all highlighted by Gingerbread as issues raised by single parents in receipt of universal credit, and it states that the Government need to go further. How does the Secretary of State plan to address those problems and the estimated 165,000 single parents of pre-school-age children who are highlighted by Gingerbread's report as being at risk of poverty and debt from new universal credit conditionality?

**Ms McVey:** As it is a brand new benefit, we are providing extra childcare support, which is needed by people with children and lone parents. We are also giving tailored support. The claimant commitment and the one-to-one relationship that people have with their work coach is about really understanding the needs of the individual. That is what we are doing to help people to get into a job, get a career and fulfil their job ambitions.

**Margaret Greenwood** (Wirral West) (Lab): The Department for Work and Pensions has been forced recently to reveal that a fifth of universal credit claims are being turned down because claimants are not managing to negotiate the complex application process, meaning that thousands of people are falling out of the system. Claims must be made and managed online, even though, according to an OECD study, 40% of unemployed adults in England have low basic skills. Meanwhile, one in 10 jobcentres are being closed, removing face-to-face support from communities, and the Government are speeding up the roll-out of the full service yet again. What action are the Government taking to identify the factors leading to such a high level of failure?

**Ms McVey:** Obviously, this benefit is not failing. That is why we are seeing extra support and why we are seeing record numbers of people in employment and record low unemployment. However, the hon. Lady is right to talk about the low IT skills that people have. Part of the universal support we are giving is to educate and to enable people because the IT skills they need to claim a benefit are the same IT skills they need to get a job and to get cheaper deals online. That is what we are providing. Again, if they are in debt, we are providing that personalised support. As we close some of the

jobcentres, most important is the outreach work that we do. As we seek to help more people and some of the most difficult to help into work, we are doing outreach work through the flexible support fund.

### Child Tax Credits and Universal Credit: Two-child Limit

2. **Liz Twist** (Blaydon) (Lab): What estimate she has made of the number of families affected by the two-child limit for child tax credits and universal credit since April 2017. [905435]

**The Minister for Employment (Alok Sharma):** The aim of the two-child limit is to strike the right balance between support for claimants and fairness to taxpayers who support themselves solely through work. The policy has been in effect only since April 2017 and statistics relating to its implementation will be published in due course.

**Liz Twist:** The High Court recently found that the ordering restriction on the two-child limit for children in kinship care was unlawful. When are the Government going to introduce regulations to make sure that the law is in line with the Court judgment?

**Alok Sharma:** We welcome the High Court ruling, which showed that the policy is lawful. However, the hon. Lady is absolutely right: in terms of kinship carers, we are going to be making those changes. This will have to come about through regulations in Parliament and we will bring those forward shortly. I would point out that, as the Secretary of State made clear in her written statement, we will be making changes to include not just those in kinship arrangements, but children who are adopted and would otherwise be in local authority care.

**Andrew Bridgen** (North West Leicestershire) (Con): Does my hon. Friend agree that it is completely right that in our country someone should be able to have as many children as they want as long as they can support them, but it should not be that the taxpayer has to subsidise them?

**Alok Sharma:** As I said in response to the hon. Member for Blaydon (Liz Twist), the aim of this policy is to strike the right balance between support for claimants and fairness to taxpayers, but of course we do have exceptions in place, quite rightly.

**David Linden** (Glasgow East) (SNP): When the Government came up with their two-child policy, did they seek any guidance or advice from China about its one-child policy?

**Alok Sharma:** I will just report that we have exceptions in place and of course this policy is ultimately about being fair both to claimants and to taxpayers.

### Youth Employment

3. **Douglas Ross** (Moray) (Con): What recent assessment the Government have made of trends in youth employment. [905436]

**The Secretary of State for Work and Pensions (Ms Esther McVey):** Youth employment has risen by 150,000 since 2010 and now stands at 3.86 million. The UK has the third highest youth employment in the G7 and the proportion of all 16 to 24-year-olds in work or full-time education now stands at 85%.

**Douglas Ross:** Youth unemployment has fallen by 43% since 2010. Will the Secretary of State join me in welcoming the work in Moray during Meaningful May, when 93 students have taken part in work placements, taking the total for this year to 330? Will she praise the 186 employers who have facilitated these projects and explain what further the Department is doing to get more young people into work?

**Ms McVey:** I will indeed welcome the work that is being done in Moray not only by all the work coaches and the businesses there, but by my hon. Friend, who does so much in his local area. On top of that, Scotland has a different system in place, with the youth obligation traineeships supporting work experience, supporting sector-based work academies through Skills Development Scotland, and supporting and getting people excited about going into a job—excited about what they can do and what they can offer Scotland and the world.

**Ruth Cadbury** (Brentford and Isleworth) (Lab): Will the Secretary of State commit to raising the minimum wage for young people so that they are not subject to lower rates of pay, and to enacting a real living wage, as Labour will, so that this Government's promise of making work pay is not an empty one?

**Ms McVey:** Obviously, the hon. Lady will know that we have increased the living wage so that the lowest-paid workers have had the fastest wage increase in 20 years. That is what we are doing. What we will do—we are keeping this under constant review—is give support to young people. First and foremost, there are the apprenticeships, the traineeships, the work experience and the education we can give them, all of which are at record highs.

15. [905449] **Michael Tomlinson** (Mid Dorset and North Poole) (Con): The all-party parliamentary group for youth employment, together with some other APPGs, are hearing evidence as to how the hospitality industry can help to boost employment for young people, as well as be a career option. Once the report is written, will the Secretary of State, or perhaps one of her Ministers, accept an invitation to hear from the group?

**Ms McVey:** I thank my hon. Friend for the work he does on the APPG. I know how important youth employment rates are to him and the group. It will either be me or one of my colleagues—perhaps we will all be there at the APPG once the work has been completed. We are putting the right building blocks in place for young people. It is about education. It is about that work experience. Many young people have never had work experience, so they do not have the soft skills. That is what we are trying to put in place and we would be delighted to go to the APPG.

**Mr Barry Sheerman** (Huddersfield) (Lab/Co-op): The Tory party launched yet another policy group this morning. Is it not about time that these groups were given

some serious work about how we really tackle youth unemployment, how we get more kids into real apprenticeships, and how we tackle child poverty, which is not going down?

**Ms McVey:** I might not have said it enough today, so I will put it on the record again: youth unemployment is down 43% since 2010. The number of children not in education, employment or training is down 370,000 since 2010. That is what we are doing. We are providing the building blocks to support young people and to get them into a job, living independently. That is what a Conservative Government does—watch and learn!

#### Universal Credit: Household Debt

4. **Helen Hayes** (Dulwich and West Norwood) (Lab): What assessment her Department has made of recent trends in the average level of household debt of people receiving universal credit. [905437]

**The Minister for Employment (Alok Sharma):** The Government have taken a number of steps to prevent problem debt, such as capping payday lending costs. We also have interest-free advances within universal credit, and a system of priority deductions to help claimants who are in arrears.

**Helen Hayes:** A recent Trussell Trust survey found that 70% of respondents were in debt as a result of the initial universal credit wait and more than half had experienced problems with their housing linked to debts and arrears. Advance payments simply stack up more debt, and food banks in areas where universal credit has been fully rolled out for more than a year have seen an average increase in need of 52%. The Secretary of State has it within her power to make further changes to universal credit to stop this avoidable hardship and distress now. Why will she not do so?

**Alok Sharma:** As the hon. Lady will know, a report that was published last year by the National Federation of ALMOs found that more than three quarters of tenants who started claiming universal credit were already in rent arrears. Other research shows that after four months on universal credit the number of claimants in arrears fell by a third. The key point is to make sure that we get help to individuals and that is precisely what the budget changes the Secretary of State has outlined do.

**Craig Tracey** (North Warwickshire) (Con): Could the Minister confirm whether, under universal credit, claimants are more likely to be in work within six months than they were under jobseeker's allowance?

**Alok Sharma:** Yes, I can absolutely confirm that under universal credit claimants can get into work faster and stay in work longer than under the legacy system.

#### Universal Credit: Private Rented Sector Evictions

5. **Stephen Lloyd** (Eastbourne) (LD): What assessment she has made of the effect of the roll-out of universal credit on the number of evictions in the private rented sector. [905438]

**The Parliamentary Under-Secretary of State for Work and Pensions (Kit Malthouse):** Housing benefit has been paid direct to tenants since 2008. Universal credit replicates that so we would not expect to see a change in landlord behaviour.

**Stephen Lloyd:** I am very disappointed with that answer because, having had meetings with a number of residents associations and landlords, I already know that the private sector is fairly loth to let houses to people on housing benefit. The same applies to universal credit, the reason being that the payment goes direct to the tenant. I urge the Government to at least have a default, if both sides agree, for the payments to be made to the landlord.

**Kit Malthouse:** It is deeply disappointing when Members of this House trade their principles for perceived political advantage, as the hon. Gentleman seems to have done on universal credit, having of course previously been a strong supporter of the coalition Government's reforms. He knows full well that direct payments to landlords are available. I have myself met the two most prominent residential landlord organisations very recently and, if he looked at the data, he would see that the proportion of working-age recipients of housing benefit and universal credit in the private rented sector seeking support has not really changed over the past 10 years.

**Margaret Greenwood** (Wirral West) (Lab): It is reported that the Law Centres Network says cases are now common in which eviction proceedings come to court after the Department for Work and Pensions has failed to pay rent directly to the landlords of universal credit claimants, even though it says on a claimant's journal account that a direct rent payment has been made. What action is DWP taking to address this issue as a matter of urgency?

**Kit Malthouse:** As the hon. Lady will know, we have taken significant action to try to improve the situation upfront, not least by providing an additional two weeks of housing benefit for people transitioning to universal credit. People can receive a 100% advance and help with budgeting support, and of course a direct payment is available if landlord or tenant require it.

#### PIP: Back-payments

6. **Peter Grant** (Glenrothes) (SNP): What progress her Department has made on processing back-payments for personal independence payment claims. [905439]

**The Minister for Disabled People, Health and Work (Sarah Newton):** We understand the urgency of this matter and we remain on track to begin making the first payments in the summer. The exercise to identify claimants affected by the MH judgment will start as soon as we have made the changes to the guidance needed to implement the judgment. We are engaging with stakeholders to update the guidance and once guidance has been finalised I will further update the House.

**Peter Grant:** Four months without even an update to Members of Parliament does not sound like the matter is being treated urgently by the Government. In January, when the Government were dragged here by an urgent

question to give a statement on the court case they lost, the Secretary of State assured the House that, if I wanted to contact her to arrange a meeting to discuss a particular constituency case, her door was open and she would meet me. Six weeks after I wrote to ask for such a meeting, I got a letter back from a junior Minister saying the Secretary of State was not available to meet me. Will she apologise for breaking the promise she made to me and will she apologise on behalf of my constituents, and the constituents of other Members, who still do not know what the Government are doing to sort out this mess?

**Sarah Newton:** We have updated the House regularly. I published a list of frequently asked questions and placed it in the House of Commons Library on 28 March. I wrote to the hon. Gentleman on 17 April again offering a meeting and I have yet to hear a response. My door remains open and we are getting on with great urgency to begin the repayments as soon as possible.

**Sir Desmond Swayne** (New Forest West) (Con): From a PIP application being made to when an award is paid, what is the mode, the mean and the median waiting time?

**Sarah Newton:** I thank my right hon. Friend for his question. I cannot answer with regards to the mode, the mean and the median, but I can tell him that the average waiting time at the moment is 12 weeks. We have worked very hard to bring down the waiting time so that people can get the support they need as soon as possible.

**Frank Field** (Birkenhead) (Lab): As PIP is the entrance to mobility allowance, will the Government join the Treasury Committee and the Work and Pensions Committee in asking for a full National Audit Office inquiry into what is ostensibly a really good benefit?

**Sarah Newton:** First, I would like to wish the right hon. Gentleman a very speedy recovery. I can see clearly that he has had an injury and I am sure I speak on behalf of all Members when I say that I hope he makes a very speedy recovery. We of course agree that it is really important that the NAO gets on with its work, but the Secretary of State will update the House shortly on progress.

**Bill Grant** (Ayr, Carrick and Cumnock) (Con): Will my hon. Friend confirm that this very important exercise regarding PIP payments is not likely to require any new face-to-face assessments?

**Sarah Newton:** I thank my hon. Friend for that question. I can absolutely assure him that there will be no need for new face-to-face appointments or assessments.

**Emma Reynolds** (Wolverhampton North East) (Lab): I have been helping identical twins who have the same genetic condition, which involves learning disabilities and associated health problems. Both were assessed for PIP at different times by different assessors. One was granted PIP and one was rejected. The case has now been resolved, but can the Minister not see that the system is totally unfit for purpose and needs overhauling?

**Sarah Newton:** The very fact that the hon. Lady says the case has been resolved shows that the system is working. It is very important that we make the right decision first time. I have set in place a whole series of improvements to PIP. We have followed the advice given to us by the independent review of PIP and are working at pace to make the necessary changes.

**Marsha De Cordova** (Battersea) (Lab): As a result of the incorrect guidance produced by Independent Assessment Services, formerly Atos, in relation to daily living activity 6—help with dressing—will the Minister tell the House how she proposes to estimate the number of claimants who have been incorrectly assessed for PIP, and to identify the claimants affected, provide a correct assessment and pay all the arrears due?

**Sarah Newton:** I thank the hon. Lady for her question—we had a meeting last week where we discussed this case. The matter was brought to the Department's attention by the Royal National Institute of Blind People in March. We have looked into the case and are absolutely assured that this is a one-off situation, but it is very important to me that we learn the lessons of how this happened. We are meeting the RNIB on Wednesday to see what further action we can take.

**Marsha De Cordova:** But does the Minister not accept that the wording of the correspondence that was produced by Independent Assessment Services—sent to her by a number of voluntary organisations, including the RNIB—suggests that the guidance has potentially been widely circulated among assessors, and that for contracted assessors to produce independent guidance on social security law without the Department's knowledge suggests a serious problem with contract management?

**Sarah Newton:** I do not accept the premise of the hon. Lady's questions. We are very clear that the personal independence payment assessment guide, which is published by the DWP and is on gov.uk, is the guidance that must be used by health professionals. The particular case was investigated and we have made sure that the procedures are in place to ensure that this does not happen again.

### Young Disabled People: Help into Work

7. **Tom Pursglove** (Corby) (Con): What steps the Government are taking to help young disabled people into work. [905440]

**The Minister for Disabled People, Health and Work** (**Sarah Newton**): I want to make it absolutely clear to the House that I want us all to be as ambitious for disabled young people as we are for all young people, enabling them to fulfil their potential. We have a range of programmes to support the journey to work, including the young persons supported work experience programme, tri-work supported work experience and supported internships and apprenticeships.

**Tom Pursglove:** I am very grateful to the Minister for that answer. Apprenticeships have proved to be a huge success story in Corby and east Northamptonshire, so what steps are the Department taking to help to encourage young disabled people to take up those opportunities and ensure that they are accessible to all?

**Sarah Newton:** My hon. Friend is a doughty champion for his constituents and it is great to see the number of people with learning difficulties or a disability starting an apprenticeship—it rose to 22,100 this year, 150 of whom are from Corby, which was a rise of 40 people on the year before. We want more employers to offer apprenticeships for disabled youngsters. The Department for Education has made adjustments to the maths and English standards and Access to Work is available.

**Thangam Debonnaire** (Bristol West) (Lab): Would the Minister care to explain to my disabled constituent how new claim rules for Access to Work justify requiring confidential contracts of and employment information about the disabled person's personal assistant, and how do those square with the general data protection regulation?

**Sarah Newton:** The hon. Lady raises a very specific case. Of course, I will be very pleased to look into that, but let us be clear: Access to Work is providing invaluable support. It is enabling many more people with disabilities to play their full part in our society, including work. We have recently made a number of changes that have been widely welcomed.

**Justin Tomlinson** (North Swindon) (Con): When I ask young disabled people, "If you were the Minister, what would be your No. 1 priority?", the answer is always to have an opportunity to work and, for some, to run their own business. The NESTA innovative technology fund was one of the most exciting ways to support disabled entrepreneurs, through prize money and matching them up with mentors. Will the Minister do all that she can to help to reinstate this important opportunity?

**Sarah Newton:** I absolutely agree with my hon. Friend that we should be as ambitious for disabled people as we are for anyone else, and that includes enabling them to set up their own business. He raises a particularly important scheme, but there have been other innovations through the employment allowance and the support that is available through Access to Work. Indeed, Microsoft has just launched a fantastic new fund of £25 million to help with assistive technology and people setting up businesses.

**Ian C. Lucas** (Wrexham) (Lab): What assessment has the Department made of the impact of the abolition of the independent living fund on disabled young people?

**Sarah Newton:** As the hon. Gentleman knows, responsibility for the independent living fund was given to local authorities, which are very well placed to join up services in their communities to the benefit of all disabled people, including young disabled people.

### Social Mobility

8. **Priti Patel** (Witham) (Con): What steps her Department is taking to improve social mobility. [905441]

**The Secretary of State for Work and Pensions (Ms Esther McVey):** The Department for Work and Pensions plays a vital role in social mobility, including by helping people to enter the labour market or to progress in work and earnings. The number of people in employment

across the country is at a record 32.34 million, and that includes historically under-represented groups, among them disabled people. As a consequence, we have reduced the number of children living in workless households by 600,000.

**Priti Patel:** Training opportunities are vital to boosting social mobility, because they help to get people into work. What is the Secretary of State doing to work with recruitment agencies, such as Prime Appointments in Witham, to enable more people to get into work, especially those in part-time work or on universal credit?

**Ms McVey:** My right hon. Friend is living proof of social mobility—her family came here from Uganda, started a newsagents and expanded their business—and is right to ask: how can we get people into a job, and how can we help with recruitment and apprenticeships? I am working with the Recruitment and Employment Confederation to look at those opportunities and also with the Secretary of State for Education—that is where responsibility for apprenticeships is held, but we will do all we can to support my right hon. Friend.

**Gareth Snell** (Stoke-on-Trent Central) (Lab/Co-op): In Stoke-on-Trent, one of the best ways of achieving social mobility is through our wonderful further education system, so will the Secretary of State please impress upon her colleagues at the Department for Education that properly funded further education, whether that be sixth-form colleges or other establishments, is needed and that they must make sure it is provided?

**Ms McVey:** I will send the hon. Gentleman's message to the Department for Education, but in this Department we do as much as we can, whether through traineeships or sector-based work academies, to support young people. It is about choice: do they want a job, an apprenticeship or further education?

**Philip Davies** (Shipley) (Con): Helping more carers to get into work and stay in work would certainly boost social mobility in the UK. I am grateful to the Secretary of State for coming to Shipley to visit Carers' Resource. What progress has been made on developing a kitemark for employers to help more carers get into work and stay in work?

**Ms McVey:** My hon. Friend raises a very good point: how do we best support carers, who do a vital job to support other people? When I visited his constituency and Carers' Resource and met some of its carers, they told me they wanted a kitemark—they wanted to know which was a good business, who they could work for, who was deploying best practice. The Department of Health and Social Care is working on this with Carers UK, but we are also starting a new group between Departments, and I encourage Carers' Resource to take part.

**Kerry McCarthy** (Bristol East) (Lab): One of the hardest-to-reach groups of children are those living in kinship care with chaotic family relationships: one moment they might be with their real parents, the next they might be being looked after. What discussions is the Secretary of State having with the children's Minister to make sure they do not slip through the net?

**Ms McVey:** The hon. Lady is right about kinship care and to ask how we can support kinship carers and those children, which is why I was pleased to be able to say that through tax credits we would be maintaining our vital support for kinship carers. I am more than happy to speak to other Ministers to ensure we give those children and families the best support we can.

#### Universal Credit: Victims of Domestic Violence

9. **Jo Platt** (Leigh) (Lab/Co-op): What assessment her Department has made of the effect of the introduction of universal credit on the ability of victims of domestic violence to claim benefits. [905442]

**The Parliamentary Under-Secretary of State for Work and Pensions (Kit Malthouse):** Universal credit continues to support victims of domestic violence to claim benefits through a range of measures. These include special provisions for temporary accommodation and same-day advances. Work coaches will also signpost domestic violence victims to expert third-party support.

**Jo Platt:** I am grateful for the Minister's response, but the Government have still not committed to assessing the operation of split payments or collecting data. Will they commit to looking at specific areas of new universal credit roll-out, such as Leigh, which has also been highlighted as a hotspot by the local police, to ensure that we are adequately safeguarding victims?

**Kit Malthouse:** Obviously we take domestic violence enormously seriously at the Department, and we certainly believe that we should play our part in detecting and seeking to combat it. We will keep the position under review. As we have said, we remain open-minded on the issue of split payments. If the Scottish Government proceed with their wish to introduce them, we will note what progress is made, and will review the issue in due course

#### Automatic Enrolment: Cheadle

10. **Mary Robinson** (Cheadle) (Con): What progress is being made on automatic enrolment for employees in Cheadle constituency. [905443]

**The Parliamentary Under-Secretary of State for Work and Pensions (Guy Opperman):** Automatic enrolment is a cross-party success story, with more than 9.6 million workers enrolled in pensions saving and more than 1.2 million employers meeting their duties. Approximately 9,000 eligible jobholders have been automatically enrolled in my hon. Friend's constituency, with 1,600 employers meeting their duties and supporting them.

**Mary Robinson:** Typically, the young are a difficult demographic to encourage to save early, as retirement seems a distant milestone to them. What steps is the Minister taking to encourage more people entering the workforce to stay in their workplace schemes to ensure that they have steady incomes when they retire?

**Guy Opperman:** My hon. Friend is right, and younger people agree with that. When NOW: Pensions carried out research, it found that only 4% of its 22 to 29-year-old members opted out. Our "Automatic enrolment

review 2017" set out our plans to make saving the norm by lowering the age of automatic enrolment from 22 to 18. When an employee pays in, the employer pays in as well, and the Government pay in the tax relief.

#### Private Pensions: Windsor

11. **Adam Afriyie** (Windsor) (Con): What progress is being made on increasing private pension provision in Windsor constituency. [905444]

**The Parliamentary Under-Secretary of State for Work and Pensions (Guy Opperman):** Private pensions have been transformed by automatic enrolment, which is a social reform of which all Members should be proud. It involves behavioural economics and nudge theory. In my hon. Friend's constituency, 30,000 eligible jobholders have been automatically enrolled and 2,310 employers have done their duties.

**Adam Afriyie:** I am delighted with the Government's progress in helping people to save for retirement, particularly through lifetime ISAs and workplace pensions. Does my hon. Friend agree that, given the open banking initiative and the pensions dashboard, the FinTech industry can help to nudge people to save more and create greater competition in the private pensions sector?

**Guy Opperman:** The pensions industry can and should make the most of the opportunity presented by FinTech. We believe that if it is to succeed, it will be vital for industry and Government to collaborate in the development of the pensions dashboard. As others countries have shown, pensions dashboards are a fantastic way of giving people access to pension information in a clear and simple form, bringing together an individual's savings in a single place online.

**Jeremy Quin** (Horsham) (Con) *rose*—

**Mr Speaker:** Well, the question was about Windsor, but the answer was broad and expansive in its scope. The hon. Member for Horsham (Jeremy Quin)—as befits a former constituency chairman of mine—is a keen young fellow, and I think that we should hear from him.

**Jeremy Quin:** Young? You flatter me, Mr Speaker. I already had my excuse: I was going to say that we were all taking a close interest in the Windsor constituency at present. My particular interest, in relation to Windsor pensioners, is in the fact that they are being held back by a lack of knowledge about their pension provision. Does my hon. Friend agree that a properly constituted pensions dashboard would encourage pensioners to take their own fate in their hands, and would encourage accountability?

**Guy Opperman:** It is true that Windsor is the centre of the universe, and we should all congratulate Prince Harry and Meghan on their marriage at the weekend. It is also true that Windsor, and all parts of the United Kingdom, will benefit from the pensions dashboard. The internet has transformed travel, insurance and other businesses when they have gone online, and we believe

that when the pensions industry comes out of the Victorian age and goes online, there will be great progress for everyone.

#### Attendance Allowance: Eligibility Criteria

12. **Graham P. Jones** (Hyndburn) (Lab): What assessment she has made of the appropriateness of the eligibility criteria for attendance allowance. [905445]

**The Minister for Disabled People, Health and Work (Sarah Newton):** Attendance allowance is available to those aged over 65, and entitlement is based on the ongoing need for frequent personal care and attention, or supervision, to ensure personal safety. The Government believe that the current long-standing qualifying rules for the allowance are working well. It is a popular benefit. Nearly 1.5 million people are currently receiving it, including 2,000 in the hon. Gentleman's constituency.

**Graham P. Jones:** Before Christmas, I raised with the Prime Minister the case of Mr Walker from Great Harwood, in my constituency. Mr Walker was a fit and able pensioner until, at the age of 69, he was run over by a drunk driver. He is now quadriplegic, paralysed from the neck down. He and his wife are struggling, and their Ford Fiesta is of no use whatsoever. He has been released from hospital, and he is not being given the help that he needs. Why is a previously fit and healthy 69-year-old man not entitled to the disability help that he needs—such as a Motability car—because of his age?

**Sarah Newton:** The hon. Gentleman recounts the truly tragic case of his constituent, and of course he will be able to apply for attendance allowance, but that is not the only support available. Clearly he will need support from the NHS and adult social care, where a range of support is available, and attendance allowance can be used on Motability aids as well.

#### PIP Assessors: Mental Health Awareness

13. **Justin Madders** (Ellesmere Port and Neston) (Lab): What mental health awareness training her Department provides for personal independence payment assessors. [905446]

**The Minister for Disabled People, Health and Work (Sarah Newton):** Assessment providers write and deliver training for health professionals; this includes how to identify the impact of mental health conditions on claimants. We require providers to have mental health function champions who are available to provide advice and support. They must have at least two years' full post-registration clinical experience in the management of the relevant conditions.

**Justin Madders:** I suggest the Minister goes back and sees how that works in practice. A constituent came to see me recently about their personal independence payment assessment; they were asked during the course of the assessment why they thought their previous suicide attempts had not been successful. Does the Minister share my disgust at that cruel, inhumane and disgusting way of asking questions?

**Sarah Newton:** From the way the hon. Gentleman has presented that, of course I would unequivocally agree that it was totally unacceptable. The assessors are not given a script, and we expect them to treat everybody with utter respect and dignity.

**Vicky Ford** (Chelmsford) (Con): On Friday I attended a simulated work capability assessment in Chelmsford and it was very helpful. What progress is my hon. Friend making to ensure that all assessments for employment and support allowance and PIP can be more regularly recorded so that those with mental health and other concerns have greater transparency?

**Sarah Newton:** I am pleased that my hon. Friend took the opportunity to visit her assessment centre; I am always happy to arrange these meetings so that hon. Members can see at first hand what is usually a very professional, very compassionate assessment. But of course we want to go further and make sure that every assessment is a good assessment, and recording is definitely part of our plans for improvement.

**Tonia Antoniazzi** (Gower) (Lab): Some 75% of claimants in Wales who appealed against decisions to reduce or stop PIP were successful; that is 8,000 people in Wales who have needlessly worried about having payments stopped. The Prime Minister and the Secretary of State for Wales were unavailable to comment on this at the Welsh Conservative conference on Friday, but can the Minister tell the House when the Government are going to get a grip on this situation?

**Sarah Newton:** Some 3.1 million PIP decisions have been made, and 9% of them have been appealed and 4% of those have been overturned. I am absolutely determined to make sure that we make the right decision every time; we should get it right the first time, and we have put in place a whole series of actions to make sure that that is the case.

**Dr Philippa Whitford** (Central Ayrshire) (SNP): The Secretary of State accepted that there was a failure of assessment of people with mental health conditions and said that this would be remedied, but we have been told by our job centre that guidance has not changed, and a young man who is suffering from appalling post-traumatic stress disorder in my constituency is still being treated as if he does not qualify. When will guidance actually change? We are still producing more injustices.

**Sarah Newton:** As I said in answer to an earlier question, we insist and make sure that the healthcare professionals undertaking the assessments are appropriately trained and have the right expertise, and the guidance is kept under constant review to make sure we get it right first time.

#### Pension Schemes: Fees and Charges

14. **Kelvin Hopkins** (Luton North) (Ind): What recent assessment she has made of trends in the level of fees and charges applied by asset managers to the investments made by defined contribution and defined benefit pension schemes. [905447]

**The Parliamentary Under-Secretary of State for Work and Pensions (Guy Opperman):** The Government recognise that customers need value for money, but lowest cost does not always mean best value. By working with the Financial Conduct Authority, we believe price transparency for trustees can drive effective competition and allow asset managers who can add value to thrive.

**Kelvin Hopkins:** The Minister will recall my earlier question to him on 9 October last year, but is it not the case that all essentially private pension schemes, defined benefit or not, incur costs and uncertainties that significantly reduce benefits to savers, and the only way to minimise such costs is to establish a universal full-blown defined contributions and defined benefits state earnings-related pension scheme for all?

**Guy Opperman:** The hon. Gentleman will be aware that the Financial Conduct Authority published the final rules in September 2017, and that independent governance committees on personal workplace pensions have had rules in force since January. On his discrete point, surely auto-enrolment, with 9.6 million people in this country signed up to it, and the enhanced state pension, which stands at over £1,250 more than in 2010, are the answers to his question.

#### Disabled People: Financial Support

16. **Robert Halfon (Harlow) (Con):** What financial support is available for disabled people who incur costs relating to their condition which welfare payments are not designed to meet. [905450]

**The Minister for Disabled People, Health and Work (Sarah Newton):** There is a wide range of financial support available to disabled people who incur extra costs relating to their condition which welfare payments are not designed to meet. These include: Access to Work, disabled students allowances, disabled facilities grants, the disabled person's bus pass and railcard, and VAT relief on certain items, goods and services.

**Robert Halfon:** I should like to thank the Government for instituting the bursary scheme for disabled parliamentary candidates; that is good news. On another matter, Scope, the charity supporting disabled people, has found that disabled people have £108,000 less in savings and assets, yet when they go to hospital—not out of choice, but because they have to—Scope finds that something like 50% of hospitals are still charging disabled people to park their cars. Will my hon. Friend lobby the Department of Health and Social Care to remove those charges and scrap hospital parking charges for all disabled people?

**Sarah Newton:** I am pleased to accept my right hon. Friend's welcome for that good news; it is important that people seeking election should be supported in doing so. I am really pleased to announce today that we have created a new inter-ministerial working group to bring the full force of the Government behind ensuring that every disabled person in our country has the ability to reach their full potential. It is by working across Government that we will tackle issues such as the one that he has just raised.

21. [905456] **Ruth Smeeth (Stoke-on-Trent North) (Lab):** One of the benefits, or non-benefits, that is available is the crisis loan. My constituent, Mr Hayward, has been told by the Minister's Department that he owes £1,500 in crisis loans taken out 13 years ago. There is just one small problem with that: he did not take out those loans. The Department cannot provide any paperwork to prove that he did so. How can anyone have any faith in anything that happens at the DWP?

**Sarah Newton:** I appreciate the hon. Lady bringing up that really important case. We will take it away and get back to her.

#### Topical Questions

T1. [905459] **Layla Moran (Oxford West and Abingdon) (LD):** If she will make a statement on her departmental responsibilities.

**The Secretary of State for Work and Pensions (Ms Esther McVey):** Further to our discussions in this House regarding Motability and my promise to seek a National Audit Office inquiry into it, I am pleased to announce that agreement has been reached and that the NAO will begin its inquiry into Motability.

**Layla Moran:** I have a young constituent who has PKU, a rare inherited disorder that requires a strict diet and treatment for life. She had been in receipt of the disability living allowance, but now that she has turned 16, she has scored zero in every personal independence payment category. Will the Minister meet my constituent and me so that we can iron out this clear case of "the computer says no"?

**Sarah Newton:** I would be absolutely delighted to meet the hon. Lady and to go through this constituency case with her.

T4. [905462] **Stephen Kerr (Stirling) (Con):** Where are we on the transfer of welfare powers to the Scottish National party Government? Whose court is the ball in?

**The Minister for Employment (Alok Sharma):** We always aim to work constructively with the Scottish Government. Fair Start Scotland is a recent scheme that we are supporting proactively. My hon. Friend makes a point about changes. Introducing changes such as automatic split payments is a complex policy area, and we are having a detailed dialogue with the Scottish Government. There are currently many issues for the Scottish Government to resolve.

**Mr Speaker:** Of course, balls in court are always preferable to balls out of court. I am sure that that is a point with which the hon. Member for Stirling (Stephen Kerr) will be well familiar.

**Jack Dromey (Birmingham, Erdington) (Lab):** The Secretary of State has said that the pensions regulator had concerns about Carillion pension scheme deficits in 2014 but failed to act. The Government went on letting contracts to Carillion, despite repeated profit warnings, and failed to act. Do the Government recognise that the consequences of their failure to act include the biggest-ever hit on the Pension Protection Fund—£800 million—and many thousands of pensioners losing out on their pensions?

**The Parliamentary Under-Secretary of State for Work and Pensions (Guy Opperman):** It was a Labour Government who created the Pensions Regulator in 2004, and I think we can all agree that there are lessons to be learned from Carillion and other recent high-profile cases. However, there are two options. We either try to discredit an organisation and run it down or—this is my choice—support the regulator, give it the further powers that we set out in detail in the defined benefit pension schemes White Paper and stress that the vast majority of employers do right by their employees.

**Jack Dromey:** The DB White Paper proposes criminal charges for directors who neglect their duties. Would Carillion's directors go to jail under the proposed changes to the law? If not, why not?

**Guy Opperman:** I look forward to working with the hon. Gentleman as we steer the DB White Paper into legislation, but the legislation is looking at the future—it is not necessarily retrospective.

T6. [905464] **Henry Smith** (Crawley) (Con): Universal credit is scheduled to be introduced in Crawley on 6 June. What support will be offered to my constituents who will be affected?

**Alok Sharma:** Ahead of the roll-out, my hon. Friend's local jobcentre will speak to local partners, such as the local authority and Citizens Advice, to ensure that claimants are supported as they come on to universal credit. My officials and I will host an induction session tomorrow for all colleagues who have UC rolling out in their area in the near future, so I hope that he will join us.

**Neil Gray** (Airdrie and Shotts) (SNP): Being able to walk 20 metres is an essential part of the PIP assessment process, yet Ministers have told me in written answers that they do not have a policy for their assessment centres to have parking within 20 metres, nor do they know which centres have such a facility. Indeed, the centre that I visited recently had double yellow lines outside. Given that not everyone has access to a home assessment, what would the Minister say to somebody who turns up for an assessment and cannot walk to the door?

**The Minister for Disabled People, Health and Work (Sarah Newton):** That is not only totally unacceptable, but absolutely unnecessary. When people are invited to come along for their assessment, there is an opportunity to talk about their mobility needs to ensure that the centre is totally accessible for them. Each centre must comply with the equality responsibilities under the Equality Act 2010, and people are also offered home visits.

T7. [905465] **Damien Moore** (Southport) (Con): Will my right hon. Friend confirm that the record levels of employment that this Government have delivered in office have predominantly involved full-time and higher-skilled roles?

**Ms McVey:** I can confirm that. Since 2010, three quarters of the growth in employment has been in full-time roles, nearly 70% of employment has come

from high-skilled work and, in the north-west, 227,000 more people are in work and unemployment has fallen by 141,000.

T2. [905460] **Liz Twist** (Blaydon) (Lab): People with progressive conditions are meant to be exempt from ESA reassessments, although my constituent Glenn, who has multiple sclerosis, has one coming up, but they will not be exempt from a PIP reassessment. Will the Minister commit to removing that cruel and unnecessary burden on people living with progressive conditions?

**Sarah Newton:** We have worked closely with a range of stakeholders, including the Multiple Sclerosis Society, to develop a series of severe conditions criteria, which mean that people will not be asked for face-to-face reassessments. Wherever possible, we will make decisions based on the paper-based evidence that is provided. We are also working carefully to ensure that those same criteria are applied to PIP assessments.

T9. [905467] **Robert Halfon** (Harlow) (Con): With 1,000 more people in jobs in Harlow than in 2010, and with 5,000 more apprentices over the same time, will my hon. Friend congratulate Harlow College and Harlow's jobcentre?

**Alok Sharma:** I of course congratulate Harlow College, but I also thank my right hon. Friend for the enormous amount of work that he does to promote employment both here and in his constituency.

T3. [905461] **Jeff Smith** (Manchester, Withington) (Lab): Recently, two constituents with serious and deteriorating cerebral palsy both scored zero points on their PIP assessments. Both require round-the-clock care, but both were forced to appeal the decisions. Is it acceptable that people with serious and deteriorating disabilities are being forced to go through the courts to get the support that they deserve?

**Sarah Newton:** It is well worth pointing out that the vast majority of people go through the process and get the support they need, and many more people are receiving higher-level support under PIP than under disability living allowance. However, when I hear of cases such as that, something has clearly gone amiss, so I will be happy to meet the hon. Gentleman.

T10. [905468] **Vicky Ford** (Chelmsford) (Con): What action are the Government taking to make sure that parents cannot hide earnings from their child maintenance payment calculations?

**The Parliamentary Under-Secretary of State for Work and Pensions (Kit Malthouse):** The Child Maintenance Service is working hard to improve its recovery efforts and will be increasing the number of individuals assigned to the financial investigations unit. The Child Maintenance Service is working much more closely with Her Majesty's Revenue and Customs to make sure that we have as full a picture as possible of people's earnings and to ensure that people take responsibility for their children.

**Laura Pidcock** (North West Durham) (Lab): Dupuytren's contracture, or miner's claw, as it is commonly known, is a progressive condition that causes the fingers gradually

to curl up, occasionally requiring amputation. It is a very common disease among former miners, and the Industrial Injuries Advisory Council has made it clear to the DWP that there is a link between the use of percussive tools and miner's claw. Why has the Secretary of State chosen to ignore that expert advice, and will she explain why the condition has not been added to the industrial injuries disablement benefit list of conditions?

**Sarah Newton:** I am working very closely with the independent advisory board, which advises on which conditions should go on to the list for which people can receive severe disability payments. My meetings with the board are ongoing.

**Scott Mann** (North Cornwall) (Con): A small number of my constituents do not have the digital skills or the equipment to be able to process their universal credit online. What is the Department doing to help them?

**Alok Sharma:** Ninety-nine per cent. of universal credit claims are made online, and those who need support to gain basic digital skills are offered digital support as part of our universal support offering.

T5. [905463] **Paula Sherriff** (Dewsbury) (Lab): My 20-year-old constituent Lucy has severe autism and learning disabilities. She has been told that she must attend a medical assessment to transition from employment and support allowance to universal credit. Medical advice says such an assessment will cause unnecessary stress and anxiety, but that advice has been ignored by the DWP. Will the Minister commit to reducing this burden on the most vulnerable in society?

**Sarah Newton:** When people apply to go on to universal credit their existing ESA remains in place, so it might be that Lucy was coming up for her regular periodic assessment. It is really important to us that people get the right support but, of course, I will happily meet the hon. Lady to look into this case.

**Nigel Huddleston** (Mid Worcestershire) (Con): A number of my constituents have reported difficulty with the Child Maintenance Service on issues such as undeclared income and missing payments. What is being done to ensure that complaints about the CMS are dealt with in a timely manner?

**Kit Malthouse:** It is typical of my hon. Friend that the welfare of children in his constituency should be uppermost in his mind. As I said previously, we are putting significant extra resources into the financial investigations unit and into making sure we are able to track down as much of the income as possible of parents who should be paying for their children. I am pleased to tell my hon. Friend that I recently instituted monthly meetings with the Child Maintenance Service to ensure that it lives up to the high standards of customer service that we expect.

T8. [905466] **Ms Karen Buck** (Westminster North) (Lab): This morning I was contacted on behalf of a constituent who has an inoperable tumour on her spine all the way down to her pelvis, leaving her unable to walk and compounded by arthritis and severe depression. Her ESA has been suspended, her housing benefit has been suspended and she is now threatened with the possibility

of eviction. Can the Minister help me make sure my constituent is protected? Can she also help me understand why so many disabled people feel they are living in a hostile environment?

**Sarah Newton:** Of course I would be more than happy to meet the hon. Lady urgently, because she raises a terrible case. [Interruption.] Let us remember that the vast majority of people claiming ESA or PIP get a really good service and get the benefits to which they are entitled.

**Kirstene Hair** (Angus) (Con): According to *The Guardian* on Saturday, a report shows that the share of employees who are officially classified as low paid has fallen to 18%, the lowest level since 1982. Does that not show the Conservative party is the party of getting more people into work and ensuring they remain in work? What will the Government do to ensure that that continues?

**Ms McVey:** My hon. Friend the Member for Angus (Kirstene Hair), who does so much for her constituents, is spot on. The report was published by the Resolution Foundation. Over the past eight years, we have got a record number of people into work—we have got 3.24 million more people into work. That was step one. Step two was increasing the pay of the lowest paid, which we have done. Step three has to be about career progression and moving up the ladder, and that is what we will now be doing.

**Deidre Brock** (Edinburgh North and Leith) (SNP): Atos staff are being asked to squeeze extra assessments into their working day, and one constituent had her assessment cancelled several times because the assessors were ill. The two things are clearly linked, so how will the Minister change the system to ensure that staff are not made ill by the job and people like my constituent can get their cash?

**Sarah Newton:** I thank the hon. Lady for her question. As part of the contract process, we ask healthcare professionals to make sure that they provide a high-quality service. Officials at the Department for Work and Pensions monitor those contracts carefully. We do not ask for extra appointments to be squeezed in.

**Alex Burghart** (Brentwood and Ongar) (Con): A recent report by the Select Committee on Work and Pensions showed that there are massive gains to be made by deploying assistive technology to help people with disabilities into work. What are the Minister and her Department doing to extend this technology to people who need it?

**Sarah Newton:** I welcome my hon. Friend's question. I am pleased that we have got more than 600,000 people with disabilities into work in the past four years, and assistive technology plays an incredibly important part in that. I have recently announced changes to the tech fund in the Access to Work programme, removing barriers so that people have access to assistive technology, and there is much more that we want to do.

**Mr Paul Sweeney** (Glasgow North East) (Lab/Co-op): The loss of the protected places scheme is likely to have a devastating impact on disabled workers, particularly

in my constituency, where Royal Strathclyde Blindcraft Industries employs 250 people, half of whom have a registered disability. What has the Minister done to assess the impact this move will have on disabled workers?

**Sarah Newton:** I am glad the hon. Gentleman asked that question, because this was totally misreported in *The Times* today; we are not going to close down any organisation at all that is supporting disabled people into work. I have been in ongoing discussions with the sector to make sure not only that we have the existing scheme, but that it is enhanced and mainstreamed into a new, improved programme.

**Mr Peter Bone** (Wellingborough) (Con): May I ask the relevant Minister whether I have got this clear, because I thought that this understanding was given to Parliament: where someone appeals against the loss of their personal independence payment, their Motability car will not be taken away from them until the decision is made by the independent tribunal? Have I got that right?

**Sarah Newton:** I thank my hon. Friend for his question. If somebody has appealed their PIP decision, they can keep their car.

**Jim McMahon** (Oldham West and Royton) (Lab/Co-op): Unemployment in my constituency now stands at 7.1%, which represents an increase of 1,200 on this time last year. What is the Department doing to support people into decent, well-paid and secure employment?

**Alok Sharma:** As the hon. Gentleman knows, we have record levels of employment across the country. There are more than 800,000 vacancies in the economy and help is available at jobcentres, with one-to-one personalised support.

**Michelle Donelan** (Chippenham) (Con): Will the Minister consider changing how budgeting loans are administered, as they currently do not take into account personal debt and so, ironically, can make budgeting harder?

**Alok Sharma:** Budgeting loans are indeed available, but under universal credit we also have budgeting advances. If my hon. Friend has any specific cases she wishes to raise, I would be happy to talk to her about them.

**Jessica Morden** (Newport East) (Lab): Constituents who cannot afford a driving licence or a passport cannot do an initial online verification of their universal credit claim, meaning that they have to wait up to two weeks in order to be seen for a personal appointment. That is driving people to see loan sharks in some cases, so will the Minister look at it?

**Alok Sharma:** I will look at it, but if the hon. Lady would come forward with specific cases, that would make it easier.

**Rachel Maclean** (Redditch) (Con): Between 2010 and 2017, the basic state pension rate rose by £1,250. What will the Minister do to ensure that pensioners in my constituency continue to be protected and looked after by this Government?

**Guy Opperman:** My hon. Friend is right to say that the state pension has been enhanced and increased; the new state pension has gone up to £164-plus. There is fantastically good news on auto-enrolment in her constituency, and I will write to her with the specific details.

**Clive Efford** (Eltham) (Lab): My constituent was called back early for a PIP assessment, which made no reference to the fact that he has an inoperable brain tumour, which has led to his having intractable epilepsy and Parkinson's disease. Can the Minister explain why he was recalled for an assessment?

**Sarah Newton:** I am sure the whole House will appreciate that without looking at the details of the hon. Gentleman's constituent's case, it is impossible to do that. As I have explained, the process is designed to treat people with compassion, accurately looking at the medical evidence that it is presented, alongside their assessment of their conditions.

**James Cartlidge** (South Suffolk) (Con): My hon. Friend the pensions Minister is doing a lot of work on auto-enrolment for the self-employed. Has he looked specifically at the so-called worker category, in which a person might do their self-employed work for one large firm that could, with willing and regulatory help, roll them into its employee scheme?

**Guy Opperman:** I would be delighted to take up that specific example and will definitely take it forward. I remind my hon. Friend that 12,000 people have been auto-enrolled in his constituency.

**Colleen Fletcher** (Coventry North East) (Lab): The latest quarterly figures show that in Coventry, 81% of PIP, 76% of ESA, 83% of income support and 100% of jobseeker's allowance appeals heard by Her Majesty's Courts and Tribunals Service were decided in favour of the appellant. Does the Minister accept that the high proportion of successful appeals highlights the flawed nature of the DWP's decision-making processes?

**Sarah Newton:** It is really important to put all those numbers in context. Let us be absolutely clear: we want to make sure that we make the right decision the first time and we are working really hard to make sure that that is the case. We have recently recruited 150 presenting officers, who now work in the courts, providing invaluable feedback so that we can improve the situation.

**Bill Grant** (Ayr, Carrick and Cumnock) (Con): I recently had the privilege of attending a Disability Confident event in Ayrshire. What more can the Government do to encourage or incentivise employers to invest in disabled young talent?

**Sarah Newton:** I am grateful to my hon. Friend for leading a Disability Confident event. Disability Confident is growing from strength to strength. The most recent numbers show that more than 6,500 employers have signed up. Of the largest companies in the country, more than a quarter of the workforce is covered. Each year, we see more people with disabilities go into work.

We are utterly determined to close the disability employment gap and get a million more people with disabilities into work.

**Several hon. Members** *rose*—

**Mr Speaker:** Finally, I call Ms Angela Eagle.

**Ms Angela Eagle** (Wallasey) (Lab): My constituent of working age suffered two strokes and has now been diagnosed as suffering from vascular dementia. He has been found to be fit for work, even though he has major problems with his short-term memory. He will have to appeal the decision and faces a wait of up to 30 weeks before he gets any kind of hearing or has his benefit restored. How can this possibly be a system that is working or acceptable?

**Sarah Newton:** I would of course be more than happy to meet the hon. Lady to go through the specifics of that case.

**Stephen Lloyd** (Eastbourne) (LD): On a point of order, Mr Speaker.

**Mr Speaker:** The hon. Gentleman wishes to raise a point of order that flows from his question, and therefore exceptionally I will take it now.

**Stephen Lloyd:** Earlier, in response to my question, the Under-Secretary of State for Work and Pensions, the hon. Member for North West Hampshire (Kit Malthouse) indicated that I said one thing during the coalition and another thing post-coalition on the issue of rent payments to private landlords. The Under-Secretary was not a Member of Parliament at that time, so he will not know that I am on the record, both as a member of the Work and Pensions Committee and with the then Secretary of State, as having consistently opposed throughout the coalition the idea of paying direct payments to tenants and not to private sector landlords.

**Mr Speaker:** I am extraordinarily grateful to the hon. Gentleman for his perspicacity in raising the point of order, and for his courtesy in giving me advance notice of the gravamen of it. If everybody in the Chamber was not previously conscious of the particular stance taken on this matter by the hon. Gentleman over a sustained period, they all are now. I do not cavil at the hon. Gentleman, but in fairness to the Minister—this is why I think no response is required—my sense of the subject was that the Minister's critique was collective, rather than applying exclusively or in particular to the hon. Gentleman. I hope that that reassures him. He can reassure the good people of Eastbourne that he has volunteered his views with force and alacrity, and they are on the record.

## Tower Block Cladding

3.39 pm

**John Healey** (Wentworth and Dearne) (Lab): (*Urgent Question*): To ask the Secretary of State for Housing, Communities and Local Government if he will make a statement on the action taken and planned by the Government with respect to residents in tower blocks with dangerous cladding, following the Grenfell Tower fire.

**The Secretary of State for Housing, Communities and Local Government (James Brokenshire)**: We are remembering those who lost their lives in the tragedy at Grenfell Tower today as the public inquiry opens. I know this will be an incredibly difficult time for all those affected. The whole House will join me, I am sure, in sending them our thoughts and prayers. I am determined to ensure that no community suffers again as they have done.

To that end, in the days since the fire, my Department has worked with fire and rescue services, local authorities and landlords to identify high-rise buildings with unsafe cladding; to ensure that interim measures are in place to reduce risks; and to give building owners clear advice about what they need to do over the longer term to make buildings safe. Remediation work has started on two thirds of buildings in the social housing sector, and we have called on building owners in the private sector to follow the example set by the social sector and not pass on costs to leaseholders. I will be holding the first roundtable with representatives from the private sector this week and repeat what I said last week: if the industry does not step up, I am not ruling anything out.

My predecessor and the then Home Secretary asked Dame Judith Hackitt to carry out an independent review of building regulations and fire safety. I welcomed her final comprehensive report last week, which called for major reform. Having listened carefully to the arguments for banning combustible materials in cladding systems on high-rise residential buildings, the Government are minded to agree and will consult accordingly.

In addition, the Prime Minister announced that the Government will fully fund the removal and replacement of potentially dangerous aluminium composite material—ACM—cladding on buildings owned by social landlords, with costs estimated at £400 million. I will be writing to social sector landlords this week setting out more detail.

It is vital that people living in buildings like Grenfell Tower are safe and feel safe. I am confident that the work we are undertaking and the important reforms triggered by the Hackitt review will help to restore confidence and provide the legacy that the Grenfell communities need and deserve.

**John Healey**: As the Secretary of State has said, on this first day of the commemoration hearings at the Grenfell Tower inquiry, we remember the 72 people who lost their lives. We will not forget our special duty as Members of Parliament to do right by them, so it is a matter of deep regret that I must drag Ministers to Parliament again to explain their response to the Grenfell Tower disaster.

The Government have been off the pace at every stage since the fire. More than eleven months on from Grenfell, how is it that two thirds of Grenfell survivors are still in hotels or temporary accommodation? How is it that the Government still do not know how many

private tower blocks are unsafe? How is it that only seven out of more than 300 tower blocks across the country with the same Grenfell-style cladding have had it removed and replaced? How can it be that Ministers offered money to councils and housing association landlords for re-cladding costs and finally agreed to consult on a combustible cladding ban only last week?

Many people will have learned only yesterday that the London fire service has fundamentally changed its safety advice to residents in blocks still wrapped with the same Grenfell-style cladding. In place of “stay put” if a fire breaks out—strong advice given for decades to all residents in all tower blocks across the country, including those in Grenfell Tower—the London fire brigade now says “get out” directly. Do all fire brigades now give the same advice? Do all residents in all blocks with unsafe cladding know that? I say to the Minister that more action, more clarity and more urgency are required from the Government.

When will the Secretary of State publish a clear national statement on evacuation policy? When will he confirm when all tower blocks be re-clad? When will he get sprinklers retrofitted—the Opposition and fire chiefs have argued that they are needed? When will he make public the location, ownership and fire safety status of all high-rise blocks at risk? The information is held by the Government, but Ministers are keeping it secret. We know that the Secretary of State knows—he is the new Secretary of State—that more action and greater urgency is needed. When will we get it?

**James Brokenshire**: May I underline what I said in my opening comments about the importance of remembering and reflecting on the very moving testimony that has already been provided in the public inquiry? It is right that all those affected are able to share their memories of those who lost their lives and, indeed, that there should be no time limit on that process. We all need to reflect extremely carefully on the testimony given.

The right hon. Gentleman raises many points, a number of which we dealt with last week during the debates on Grenfell Tower and during my statement on the Hackitt report. He knows that I have been very clear about wanting to speed up the process, which is why I said last week that it is not a question of waiting for the final recommendations to be fully implemented, and it is why I took the steps that I did in relation to combustible cladding and other issues such as the use of desktop studies. I have outlined that although the consultation on desktop studies closes later this week, I will obviously not hesitate to ban them if they cannot be used safely.

The right hon. Gentleman highlights the advice from the fire authorities. Obviously, we are guided by the National Fire Chiefs Council on these matters, and the London fire brigade has given its advice in that regard. He mentions sprinklers. I would underline the points that I made last week—that is, we have given certain advice regarding the provision of sprinklers on new blocks of over 30 metres in height, but for existing buildings it is for the building owner to decide. As Dame Judith Hackitt rightly pointed out in her report, no single fire safety measure, including sprinklers, can be seen as a panacea.

I have already outlined the further steps that we are taking regarding remediation. We gave further instructions to local authorities last week to further empower them

[James Brokenshire]

to take action in respect of identifying buildings. There is no lack of urgency on my part or on the part of my Department when it comes to moving forward with addressing these issues and underlining and recognising the serious concerns that have been expressed. Equally, I have underlined our desire to do the right thing in relation to fire safety. We will be taking the actions that I outlined last week and underlined again today to ensure that we are following this through and pursuing it rigorously.

**Several hon. Members** *rose*—

**Mr Speaker:** Order. There is considerable interest in this matter, as I would have anticipated, and which I shall endeavour to accommodate, but it might help the House if I advise colleagues that I do not want to run this urgent question at great length. There is another to follow; there will be many further opportunities to debate Grenfell; and of course we have other important business of which to treat. Succinctness personified would be appreciated and could be aided by the right hon. Member for New Forest West (Sir Desmond Swayne) if he were standing, but it will not be because he is not.

**Sir Desmond Swayne** (New Forest West) (Con) *rose*—

**Mr Speaker:** But it will be, because he now is.

**Sir Desmond Swayne:** What can be done to encourage developers to follow the example of Barratt?

**James Brokenshire:** My right hon. Friend is right to highlight that Barratt has done the right thing by saying that it will not be passing costs on to leaseholders. It is outrageous that many have acted in the way in which they have by not participating. I am this week hosting the first roundtable to consider the next steps. As I said, I am not ruling anything out.

**Angela Crawley** (Lanark and Hamilton East) (SNP): I welcome the comments of right hon. and hon. Members across the House that no stone will be left unturned in delivering justice for the victims affected by this tragedy. I also welcome the news that the inquiry has opened today and that the necessary lessons will be learnt. As we approach the one-year anniversary, we need to look at all necessary regulation changes and the implementation of pre-emptive systems. Will the Secretary of State confirm that these will be planned and that the review of all at-risk buildings will be included?

**James Brokenshire:** Obviously, we have taken steps to identify at-risk buildings. As I pointed out, we set out a further direction last week aimed at local housing authorities in England. We want to support them in their work through that statutory declaration. There are some local authorities that still have more work to do, which is why we have committed a sum in the order of £1.3 million to support local authorities to move as swiftly as possible to identify buildings and see that remediation takes place.

**Mrs Anne Main** (St Albans) (Con): If we are banning the cladding, which is absolutely right, are we also banning bad work practices to ensure that all installations

and all retrofittings are of an acceptable standard, so that there is no compromise with regard to the new cladding put on?

**James Brokenshire:** I am grateful to my hon. Friend for her question, because it touches on some of the issues in the Hackitt review about a culture change—a culture shift—across the whole sector in terms of the standards that should be applied. That is why I am determined that we will pursue this rigorously and follow through on the recommendations that Dame Judith Hackitt has given.

**Mr Clive Betts** (Sheffield South East) (Lab): Last week, the Select Committee welcomed the Secretary of State's decision to consult about banning all combustible material from the cladding on tower blocks. May I ask him, once again, whether he has given further thought to banning the material on existing blocks as well as on new blocks and refurbishment works? If he is minded to do that, does he accept that the Government would then have a responsibility to compensate building owners for the effects of building regulations that were changed retrospectively?

**James Brokenshire:** I welcome the action of the Select Committee in this regard. We are obviously working at pace to move forward with the consultation, which is intended to be forward-looking. I hear the hon. Gentleman's point about building regulations that could only speak to the existing timescale. There is also an issue, which comes through very clearly in Dame Judith Hackitt's report, about the risks of these sorts of systems and why these building owners need to take their responsibilities extremely seriously.

**Sir Mike Penning** (Hemel Hempstead) (Con): As a former firefighter and Fire Minister myself, I am really pleased to hear the Secretary of State say that we should immediately, as soon as this report allows us to, ban combustible cladding. That is something that we could do. One thing that we could easily do tomorrow morning is to make sure that there are heat-seeking cameras on every appliance that goes out to any incident in the country. That would provide the opportunity to make sure that there are no hotspots, which could mean that this sort of fire could have been put out much earlier.

**James Brokenshire:** My right hon. Friend touches on broader issues of appliances. There is also an issue in relation to electrical safety. Some colleagues may be familiar with some of the building regulations standards in that respect. The Government are continuing to work with the British Standards Institution on a revised standard that is due to be published in July.

**Hilary Benn** (Leeds Central) (Lab): While last week's announcement of money to replace unsafe cladding on social housing is welcome, that still leaves a lot of private blocks, including in my constituency, where leaseholders are facing potentially a very large cost and great uncertainty about when the work will be done. Since the Government's policy is that those who own the freehold should pay, will the Secretary of State now introduce a low-interest, long-payback loan scheme so that the work can be done and my constituents, and everybody else's, can get peace of mind at last?

**James Brokenshire:** I am grateful to the right hon. Gentleman for highlighting the really essential issue of private sector leaseholds, where I have made the points that I have. That is why I will be hosting a roundtable this week, with a further roundtable to follow, to inform next steps. I hear what he has said, and all I can say to him at this stage is that I have not ruled anything out.

**Stephen Metcalfe** (South Basildon and East Thurrock) (Con): I welcome the £400 million that the Government have put forward to help remove unsafe cladding. What advice would the Secretary of State give to housing associations on accessing this fund so that they can bring the work forward very quickly?

**James Brokenshire:** Like my hon. Friend, I would like the funds to be available quickly. That is why we will be writing out to relevant agencies later this week with further details. This is about prioritising the funding becoming available to relevant housing associations and local government, and we will take action this week.

**Mr David Lammy** (Tottenham) (Lab): I have just come from the Grenfell inquiry, which began this morning. One of the survivors said to me, “If it was thought that combustible cladding was responsible for the fire and it had to come down, why is not banned?” Can the Secretary of State give some timetable on when combustible cladding will finally be banned?

**James Brokenshire:** I understand and hear very clearly the call that has been made. There are certain statutory obligations to consult under the Building Act 1984. That is why I have said that I am minded to make this change, subject to the consultation. My officials are working at pace in relation to getting that consultation out, because I hear the very clear message that the right hon. Gentleman is giving about the urgency of this.

**Vicky Ford** (Chelmsford) (Con): What confidence can I give to my constituents who work in tall buildings that they will be as safe at work as people who live in tall buildings?

**James Brokenshire:** Obviously it is for all building owners to ensure that they are taking appropriate steps. We know that interim measures are in place. As I said to my hon. Friend last week, Dame Judith Hackitt’s recommendations are focused on residential accommodation of 10 storeys and above, but she has said that some of her recommendations may have a broader application, and we will consider that as part of the consultation.

**Tom Brake** (Carshalton and Wallington) (LD): I welcome the launch of this inquiry. The Secretary of State will be aware that the fire was started by a faulty piece of electrical equipment. Given that recall of these sorts of products is currently only running at around 20%, what further action can the Government take to ensure that faulty products are fully recalled?

**James Brokenshire:** The Department for Business, Energy and Industrial Strategy effectively leads on that issue, and we will continue to work in conjunction with it, to work with industry and to support action, so that all fire safety issues are at the forefront.

**Dr Matthew Offord** (Hendon) (Con): You will recall, Mr Speaker, that in Edgware in my constituency, Premier House was recently converted from an office block into residential property, but unfortunately the cladding has remained. Many of my constituents who saved up to buy a property there find themselves in a situation where the owners of the building want to charge them for removal of the cladding. I hear the point that was made about a low-interest scheme, but does my right hon. Friend agree that leaseholders should be afforded the same protection as tenants and not have to pay for that out of their own pocket?

**James Brokenshire:** I understand the point that my hon. Friend makes on leaseholders. Obviously there are legal relationships, but that is why I have underlined the need for us to take further action and to have the initial meetings that I have set out. I have been pretty clear in my view.

**Ms Karen Buck** (Westminster North) (Lab): The “stay put” policy has been a recognised element of fire safety for a long time, and those of us who have thousands of residents in high-rise towers in our constituencies now want clarity from the Government. My understanding is that the London fire brigade has changed its policy for blocks with particular types of cladding, but are residents expected to know what kind of environment they are living in before deciding whether to stay put or to leave? What will the Government do about that to ensure that there is total clarity, from tonight, to guide people?

**James Brokenshire:** I understand the concern that the hon. Lady raises. Obviously that advice would normally come from the National Fire Chiefs Council. The London fire brigade has made that specific alteration. I will take further advice from the National Fire Chiefs Council and ensure that we report back to the House as a matter of urgency.

**Kevin Hollinrake** (Thirsk and Malton) (Con): Does the Secretary of State share my surprise that the Hackitt review did not look in detail at the building regulations? Does he accept the need for urgent revision of the building regulations and clarity on them, particularly with regard to combustible materials, and will he set out the process and timescale for that review?

**James Brokenshire:** Dame Judith has set out a whole review of the system, end to end, and has taken a comprehensive stance. As I said in my statement last week, I intend to update the House before the summer on next steps. Knowing that certain issues will require legislation and others will not, I want to get on with it.

**Ms Angela Eagle** (Wallasey) (Lab): Does the Secretary of State accept that there is a real issue of enforcement here and that self-regulation, especially in competitive industries such as construction, simply will not work? I suspect that that is what Dame Judith Hackitt was getting at in her report. Given austerity cuts, can he assure the House that enforcement will be strengthened, so that as the regulations are changed, they bite and have an effect?

**James Brokenshire:** The hon. Lady is right to point out what Dame Judith Hackitt says in that regard—she certainly underlines the need for stronger enforcement,

[James Brokenshire]

and indeed criminal sanctions in a number of cases. That will be subject to consultation, as I indicated last week, and we will review carefully the submissions that we receive.

**Kevin Foster** (Torbay) (Con): I welcome the tone of the Secretary of State's responses, but can he say a bit more about the issue of desktop studies? I think many people find it very surprising that there can be a desktop study to see whether something will be safe in such a large building.

**James Brokenshire:** In her interim report, Dame Judith Hackitt recommended that the Government should significantly restrict the use of so-called desktop studies. We have accepted that recommendation, and we are consulting on significantly restricting or banning the use of desktop studies. As I have already said, the inappropriate use of such studies is unacceptable, and I will not hesitate to ban them if the consultation does not demonstrate that they can be used safely.

**Andy Slaughter** (Hammersmith) (Lab): What advice does the Secretary of State have for landlords who are replacing cladding now? Perhaps the reason why only seven blocks have been re-clad is that landlords do not know what to do. Given that he has said he is minded to ban combustible cladding, why does he not put in place a provisional ban and advise landlords to use only non-combustible materials?

**James Brokenshire:** There are legal restrictions on me in terms of my obligations under the Building Acts to consult on changes to building systems and regulation. However, I underline that, as Dame Judith points out, the safest approach is to use non-combustible materials, and that is the very clear advice.

**Bob Blackman** (Harrow East) (Con): The Select Committee had an opportunity to review Dame Judith Hackitt's report and to question her on it. One of the clear issues is legislative change, as my right hon. Friend has mentioned. Will he set out whether that is primary or secondary legislation, and what the timeframe is for the process we will have to go through, because decisions need to be made?

**James Brokenshire:** The end-to-end approach that Dame Judith recommends in her report will require primary legislation and secondary legislation. That is why I have said I will come back to the House before the summer recess to advise on the next steps, with a comprehensive response in the autumn. I made a commitment to primary legislation on Thursday, and I believe that is what is required, but it is a question of getting it right.

**Rushanara Ali** (Bethnal Green and Bow) (Lab): Will the Secretary of State tell the House how many private blocks have combustible cladding, and what sanctions will be imposed on companies that are passing on costs to leaseholders? He has mentioned not ruling anything out, so will he provide some specifics to reassure our constituents who are living in those blocks?

**James Brokenshire:** I can tell the hon. Lady that the latest figures I have are that 304 buildings have ACM cladding systems that the expert panel advises are unlikely to meet current building regulations: 158 are social housing buildings; 14 are public buildings, including hospitals and schools; and 132 are in the private sector, of which 101 are private residential buildings. Obviously, it is a question of the private residential side stepping up to the mark, and owners may well be taking interim measures. However, a sense of urgency needs to be applied, which is why I have mentioned the steps for getting on with making sure that leaseholders do not have to meet such a liability and that building owners meet their obligations.

**Tom Pursglove** (Corby) (Con): I note that remedial work is under way on two thirds of public sector blocks where there is unsafe cladding, but what steps is my right hon. Friend taking to make sure that the final third are dealt with as quickly as possible?

**James Brokenshire:** It is important that we see the public sector estate dealt with as quickly as possible. Obviously, the additional funding of £400 million that the Prime Minister announced last week will go towards supporting that activity. Equally, there is an important point about the other things that may not be being focused on at the moment. Indeed, there is the actual supply side of more affordable homes and other building costs that might not otherwise receive the same focus.

**Ruth Cadbury** (Brentford and Isleworth) (Lab): What are the Government doing to ensure that residents of these high-risk buildings are made aware of the new arrangements about leaving in the case of a fire? Eight months since the change of policy there, residents of the privately owned Blenheim block in Hounslow have still not been given evacuation instructions or had a fire drill, and the only people who left the building when several fire engines turned up at one of several recent fires were the paid fire marshals.

**James Brokenshire:** I would certainly be interested in receiving further details from the hon. Lady about the case she highlights, because it is important that advice is followed and that appropriate steps are taken. I will certainly look into the issues she raises.

**Nigel Huddleston** (Mid Worcestershire) (Con): There is an increasing trend for modern high-rise buildings to contain a mix of office, retail, hospitality and residential offerings. Will he ensure that sufficient attention is therefore paid to building regulations on all such buildings?

**James Brokenshire:** This goes to the general point highlighted by Dame Judith Hackitt in her report about the need for a culture change, and a culture shift across the board on the responsibilities we all hold. That is why I think the report was a watershed moment.

**Jack Dromey** (Birmingham, Erdington) (Lab): The Secretary of State was good enough to agree to investigate why, the best part of a year on, Birmingham's 10,000 households and 213 tower blocks are waiting for the Government to honour their pledge to provide financial support to make them safe. A sense of urgency is now absolutely vital, so I ask the Secretary of State: how many more weeks or months will they have to wait?

**James Brokenshire:** I committed to working with the hon. Gentleman in respect of Birmingham, and I hope that he recognises the announcement last week about additional funding. The point is that it is retrospective. I hope that will give him some assurance, but I will continue to pursue it with the urgency he asks for.

**Mr Steve Reed** (Croydon North) (Lab/Co-op): There is no enforceable legal obligation on builders, freeholders or insurance companies to pay for the removal of flammable cladding from private sector blocks, which means that the cladding will remain in place. Leaseholders feel that they are being hung out to dry and that their safety is being disregarded. If the Government believe that they can enforce a moral obligation, why do they not pay to take the cladding down, keep people safe and recover the funds from whoever they believe is responsible for paying for it?

**James Brokenshire:** I do not want to let the private sector off the hook for its responsibilities. That is why in the time for which I have been Secretary of State I have underlined my commitment and why I will be talking to industry this week and next to underline that clear message. I can then consider the right next steps to ensure that this is followed through with that intent.

**Helen Hayes** (Dulwich and West Norwood) (Lab): The Secretary of State and his predecessor have repeatedly said that they wish to see essential fire safety works completed in tower blocks across the country, yet across the country councils are saying that sprinklers are the essential fire safety works that can save residents' lives in the future. In several cases, they have been told that the Government do not consider sprinklers to be essential. No funding for sprinklers has been provided by the Government. Will the Secretary of State explain how that is consistent with the Government's stated commitment to do everything possible to ensure that another catastrophic tower block fire cannot happen and will he think again about funding for sprinklers?

**James Brokenshire:** Sprinklers can be an effective fire safety measure, but they are one of many such measures that could be adopted. As Dame Judith Hackitt points out in her report, no fire safety measure, including sprinklers, could be seen as a panacea, as I highlighted earlier. We have obviously set out clear advice about new blocks over 30 metres, and for existing buildings it is for the building owner to decide, based on risk, the appropriate safety measures to take.

**Grahame Morris** (Easington) (Lab): A study by the Association of British Insurers found that standard UK fire safety testing fails properly to assess risk. Why has the Secretary of State refused to initiate a large-scale programme of testing of suspected combustible cladding other than cladding made of aluminium composite materials?

**James Brokenshire:** Obviously, we have seen this issue with ACM material. We will continue to reflect on this in the light of Dame Judith Hackitt's report. There are other issues as well. I made a written ministerial statement on fire doors and issues that have been highlighted in that regard, including on how we intend to follow through with further testing on fire doors to ensure that there are no further issues across the sector.

**Matthew Pennycook** (Greenwich and Woolwich) (Lab): A year on, the NHBC is yet to conclude whether the New Capital Quay development in Greenwich was or was not compliant with building regulations at the time of construction. What can the Secretary of State do in such cases to ensure that warranty providers wrap up their assessments and determine claims as a matter of urgency?

**James Brokenshire:** I am happy to look into the specific issue of New Capital Quay. If the hon. Gentleman will send some more details, I will certainly investigate to establish the facts, the issues and what further action can be taken.

## Gaza: UN Human Rights Council Vote

4.8 pm

**Richard Burden** (Birmingham, Northfield) (Lab) (*Urgent Question*): To ask the Foreign Secretary if he will make a statement on the decision of the UK Government to abstain from voting on the resolution of the United Nations Human Rights Council held on 18 May, calling for an independent investigation into recent violence in Gaza.

**The Minister for the Middle East (Alistair Burt)**: First, I thank the hon. Gentleman for his question.

We abstained on calls for a commission of inquiry into recent violence in Gaza during the UN Human Rights Council session on Friday. The substance of the resolution was not impartial and it was unbalanced. We could not support an investigation that refused to explicitly examine the action of non-state actors such as Hamas. An investigation of that kind would not provide us with a comprehensive assessment of accountability. It would risk hardening positions on both sides and move us further away from a just and lasting resolution to the Israeli-Palestinian conflict.

However, the United Kingdom continues to fully support the need for an independent and transparent investigation into recent events. We call directly on Israel to carry out a transparent inquiry into the Israeli Defence Forces' conduct at the border fence and to demonstrate how this will achieve a sufficient level of independence. We believe this investigation should include international members. We urge that the findings of such an investigation be made public, and, if wrongdoing is found, that those responsible are held to account. The Foreign Secretary stressed the importance of Israel conducting an independent investigation when he spoke to Prime Minister Netanyahu on 16 May.

**Richard Burden**: Last Tuesday, the Minister assured the House that he endorsed calls for an international, independent and transparent inquiry into the appalling events unfolding in Gaza, yet when United Nations Human Rights Council resolved on Friday to set up a commission of inquiry to undertake precisely that kind of investigation, the UK failed to join 29 partner countries and instead abstained from the vote. The Government alleged that, as the Minister said today, the UN Human Rights Council resolution was "partial, and unhelpfully unbalanced". May I remind the Minister that the remit of the UN inquiry is to investigate

"all violations of international humanitarian law and international human rights law"

and that it calls on Israel and "and all relevant parties" to co-operate fully with the inquiry? That includes Hamas and other Palestinian factions, as well as Israel. Which bit of the resolution and the remit do Ministers not understand?

May I put it to Minister that the Government's feeble response to last week's events in Gaza only encourages the culture of impunity that the Government of Israel too regularly display these days, apparently believing that whatever they do, they will in practice never be held to account? Will the Minister confirm that now the UN Human Rights Council has made its decision, the UK Government will get behind it? What consequences

should follow if Israel, or anybody else, either refuses to co-operate with the inquiry or is otherwise found to be in breach of international law?

**Alistair Burt**: I am grateful to the hon. Gentleman for pursuing this matter.

I draw attention to the detail of the resolution, which names the state of Israel in many cases right the way through. That follows a clear demonstration by the UN Human Rights Council in the past of a biased view towards Israel. I think it was the general nature of the resolution, clearly specifying Israel as opposed to any other, that caused concern. We of course were not alone. This is not a matter on which the United Kingdom is alone. There were 14 other abstentions, including by four other EU members, so it is not a question of the United Kingdom taking one view on this; it is a question of other states believing that if we want to get to the truth, it will have to be done another way.

I said last week, and I repeat, that we want an independent and transparent inquiry. The House has heard me say again today that if it is carried out by Israel, it must have an international element to it. It is very clear that if it is done solely by the Israeli legislative and judicial system, it is unlikely to carry the sort of confidence that the international community is looking for. That is what we will continue to press for, but this resolution in itself will not do the job we all want to see.

**Several hon. Members** *rose*—

**Mr Speaker**: Order. Many hon. and right hon. Members are seeking to catch my eye on this important matter, as could have been anticipated. I am keen to accommodate demand up to a point, but as in respect of the previous urgent question I do not wish to run this at inordinate length. There is other important business to which we must attend, so I am looking to move on after approximately half an hour from the start of exchanges. Pithy questions, pithy answers and we will maximise participation.

**Theresa Villiers** (Chipping Barnet) (Con): I very much welcome the Government's decision not to back a resolution that was one-sided and biased against Israel. Will the Minister urge the UNHRC to desist from adopting these heavily one-sided resolutions as they have done so many times in the past?

**Alistair Burt**: I thank my right hon. Friend. We have made our position clear about the HRC on a number of occasions. We have expressed concern that elements of the HRC's work have been clearly biased against Israel and that detracts from the other good work that it does. We will continue to maintain that position, but equally, if this inquiry is not the right vehicle, there must be another.

**Emily Thornberry** (Islington South and Finsbury) (Lab): Thank you for granting this urgent question, Mr Speaker, and I congratulate my hon. Friend the Member for Birmingham, Northfield (Richard Burden) on securing it. I join him in welcoming the independent UN investigation into violence in Gaza. While we have already heard debate about the wording of the resolution agreed by the Human Rights Council, I have to say, as I did last week, that that debate is frankly immaterial as long as the objective of setting up an independent investigation is achieved.

The issue today is why the British Government, which claimed repeatedly last Tuesday to support that objective, chose three days later not to vote for it. The crux of that decision was made clear in the Government's statement on Friday, which called for the Israeli authorities to be allowed to conduct their own so-called independent inquiry. If that sounds like a contradiction in terms, I am afraid I should not be remotely surprised. After all, this is the Government that say that Saudi Arabia should be allowed to investigate itself for bombing weddings in Yemen. This is the Government that say that Bahrain should be left to investigate itself for torturing children in prisons. Time and time again we see this: if you are an ally of the Government, you get away with breaking international law with impunity, and you are also allowed to be your own judge and jury, too.

Before the Minister gets up and extols the virtue of the Netanyahu Government, may I remind him of the last time that that Government were allowed to investigate themselves over an alleged breach of international law? In July 2014, four children were blown to pieces on Gaza beach while playing hide and seek in a fisherman's hut. And the resulting investigation: a blatant piece of nonsense, full of basic untruths, exonerating the IDF completely and saying that the old fisherman's hut was in fact a Hamas compound. That is what an independent investigation by Israel looks like. That, instead of an international commission of inquiry, is what this Government on Friday decided to support, and that is nothing short of a disgrace.

**Alistair Burt:** Of course I read the right hon. Lady's tweets over the course of the weekend. I remind her that among the other Governments that she was calling disgusting are those of Germany, Japan and, as I said, four other EU partners. It shows how careful we have to be in relation to this. Let me quote what the United Kingdom said in relation to the explanation of vote:

"Our abstention must not be misconstrued. The UK fully supports, and recognises the need for an independent and transparent investigation into the events that have taken place in recent weeks, including the extent to which Israeli security forces' rules of engagement are in line with international law and the role Hamas played in events. The loss of life, casualties and volume of live fire presents a depressingly familiar and unacceptable pattern. This cannot be ignored.

To that end, in addition to abstaining on today's resolution, we call directly on Israel to make clear its intentions and carry out what must be a transparent inquiry into the IDF's conduct at the border fence and to demonstrate how this will achieve a sufficient level of independence. This investigation should include international members. The death toll alone warrants such a comprehensive inquiry."

If we want to get to the bottom of this and find out what happened, I maintain that the HRC resolution was not the way to do it. We want the inquiry to succeed. That, we believe, is what we defended last week and will continue to pursue.

**Mr Mark Harper** (Forest of Dean) (Con): I say to the Minister that I support the Government's proposals. Given that 53 of those killed last week were members of Hamas or Islamic Jihad, how would this resolution—*[Interruption.]* It not only does not mention those two organisations but reaches its conclusions in the resolution outline; it has already prejudged the outcome. That is not going to lead to the impartial, international investigation that everyone in this House wants to see.

**Alistair Burt:** The reality, as we can hear from comments on both sides of the House, is that many people have already made up their minds about the events of last week. That is what the British Government must seek to avoid. If we want clarity about what happened, some people must be prepared to say, "We must find out the facts. We must await the facts". Otherwise, as our explanation said, we only add to those who are already hardened in their hearts, and then we will not get the evidence we need.

**David Linden** (Glasgow East) (SNP): We welcome the Human Rights Council resolution calling for an urgent independent investigation into the horrific killing of unarmed protestors in Gaza. It was a disgraceful decision of the UK to abstain from the HRC vote, and it flies in the face of previous statements from the Prime Minister and other Ministers in this House calling for an independent investigation. Given the mixed messages from the UK Government, will they now set the record straight and make it clear to the Israeli Government that deadly actions against protestors will not be tolerated by the international community? Finally, following this horrific incident, will the Foreign Secretary commit to joining his allies in concerting international pressure on the Netanyahu Government to lift the blockade on Gaza and put an end to Israel's illegal occupation of the Palestinian territories?

**Alistair Burt:** In answer to the first part of the hon. Gentleman's question, I refer to what I said earlier. In relation to the second, one thing that was clear from last week's discussion at the UN Security Council was the recognition that, in the absence of being able to make any serious immediate move on the middle east peace process, which ultimately will be the best way to overcome the issues at the heart of this, the international community—and Israel, Egypt and others with entry into Gaza—should first make changes and drive forward developments, including to infrastructure in Gaza, to change the nature of the lives of the people there. The UK firmly believes that, whatever else might have been behind the events of last week, the long-standing frustrations of the people of Gaza, caused by pressures upon them from more than just Israel but including Israel, should be relieved. We support the efforts that will be made to improve the conditions in Gaza.

**Crispin Blunt** (Reigate) (Con): Given that Gazans did all the dying and the Israeli soldiers did all the killing, how does the Minister expect an internal Israeli inquiry led by Brigadier General Baruch to be less partial and less unhelpfully unbalanced than the inquiry mandated by the UN Human Rights Council?

**Alistair Burt:** With respect to my hon. Friend, until we see the make-up of the inquiry process, we will not know the answer to that. I made it very clear that if Israel is not only to undertake its legal obligations for what has happened on its territory but to fulfil its own processes, an international element to the investigation will clearly be one of the most important things, and that should bring the transparent and independent element that the UK and others have called for in order to find out the answers to these questions.

**Sir Desmond Swayne** (New Forest West) (Con): Human rights are constrained and violence exacerbated by a water shortage that the UN says will render Gaza entirely uninhabitable by 2021. Does anyone have a plan?

**Alistair Burt:** I said during my statement last week that I had recently met the Quartet's economic director, looking at existing proposals for improving the infrastructure in Gaza, including the water infrastructure. Again as I mentioned, it is clear to anyone who goes there what the circumstances are and how desperate the water and other situations are. The infrastructure needs improving, and improving quickly, and all parties involved in Gaza need to take steps to make sure it happens.

**Paula Sherriff** (Dewsbury) (Lab): Israel has maintained a temporary occupation for 51 years. It builds settlements illegally, demolishes homes illegally, confiscates land and water from occupied territory and blockades Gaza by air, land and sea. At what point do these illegal acts ever meet with any consequences?

**Alistair Burt:** I think that the circumstances of last week indicate—as the United Kingdom Government have said on many occasions—that there is no status quo in relation to Gaza. Conditions are getting worse, and circumstances are getting worse. As we rightly call on Israel in relation to issues such as settlements, in relation to Gaza we remain of the view that until these issues are settled there is no future, and no future for peace in the region.

**Stephen Crabb** (Preseli Pembrokeshire) (Con): Does my right hon. Friend agree that what this points to again is the need for reform of the UN Human Rights Council? Does he agree that, whatever difficult questions Israel needs to answer about last week's violence, using this absurd body on which some of the world's worst human rights abusers play judge and jury on the rest of the world is not the way to deal with that?

**Alistair Burt:** As I have said, the United Kingdom has had concerns about the UN Human Rights Council for some time, particularly in relation to Israel. We are not alone in that. The Human Rights Council must be impartial and balanced, and it has not always demonstrated those qualities in relation to Israel.

**Jo Swinson** (East Dunbartonshire) (LD): Israeli forces have killed dozens of protesters and injured thousands in an appalling escalation of violence. I am sure the Minister will agree that the lethal use of firearms is legal only if it is unavoidable, to protect life. Given that Israeli officials have authorised soldiers to fire live rounds at people trying to damage or even coming within 100 metres of the border fence, how can he possibly have confidence in an investigation led by those officials rather than by independent voices?

**Alistair Burt:** As I said earlier, I believe that an independent element in any investigation is vital if anyone is to feel confident about finding out whether or not the circumstances were as the hon. Lady has described them.

**Bob Blackman** (Harrow East) (Con): Given that 50 members of Hamas and three members of Islamic Jihad were killed, and given that Hamas has now admitted that one of those incidents involved a gunfight between its members and the IDF, has my right hon. Friend any confidence at all that Hamas will co-operate with any independent inquiry?

**Alistair Burt:** That, of course, will be a matter for the inquiry itself. Just as we are not rushing to prejudge an inquiry by not supporting a resolution that we felt would have led to an unbalanced inquiry, I am not prepared to say that there is evidence that Hamas would or would not co-operate with any inquiry into what happened in relation to the allegations made about it.

**Grahame Morris** (Easington) (Lab): The Minister does not like the UNHRC. He says that there must be another way. There is little or no confidence in the United States acting as an honest broker. What discussions are the UK Government having with other EU Governments about restoring the original United Nations mandate over the occupied Palestinian territories to make a more serious move on an international peace process?

**Alistair Burt:** I remind the House that we joined European allies—Germany, Slovakia, Hungary and Croatia—in the vote last week, so we are indeed talking to our European allies about what might be the best way to proceed. I do not think there is any clear pathway yet beyond what I have already indicated: the inquiry must have a transparent and independent element.

**John Lamont** (Berwickshire, Roxburgh and Selkirk) (Con): Does my right hon. Friend agree that Israel is the only properly functioning democracy in that part of the world, and that it is right for it to be able to defend itself against aggression and terrorism, as it has done so successfully for the last 70 years?

**Alistair Burt:** By supporting an independent and transparent element in its inquiry, Israel has an opportunity in these circumstances to ensure that its long-standing statement of democratic principles is demonstrated to the rest of the world.

**Andy Slaughter** (Hammersmith) (Lab): The Government of Israel will not tolerate any independent scrutiny of their actions, and increasingly obstruct and persecute international and domestic human rights organisations. What representations has the Minister made about the current plan to deport Omar Shakir, the well respected director of Human Rights Watch in Israel?

**Alistair Burt:** The first part of the hon. Gentleman's question demonstrates the difficulty of dealing with the issue. He has already made up his mind about all this, and he is welcome to do that, but, as I have said, the United Kingdom Government cannot.

I have made no personal interventions in the case of that gentleman. I said last week that immigration processes were for each individual state, but we have made representations about the closing down of political space. We believe it is much better to interact with people than seek to bar them from a country; however, that is Israel's own immigration right, as it would be ours.

**Zac Goldsmith** (Richmond Park) (Con): The UN Human Rights Council has held a total of 28 urgent sessions; not one of them has focused on Iran, North Korea, Turkey, Russia, China, Venezuela, Yemen, Crimea, Pakistan, Somalia and so on, yet eight of those 28 have

been on Israel. Does my right hon. Friend agree that that organisation lacks any credibility whatsoever as an impartial observer?

**Alistair Burt:** The hard truth of what my hon. Friend said stands for itself, and illustrates the degree of difficulty the Human Rights Council now has in relation to Israel in demonstrating its independence and therefore being a credible body. That was one of the influences on the United Kingdom, besides the unbalanced resolution, that a number of our European allies supported.

**Rushanara Ali** (Bethnal Green and Bow) (Lab): The Minister has stated that the UK decided to abstain because the UK Government accept that the process is likely to be biased. Given the UK's position that the Israeli Government should lead the inquiry, how can we continue to play the role of honest broker, which has been a very important role for our Government historically, given our unique historical relationship with that region? Can the Minister explain how that is possible?

**Alistair Burt:** I will endeavour to do so; that is a perfectly understandable and fair question. I draw attention to what we said in terms of the explanation of the vote:

“The loss of life, casualties and volume of live fire presents a depressingly familiar and unacceptable pattern. This cannot be ignored.”

We called on Israel directly to

“carry out what must be a transparent inquiry into the IDF's conduct at the border fence and to demonstrate how this will achieve a sufficient level of independence.”

Difficult as it is, the UK taking a more balanced position on this than some enables us to remain in an impartial position in relation to this, which would be lost completely if we jumped one side or the other.

**Paul Masterton** (East Renfrewshire) (Con): The Minister has pointed out that about a dozen other nations abstained on the motion. Is he able to clarify that their reasons for doing so mirrored those of the United Kingdom, namely that it was partial and imbalanced as written?

**Alistair Burt:** That was the UK's view, and that was clearly a deciding factor in relation to our concerns.

**Tracy Brabin** (Batley and Spen) (Lab/Co-op): I have listened very carefully to the Minister. Having said that Israel must make its intentions clear, can he update the House on the number of arrests made during the horrific events of last week?

**Alistair Burt:** I am afraid that I have no information on that for the hon. Lady. I can say that since the events of last week I have met the Israeli ambassador here to stress what I said earlier about the importance of independent investigations, but I have no information on what she asked.

**Dr Matthew Offord** (Hendon) (Con): Hamas leader Yahya Sinwar says the purpose of the violence is to breach the border and murder Israelis living nearby. Does my right hon. Friend agree that Israel not only has a right to defend its border but must do so, and that includes using military action?

**Alistair Burt:** Again, uncomfortable as some of these statements are, it is entirely clear why Israel would seek to make sure that there was no breach of the border. There have been previous incidents in which Hamas operatives have taken Israeli lives, but it is to get to the bottom of what actually happened—the number of deaths, the extent of live fire—that this has been considered by some degree of independent inquiry.

**Liz Saville Roberts** (Dwyfor Meirionnydd) (PC): Will the right hon. Gentleman not concede that the Government's dismissal of the UN's resolution as “partial, and unhelpfully unbalanced” is an attempt to muddy the primary question: given that there has been a death toll of over 100 men, women and children in the last six weeks, who is primarily responsible?

**Alistair Burt:** It is precisely the opposite, if I may say so to the hon. Lady: that issue would not be clarified by an investigation which from the beginning was clearly seen to be biased and in which it would be unlikely that all available parties would co-operate. It is precisely to un muddy the waters that we are trying to take, difficult as it is, a more independent and unbiased line.

**Nigel Huddleston** (Mid Worcestershire) (Con): Israel clearly has questions to answer, but can the Minister confirm that Hamas is a proscribed terrorist organisation, so no one in this place or the UN should be seen as inadvertently defending or excusing it?

**Alistair Burt:** That is correct, and I am sure that no one in this House actually does that, but I am grateful to my hon. Friend for making it clear.

**Lyn Brown** (West Ham) (Lab): The other place recommended last year that the Government stop treating Israel with kid gloves and display some political robustness. This Government's abstention is worse than weak; it is deplorable. How can the people of Palestine trust our Government when we refuse even to look seriously at these issues, let alone challenge them?

**Alistair Burt:** I understand the force of the hon. Lady's response; she is always honest about all these things. I would point to what we said in the explanation of the vote, which clearly raises questions about Israel's conduct. We seem to be one of the few Governments prepared to consider both sides of these dreadful incidents, and that is why we want to find the truth about what happened.

**Mr Alistair Carmichael** (Orkney and Shetland) (LD): The United Nations commission of inquiry will be mandated to look at all violations of international law and calls for co-operation from all relevant parties. How do the Government see that as being unbalanced?

**Alistair Burt:** Mention was made of Israel's activities a number of times throughout the resolution. There was no mention of Hamas, when it appears to be clear that there was engagement and involvement by Hamas, although no one knows how much. That is a vital part of the investigation, but there is no confidence that it would be part of it.

**Clive Efford** (Eltham) (Lab): When the Government came to the conclusion that they could not support the resolution, what efforts were made to try to bring together a resolution that everyone could support, so that there could be a fully independent inquiry?

**Alistair Burt:** The hon. Gentleman asks a good question. Before any of these resolutions come together, there is a great deal of contact between member states to try to find a way to broker an appropriate resolution. It normally works on the basis of someone putting forward a draft and other parties coming forward with suggestions, but if there cannot be an agreement, something then gets tabled on which people have to vote.

**Dr Rupa Huq** (Ealing Central and Acton) (Lab): Both America and Israel are our allies, yet we are powerless when the US moves its embassy and we are onlookers when the UN votes to hold an inquiry into the killings in Gaza. True friends offer advice and criticism, but are we now content just to hold hands rather than holding anyone to account?

**Alistair Burt:** No, I do not think that that is the case at all. As I said earlier, true friends take a position in which they try as best they can to learn all the facts of the circumstances before coming to any conclusions, particularly in an area as sensitive and difficult as this. That is what we have sought to do.

**Jess Phillips** (Birmingham, Yardley) (Lab): I apologise, Mr Speaker, that I am not in full voice today. Will the UK set out its criteria for assessing the independence, impartiality and effectiveness of an internal Israeli investigation? What action will we take, should those criteria not be met?

**Mr Speaker:** That was still the equivalent of a lot of full voices.

**Alistair Burt:** It was indeed, and the hon. Lady's questions are always relevant and to the point. Discussions are still taking place among members of the international community to define exactly what the terms will be. I said earlier that I had spoken to the Israeli ambassador last week, and representations have been made in Israel as well. I have indicated what we believe ought to happen in terms of there being an independent element to any investigation carried out by Israel, and we would like to see that delivered. There will be further consultations on this, as the hon. Lady would expect.

**Tom Brake** (Carshalton and Wallington) (LD): As I understand it, one Israeli soldier has been injured, and 104 Palestinians have been killed, of whom 14 were children, and 12,500 have been injured, more than 2,000 by live ammunition. Has Israel's response been proportionate?

**Alistair Burt:** Other allegations include 50 or so Hamas operatives being involved and improvised explosive devices being placed at the border fence. There has been a whole series of allegations about what has happened. That is why it is essential to get to the truth. We have already expressed our concern about the amount of live fire, and we stand by that.

**Yasmin Qureshi** (Bolton South East) (Lab): The Minister has come to the House a number of times on this issue, and he has accepted the fact that there have been real abuses of the Palestinian people in Gaza through the use of poisonous water, through illegal settlements and through all sorts of cruelty to the Palestinian people, yet the international community rewards Israel with billions of pounds-worth of aid and armaments. Is it not about time that we—

**Mr Speaker:** Order. We have got the thrust of the hon. Lady's question.

**Yasmin Qureshi:** Would it not be appropriate, instead of saying that we criticise Israel and condemn what it has done, if we actually took action over what Israel has been doing over the years?

**Alistair Burt:** The hon. Lady is right to say that I have been at the Dispatch Box several times since 2010 in relation to this matter, and we despair at the fact that the arguments are always familiar. As for the long-term fixing of the issues that she raises, it is we who call the settlements illegal and call for an easing of the restrictions on Gaza, but none of that will be accomplished effectively until there is the political settlement that we are all trying to work towards. The United Kingdom unerringly pushes its determination towards that aim, and we do not believe that continuing to call for that while criticising Israel is necessarily a reward.

**Steve McCabe** (Birmingham, Selly Oak) (Lab): Do the British Government have any plans to seek support for a fresh resolution that requires an independent UN investigation, or is the matter now closed as far as they are concerned?

**Alistair Burt:** I do not think that any investigation is necessarily off the cards. In the first instance, the determination will be for Israel to carry out an investigation, and we have said what we have said about what should accompany that in order to convince the international community. What happens after that will depend on the response to that inquiry.

**Mr Jim Cunningham** (Coventry South) (Lab): Following the question of my hon. Friend the Member for Birmingham, Selly Oak (Steve McCabe), regardless of the outcome of the Israeli investigation, surely the Government should try to initiate a further resolution to resolve the problem?

**Alistair Burt:** It may come down to resolutions at the end of the day, but an agreed mechanism, whereby we can find out what has happened in order to ensure that the circumstances do not arise again, is more likely to be effective. However, that would involve a whole series of other issues that relate to Gaza, as I mentioned earlier, and much determination among the leadership of both Palestine and Israel to ensure that the circumstances do not arise in the future.

**Ruth Cadbury** (Brentford and Isleworth) (Lab): Protesting adults and children have been shot in the back and shot while standing hundreds of metres away from the border fence. The Israeli authorities are clearly killing and maiming people in Gaza who pose no threat to them. If this was happening in Iran, the Government would

completely and utterly condemn it, so why will the Minister not condemn the Israeli authorities for such actions?

**Alistair Burt:** I will repeat what I have repeated before—this is clearly set out in the United Kingdom’s concerns about the whole process:

“The loss of life, casualties and volume of live fire presents a depressingly familiar and unacceptable pattern. This cannot be ignored.”

The hon. Lady comes to her own conclusions about what she thinks has happened, but others have different narratives. It is clear that the extent of the live fire has caused casualties that raise *prima facie* questions about what has happened, which is why we must find out what the answer to that is.

**Lloyd Russell-Moyle** (Brighton, Kemptown) (Lab/Co-op): The IDF and people here in this Chamber constantly refer to the “Gaza border” despite it not being internationally recognised. If it is a border, what state are the victims of Israel’s latest shooting spree in? If it is not a fence that entraps 2 million people, will the UK recognise the state of Palestine and push for an independent investigation, not just a whitewash by one party?

**Alistair Burt:** The hon. Gentleman makes a series of assumptions, and I understand where he is coming from. As I indicated last week, the United Kingdom will recognise the state of Palestine when it is conducive to the peace process, but there are more processes that must be gone through. If we are to find out what truly happened in Gaza, there must be a better option than that presented by the Human Rights Council last week.

**Afzal Khan** (Manchester, Gorton) (Lab): The international community’s immediate focus after last week’s events was on the number of fatalities, but it is also important to dwell on the consequences for the thousands of injured people. Have the Government offered any additional humanitarian assistance to the people of Gaza to ensure that the injured receive the medical treatment that they so desperately need?

**Alistair Burt:** I am grateful for the hon. Gentleman’s question. The short answer is yes. I am in contact with international agencies that are involved in delivering humanitarian medical aid. Gaza’s medical resources, which are already incredibly stretched, will have been put under even greater pressure following the events of the past few weeks. I am looking to see what further the United Kingdom can do beyond the support that we already give to those who provide such help.

## Speaker’s Statement

4.44 pm

**Mr Speaker:** Last Wednesday, the Government chose to schedule a major transport statement on an Opposition day, thereby substantially reducing the time available for Opposition business. I thought then, as I think now, that this was very badly handled. It was, in particular, disrespectful both to the House and to the 23 Back Benchers who were hoping to participate in the Opposition day debate on the Grenfell Tower disaster.

It was in that context—and in that context alone—that, having expressed my displeasure about the matter quite forcefully from the Chair, I used the word “stupid” in a muttered aside. That adjective simply summed up how I felt about the way that day’s business had been conducted. Anyone who knows the Leader of the House at all well will have not the slightest doubt about her political ability and her personal character.

I love this House. I respect all of my colleagues, and I hold you all in the highest esteem. It is our duty to get on with the business of Parliament: scrutinising legislation, debating issues and standing up for the people we are here to represent. For my part, I shall continue to speak out firmly for the interests of the whole House and if, from time to time, it involves publicly disagreeing with the Government’s management of business, then so be it.

## Private Members' Bills: Money Resolutions

*Emergency debate (Standing Order No. 24)*

4.46 pm

**Afzal Khan** (Manchester, Gorton) (Lab): I beg to move,

That this House has considered the expectation that the Government brings forward a Money resolution relating to a private Member's bill which has received a second reading.

Five months on from Second Reading, the Government have yet to bring forward a money resolution on my private Member's Bill, the Parliamentary Constituencies (Amendment) Bill. This is an abuse of Parliament. The Government are making a mockery of the private Member's Bill process. They are defying the will of Parliament and going against explicit commitments given to a Select Committee. These are the actions of a weak Government who are hiding behind procedure to avoid a vote they know they cannot win. We will not stand for it. We will fight for democracy, and we will always fight for what is morally and ethically right to serve our people.

It is an established parliamentary convention that the Government bring forward a money resolution on private Members' Bills that have received a Second Reading. Until recently, the Government largely followed this convention; they are now running roughshod over it.

In 2013, giving evidence to the Procedure Committee when he was Leader of the House of Commons, Andrew Lansley said:

"To my knowledge, Government has provided the money resolutions...whenever we have been asked to do so."

The Procedure Committee's 2013 report therefore concluded:

"Government policy is not to refuse a money or ways and means resolution to a bill which has passed second reading."

During debate on the money resolution for the Access to Medical Treatments (Innovation) Bill, the hon. Member for Mid Norfolk (George Freeman), as Parliamentary Under-Secretary of State for Life Sciences, clearly stated "I just want to confirm that once the House has given a private Member's Bill a Second Reading, the convention is that the Government, even when they robustly oppose it, always table a money resolution... Doing so is not a signal of Government support; it is absolutely in line with the convention of the House with all private Members' Bills, whether we oppose or support them."—[*Official Report*, 3 November 2015; Vol. 601, c. 926.]

**Mr Peter Bone** (Wellingborough) (Con): I am following the hon. Gentleman's speech with great interest and I agree entirely with it so far. Does he agree that the Government must table a money resolution, although they do not have to vote for it?

**Afzal Khan**: Absolutely. I agree with the hon. Gentleman that the Government can table the money resolution but not then have to agree with it.

The Government have changed their line. Last week, the Leader of the House said:

"money resolutions will be brought forward on a case-by-case basis as soon as possible."—[*Official Report*, 10 May 2018; Vol. 640, c. 894.]

There is clear water between saying the Government will always table a money resolution and saying that

this will be considered on a case-by-case basis. What has changed since 2015? We have had the disastrous 2017 election, when the Government lost their majority.

**Mr Mark Harper** (Forest of Dean) (Con): Will the hon. Gentleman give way?

**Afzal Khan**: Let me make some progress and then I will be happy to give way. Too weak to defeat my Bill on a vote, the Government are hiding behind a procedure that they know is wrong. The convention is also that money resolutions are brought forward in the order that Bills pass Second Reading. Members will have seen on today's Order Paper that the Government have tabled a money resolution for a health and social care Bill. It is the second Bill the Government have leapfrogged over mine. The Prisons (Interference with Wireless Telegraphy) Bill was given a money resolution at the beginning of May, even though its promoter came out 13th in the ballot, whereas I came out third.

The only logic to when the Government are bringing forward a money resolution is: what will help them avoid challenge? We know many on the Government side are willing to vote against them on my Bill, both for principled reasons and because reducing the number of MPs will mean that some Conservatives will lose their seats—turkeys do not vote for Christmas. Based on the 2017 general election results, 34 Conservative MPs are set to have their seats abolished or to lose to Labour at the next election, with the list including six Cabinet Ministers and six other Ministers. The Parliamentary Secretary, Cabinet Office, the hon. Member for Norwich North (Chloe Smith), who is in charge of my Bill for the Government, is set to lose her seat to Labour if the current boundary proposals go ahead. The Government's motives are clear: this is not about principles, but about electoral maths. This is not just happening with my Bill; money resolutions are part of a pattern of this weak Government abusing Parliament to avoid scrutiny and challenge.

**Lloyd Russell-Moyle** (Brighton, Kemptown) (Lab/Co-op): Does my hon. Friend agree that the public will see that a money resolution delayed is actually democracy denied to this Chamber?

**Afzal Khan**: Last week, the Government made a statement on an Opposition day to crowd out debates on Grenfell and Brexit later in the day. The Government denied the Opposition prior sight of that statement, which ended up being a damning indictment of transport policy. The week before, the Chair of the Select Committee on Home Affairs called out a Minister and officials for being "slippery" and for "playing games" with the Committee on the incredibly serious topic of Windrush. Looking back, some could say that the Government's evidence to the Procedure Committee now looks slippery. Of course, we also have the ongoing scandal of the Government first refusing to vote and then refusing to act on Opposition day motions. In Grenfell, Brexit and Windrush, we are talking about the defining issues of our day, yet even on those, this weak Government are comfortable abusing parliamentary procedure to avoid scrutiny and challenge.

**Jeff Smith** (Manchester, Withington) (Lab): My hon. Friend is making an excellent speech and I completely agree with it. Does this not point to a much wider issue,

which is the ridiculous process we have to go through on private Members' Bill in this House? Is it not time we had a private Members' Bills process where Bills could not be blocked by filibustering or by the whim of the Government?

**Afzal Khan:** I agree with my hon. Friend.

My Bill cuts right to the heart of our democracy. The number of MPs who represent our country affects our ability to represent constituents, their ability to hold us accountable, and Back Benchers' ability to hold the Executive to account. That outcome cannot be dictated by party politics—

**James Cartledge** (South Suffolk) (Con): Does the hon. Gentleman think that the public, who would be asked to find several million pounds extra, would welcome the money resolution for his Bill?

**Afzal Khan:** If the hon. Gentleman will wait, I will cover that point.

That outcome cannot be dictated by party politics, yet from the beginning the Government have sought to use boundary changes to gerrymander the political map in their party's favour. The Conservatives stand to win a greater proportion of the seats in a smaller Parliament.

**Vicky Ford** (Chelmsford) (Con): Will the hon. Gentleman give way?

**Afzal Khan:** Let me make some progress; I will give way again later.

The Conservatives stand to benefit from disenfranchising the 2 million people who have registered to vote since 2015, some 700,000 of whom are young people under 30. The power of the Executive will be enhanced by cutting the number of MPs without reducing the number of Ministers.

Political parties are important, but partisanship is fracturing our democracy. We can all agree that a boundary review is long overdue. My Bill is a serious attempt to come to a cross-party consensus to find a way forward that is workable and that has the support of the House. The proposals should be debated and scrutinised in Committee, not decided in the back rooms of Government offices.

**Several hon. Members** *rose*—

**Afzal Khan:** We have three hours for this debate; let me put my case, and then we will debate.

In outright disregard for democracy, this minority Government are abusing their Executive power to defy the will of the House. My private Member's Bill passed its Second Reading unanimously. Since then, the support that I have received from all parts of the House has been remarkable. During the recent urgent question on this subject, Opposition parties were united in calling for the Government to bring forward a money resolution. The shadow Leader of the House, my hon. Friend the Member for Walsall South (Valerie Vaz), called this "an unprecedented position." The hon. Member for Perth and North Perthshire (Pete Wishart) from the Scottish National party called it

"a tactic to thwart the democratic progress of Bills that have been passed in this House."—[*Official Report*, 10 May 2018; Vol. 640, c. 897.]

The right hon. Member for Orkney and Shetland (Mr Carmichael) condemned the Government's actions, saying:

"The purpose of the Government having the power to bring forward a money resolution is to give effect to the will of Parliament, not to thwart it."—[*Official Report*, 10 May 2018; Vol. 640, c. 898.]

It was even more extraordinary to watch Conservative Members line up to dress down their own Government's Minister. One after another, they accused the Government of carrying out "an abuse of Parliament"; of "denying a democratic right" of Parliament; of breaching undertakings they had given to the Procedure Committee; and of sending out the Leader of the House to "defend the indefensible". As the hon. Member for Wellingborough (Mr Bone) put it, the Government sent the Leader of the House

"to the wicket not only without a bat, but without pads or a helmet."—[*Official Report*, 10 May 2018; Vol. 640, c. 900.]

Mr Speaker, you have been extremely clear on your position that the Government should bring forward a money resolution and impose some "logic and reasonableness" on the process. Despite the clear and overwhelming will of the House, the Government have still not introduced a money resolution. The role of the Leader of the House is to represent the House in Cabinet; up till now, her behaviour has been much more like that of the Cabinet's representative in the House. Several times, the Leader of the House and other Ministers have referred to the Conservative manifesto pledge to continue with the boundary review. Of course, that manifesto did not win the Conservatives a majority in this House. For a minority Government to defy the will of the House in this way is deeply undemocratic.

Another pledge in the 2017 manifesto was to address the size of the House of Lords. Over the weekend, the Government tried to bury the news that they were appointing nine Tory peers. Unlock Democracy was right in accusing the Government of cowering in the shade. That has been widely reported as a move to prevent more defeats in the European Union (Withdrawal) Bill. It seems that the Prime Minister is willing to keep to the letter of her manifesto when it is politically convenient and to abandon other pledges when it is not.

Defying the will of the House is an abuse of Executive power. Their power to bring money resolutions comes from the financial initiative of the Crown—the Leader of the House referred to that initiative to defend the Government last week. It is deeply disingenuous to claim that they are blocking my Bill for financial reasons. Under this Government, boundary changes have always been an issue of electoral maths. How can my Bill be a financial issue when the Prime Minister has just appointed 13 additional peers with all their associated costs? She is increasing the size of the unelected House of Lords, while cutting MPs in the elected Commons. She pays lip service to cutting the cost of politics, but will ultimately do whatever is in her party's interest.

In conclusion, it is perhaps no surprise that, the weaker the Government, the lower they will stoop to avoid defeat. In refusing to bring a money resolution for a private Member's Bill, the Government are trampling on parliamentary procedure, defying the will of the House and abusing their Executive power in pursuit of their electoral interests. The Bill will uphold the importance of checks and balances. We have been elected to serve

[Afzal Khan]

the people, not ourselves. Those are the basic principles of modern democracy. Partisan gerrymandering is becoming only more pervasive. I urge the Government to make a meaningful change. I encourage the Leader of the House to go back to her colleagues in the Cabinet and bring a money resolution to the House before our Committee meets again on Wednesday. This weak Government's motives are transparent. They are not fooling anyone.

5.2 pm

**The Leader of the House of Commons (Andrea Leadsom):** I welcomed the opportunity to respond to the urgent question asked by the hon. Member for Manchester, Gorton (Afzal Khan) two weeks ago, when I set out the Government's approach to money resolutions. I welcome the opportunity to respond again today.

First, I take my responsibilities to this House very seriously. As you said last week, Mr Speaker, we have a responsibility to safeguard the rights of the House and, as Leader of the House, I seek to do exactly that, treating all Members of Parliament with courtesy and respect. I hope and expect that all right hon. and hon. Members will do likewise. I seek to demonstrate day in, day out that my role as Parliament's representative in the Government is a duty that is at the heart of all I do. Following the many requests I have received from across the House during this Session, the Government have scheduled debates on vital subjects such as baby loss awareness, housing and anti-Semitism. This week, I am making time available for a debate on serious violence following many calls to debate that vital issue.

We have scheduled more negative statutory instruments for debate on the Floor of the House than any Government in any Session since 1997. We continue to provide Opposition and Back-Bench days in line with Standing Orders. We are providing support to more than 20 very important private Members' Bills that will make a difference to the lives of people across the country, including the Mental Health Units (Use of Force) Bill introduced by the hon. Member for Croydon North (Mr Reed); and the Homes (Fitness for Human Habitation and Liability for Housing Standards) Bill, introduced by the hon. Member for Westminster North (Ms Buck). I have been working hard with colleagues right across the House to bring forward proposals on a new, independent complaints and grievances policy, safeguarding parliamentarians and staff alike to make this a Parliament that we can all be proud to work in, and to ensure that this is a place where people are treated with the dignity and respect that they deserve.

**Ian C. Lucas** (Wrexham) (Lab): When Parliament votes, why do the Government feel at liberty to ignore those votes?

**Andrea Leadsom:** The hon. Gentleman will fully appreciate that the Government never ignore the resolutions of this House. I will come to the specifics of the reason for not allowing a money resolution on the private Member's Bill of the hon. Member for Manchester, Gorton.

**Christian Matheson** (City of Chester) (Lab): I endorse what the Leader of the House says about treating colleagues with respect, but she is unwittingly making

the argument just made by my hon. Friend the Member for Manchester, Gorton (Afzal Khan). Almost nothing that she is talking about requires a vote that is binding on the Government. The trend is the same; the Government are running away from anything on which they have to have a vote, and that is exactly what is happening with the Bill of my hon. Friend the Member for Manchester, Gorton.

**Andrea Leadsom:** I am sure that the hon. Gentleman will realise that that is simply not true. There have been countless votes. Many Bills are already going through this place and several have received Royal Assent. There is a great deal of activity in this Chamber and in the other place. We continue to respect views right across this Chamber, and to adapt and amend legislation in order to improve it wherever possible. This Government are showing the greatest of respect to all parliamentarians.

**Yasmin Qureshi** (Bolton South East) (Lab): May I ask the Leader of the House a very direct question that was posed by my hon. Friend the Member for Manchester, Gorton (Afzal Khan)? The convention of Parliament is that the money resolution has to be tabled once a private Member's Bill has had its Second Reading. Second Reading of this Bill happened five months ago, so why has this not happened?

**Andrea Leadsom:** The hon. Lady will be aware that it is for the Government to initiate financial resolutions to commit taxpayers' money. It is not without precedent not to bring forward a money resolution when the Government believe that it is not in the taxpayers' interest to do so at the time. I will explain that further later.

The hon. Member for Manchester, Gorton has been quite strong in his language, talking of an abuse of Parliament and accusing the Government of acting in a profoundly undemocratic way. Well, I would strongly put it to him that the Conservative party has done more to support Back-Bench Members than any other in recent history. The Backbench Business Committee was established in 2010, following a commitment in the Conservative manifesto. This has been a much welcomed and successful change. Elections to Select Committees have been introduced. E-petitions have been a huge success, with the Government responding to 125 of them and 22 having already been debated in this Session. We should all be willing to recognise the achievements of the Conservative party in honouring and respecting Parliament. I could go on, but I think I have made the point.

Week in and week out, I raise matters on behalf of Members from all parties with my colleagues in the Government. I assure the House that this will continue.

**Mr Jacob Rees-Mogg** (North East Somerset) (Con): May I remind my right hon. Friend that the European Union (Referendum) Bill, promoted by our hon. Friend, James Wharton—sadly no longer in this House—did not receive a money resolution?

**Andrea Leadsom:** My hon. Friend is absolutely right to remind us of that. It is unusual, but there are good reasons why, on occasion, money resolutions are delayed. It is not without precedent.

**Mr Bone:** My right hon. Friend is a superb Leader of the House. Of course she makes our representations to the Government, but unfortunately the Government do not necessarily agree. A money resolution should have been provided for the referendum Bill; two wrongs do not make a right.

**Andrea Leadsom:** I always listen very carefully to the views of my hon. Friend, but I am afraid that I must again draw all hon. Members' attention to the fact that, as set out in "Erskine May", it is for the Government of the day to initiate financial resolutions, of which this is one.

**Lloyd Russell-Moyle** *rose*—

**Paula Sherriff** (Dewsbury) (Lab): Will the Leader of the House give way?

**Andrea Leadsom:** I want to make a bit of progress and then I will give way some more.

I now turn to private Members' Bills specifically. It is absolutely right that Back-Bench Members promote legislation on causes that they and their constituents believe in. However, as Winston Churchill once said:

"Not every happy thought which occurs to a Member of Parliament should necessarily find its way on to the statute book."

Changes to the law are achieved by way of private Members' Bills, but it is an important principle that they should make progress only when the ideas behind them have been thoroughly debated and Members are able to win sufficient support from right across these Benches. I gently remind the hon. Member for Manchester, Gorton that it is for the Government of the day to initiate financial resolutions. That is not new, it is not unusual, and it is clearly a constitutional right set out in "Erskine May". I now give way to the hon. Member for Dewsbury (Paula Sherriff).

**Paula Sherriff:** I thank the Leader of the House. Does she agree that it would be appropriate to lay the money resolution and allow this House to debate it in the usual way, and then, if the Government wished, they could vote against it?

**Andrea Leadsom:** I want to come on to talk about some of the excellent PMBs that are finding their way through—[*Interruption.*] In specific response to the hon. Lady, money resolutions are brought forward at the appropriate time, and it is for the Government of the day to initiate those money resolutions.

**Mr Harper:** As a member of the Public Bill Committee, I listened carefully to what the Parliamentary Secretary, Cabinet Office, my hon. Friend the Member for Norwich North (Chloe Smith), said. She did not say that the Government would never bring forward the money resolution. She said that she thought it appropriate given the Boundary Commission's work, which is quite a long way down the road, to wait until it produced its reports to Parliament and the Government would then reflect further. That seems to me to be a perfectly sensible course of action that should command widespread support in the House.

**Andrea Leadsom:** My right hon. Friend is exactly right. The Government have decided not to bring forward a money resolution for the time being, but we will keep this under review and will continue to bring forward money resolutions at the appropriate moment.

Many excellent PMBs are currently being taken through Parliament. In the current Session, over 150 have been introduced so far and 13 of them have passed Second Reading. Of those 13 Bills, two have completed all stages in this House and have passed to the Lords. Two further Bills have also received money resolutions and completed Committee stage, and they will have their remaining stages over the next few weeks. Hon. Members will be pleased to note that there is a money resolution for the Health and Social Care (National Data Guardian) Bill, introduced by my hon. Friend the Member for Wellingborough (Mr Bone), on the Order Paper for debate later today.

I would like to draw the House's attention to the number of PMBs that the Conservatives have supported since 2010. Fifty-three private Members' Bills have achieved Royal Assent since then, and we expect many more to do so over the course of this Session. That is in stark contrast with Labour, which, in the 2005 Parliament, supported fewer than half that number to achieving Royal Assent. Just 22 Bills made it to the statute book on Labour's watch.

**Jenny Chapman** (Darlington) (Lab): I have endured sitting through two inquiries into private Members' Bills as a member of the Procedure Committee. It is clear that private Members' Bills get through only if the Government choose that they should get through. The whole system is dysfunctional. There are a hundred ways in which the Government could choose to kill a private Member's Bill; they happen to be choosing the money resolution route this time. Would it not be more honest for them just to say, "We do not agree with this Bill"? They need to redesign the entire system, because it is dysfunctional and it misleads the public.

**Andrea Leadsom:** I have to say respectfully that I disagree with the hon. Lady. I have read very carefully the reports of the Procedure Committee as they pertain to private Members' Bills. I sympathise with her on sitting through those Committees; I am quite sure that they had their moments. The Government seek to ensure that all Back-Bench Members get the opportunity to bring forward legislation that matters a great deal to them and their constituents. Having considered proposals from the Procedure Committee, we now have a good way for Members to have the maximum opportunity to create new law.

As I say, 53 private Members' Bills have received Royal Assent since 2010. I am sure that the whole House will want to join me in wishing Members well as their private Members' Bills progress, and I would like to highlight what some of those legislative changes will achieve. First, I commend the hon. Member for Rhondda (Chris Bryant) for working with Ministers and colleagues right across the House so that his Assaults on Emergency Workers (Offences) Bill can make progress. That is a vital Bill, with wide support. The measures in it demonstrate to the public and to the criminal justice system that assaults on emergency workers will be dealt with seriously.

**Chris Bryant** (Rhondda) (Lab): I thank the Leader of the House, and I am enormously grateful to the Government Whip who was enormously helpful in getting my Bill to this stage, but I do not think the Leader of the House should pray me in aid on what the Government are doing. I want her to clarify precisely what she said to the right hon. Member for Forest of Dean (Mr Harper). Is she saying that the Government might bring forward a money resolution if, for instance, the House were to vote down the Boundary Commission's recommendations? From the Second Reading debate, it seems pretty likely that that is what will happen.

**Andrea Leadsom:** I will clarify what I said to my right hon. Friend. We will keep the money resolution under review, and once we have seen the existing boundary review's recommendations and been able to consider them, we will think carefully about what to do next with this private Member's Bill. It is by no means blocked, but at the moment the Government are considering how to take it forward.

**Chris Bryant:** Will the Leader of the House give way again?

**Andrea Leadsom:** No, fond as I am of the hon. Gentleman.

**Conor Burns** (Bournemouth West) (Con): I am grateful to the Leader of the House for giving way. This seems rather straightforward. Parliament enacted a boundary review, which is currently in progress and will report in the autumn. To grant public money to start another boundary review would be grossly irresponsible of the House, when the money required by that proposal is the equivalent of 300 new nurses.

**Andrea Leadsom:** My hon. Friend is exactly right. The point is that this Bill involves duplication, which cannot be supported because of the cost that it would impose on the taxpayer.

Secondly, I want to pay tribute to my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake) for his work in bringing forward the Parental Bereavement (Leave and Pay) Bill. The Government were pleased to bring forward a money resolution, which was then passed by the House. That Bill will provide much-needed support to bereaved parents, so that they can take time away from work to grieve when suffering the unimaginable loss of a child. I commend the all-party parliamentary group on baby loss for all its work on that matter.

I congratulate the hon. Member for Croydon North on the progress of his Mental Health Units (Use of Force) Bill, which will require the publishing of data on how and when force is used and improve oversight and training. The money resolution for that Bill was tabled by the Government and approved last month. I also commend my hon. Friend the Member for Lewes (Maria Caulfield), whose Prisons (Interference with Wireless Telegraphy) Bill will allow public communications providers such as mobile network operators to be authorised directly to prevent, detect or investigate the use of illicit mobile phones in prisons. The money resolution for that Bill was approved by the House just three weeks ago.

As I mentioned, the money resolution for the Health and Social Care (National Data Guardian) Bill, promoted by my hon. Friend the Member for Wellingborough, has now been tabled and will be debated later today.

I congratulate him on his work on that important Bill, which will establish a statutory office holder to be known as the data guardian for health and social care. I pay tribute to all those Members for their tireless work on PMBs and for the way in which they have engaged constructively to secure cross-party support.

**Mr Alistair Carmichael** (Orkney and Shetland) (LD): There can be no better example of cross-party working and collegiate effort than the Refugees (Family Reunion) Bill, brought forward by the hon. Member for Na h-Eileanan an Iar (Angus Brendan MacNeil). When will we see the money resolution for that Bill?

**Andrea Leadsom:** We will bring forward money resolutions on a case-by-case basis. I have just given a thorough run-through of the Bills that have received money resolutions and those that are about to do so, and all others are under consideration, to be brought forward on a case-by-case basis.

Let me now turn to the Parliamentary Constituencies (Amendment) Bill. I congratulate the hon. Member for Manchester, Gorton on having the good fortune to be drawn third in the private Members' Bill ballot and on having the opportunity to introduce his Bill, but let me reiterate what my hon. Friend the Minister for the Constitution said in Committee on 9 May and what I said to the House in response to the urgent question on 10 May, and then I will set out further detail of our approach to his Bill.

The boundary commissions began the 2018 parliamentary boundary review in 2016 and are due to report their final recommendations to the Government later this year. The reforms brought about by the review will ensure fair and equal representation for the voting public across the United Kingdom by the next general election. Equalising the size of constituencies in the boundary review will ensure that everyone's vote will carry equal weight and will significantly reduce the cost of politics to the taxpayer. Without such boundary reforms, MPs could end up representing constituencies based on data that are over 20 years old, disregarding significant changes in demographics, house building and migration. As it stands, some constituencies have twice as many electors as others, and this simply cannot be right.

**Jo Stevens** (Cardiff Central) (Lab): Will the right hon. Lady give way?

**Andrea Leadsom:** I will give way in a moment.

The commissions have been carrying out some incredibly important work. Initial proposals have been published and there has been a 12-week consultation on them, including regional public hearings. There were 36 public hearings across all regions in England, while Scotland and Wales each held five hearings and Northern Ireland held four, and these responses were then published. The review also involved a four-week period to allow counter-representations to be submitted in response to the consultation. The boundary commissions considered the consultation responses and the counter-representations, and all four boundary commissions then published revised proposals, followed by a written-only consultation of eight weeks. I am sure many hon and right hon. Members will have taken the opportunity to feed in their views.

**Jo Stevens:** I am very grateful to the right hon. Lady for giving way, but she knows, as does every Member of this House, that the boundary review will be based on information about the electorate that is years out of date, so why not scrap it and do it on the basis of the current electoral register?

**Andrea Leadsom:** As I have sought to explain, a lot of work, taxpayers' money and consideration have gone into a boundary commissions review that will significantly update the information on the basis of which boundaries are set. It is important to allow the review to be completed, and if I may continue, I will provide the hon. Lady with a further explanation.

The Government have committed to continuing this boundary review, and it is important that we allow the boundary commissions to carry out this work, of which much has already been completed, and we will then consider the findings carefully. Given the need to hear the commissions' conclusions and the fact that a lot of work has already been carried out at a significant cost to the taxpayer, it would not be appropriate to proceed with the Parliamentary Constituencies (Amendment) Bill at this time by providing it with a money resolution.

**Mr Marcus Jones** (Nuneaton) (Con): My right hon. Friend is making a very good case. My constituents would find it absolutely absurd if the Government committed money to another boundary review without concluding the one that the public voted for in 2015 and committed to again at the last general election in 2017.

**Andrea Leadsom:** My hon. Friend explains the situation very clearly, and he is quite right. Our constituents would not expect us to initiate a new boundary review before we finished the existing one.

The Government have a constitutional duty to initiate financial resolutions in this place, and we are accountable to the people of the United Kingdom for the financial impact of such resolutions. Progressing with this private Member's Bill might place a financial burden on taxpayers of an additional £8 million.

**Stephen Kinnock** (Aberavon) (Lab): The Leader of the House talks about a constitutional duty. Does she not think that the Government have a constitutional duty to the 2.1 million people who are not on the electoral register and are therefore not included in this review, and a constitutional duty to do right by the private Member's Bill of my hon. Friend the Member for Manchester, Gorton (Afzal Khan)?

**Andrea Leadsom:** Once the boundary commissions' review has been completed, the Government will of course consider the recommendations very carefully, but that review is not yet completed so we must allow it to continue to its completion.

**Lloyd Russell-Moyle:** The Leader of the House's constitutional duty is to be Parliament's representative in the Cabinet. Parliament voted overwhelmingly to proceed with this Bill. What representations did she make in the Cabinet to defend the Bill and promote the money resolution that Parliament had voted for?

**Andrea Leadsom:** I can only say to the hon. Gentleman that, as I set out the start of my remarks, I am fully committed to taking into account all the views expressed across the House. I have done and will continue to do so at every possible opportunity.

**Mrs Anne Main** (St Albans) (Con): The Leader of the House is making it very clear that this is a question of timing as much as anything else. There are only about 12 sitting weeks before we are due to receive the boundary commissions' report. It seems enormously premature for the Opposition to demand that the money resolution is tabled now rather than waiting 12 weeks.

**Andrea Leadsom:** I totally agree with my hon. Friend. It is vital that we always keep a close eye on value for taxpayers. As I have said, progressing with this particular private Member's Bill would place a potential financial burden of £8 million on taxpayers. The Opposition may believe that it is perfectly fine to spend this amount of public money on a further boundary review, but, given that we have already committed to the 2018 boundary review, the Government cannot support such extra cost to the taxpayer at this point. With one review under way, plus an incomplete review from a previous Parliament, this review would be the third and would push the total cost of reviewing boundaries towards £18 million. I am sure that many constituents of the hon. Member for Manchester, Gorton would share our concern at any further unnecessary expenditure of taxpayers' money.

The other private Members' Bills in this Session also of course have costs attached, but they are costs associated with unique legislation, not that replicated elsewhere. As I have made clear many times, the Government will keep this private Member's Bill under review, but it is right that we should allow the boundary commissions to report their recommendations before carefully considering how to proceed.

**Mr Kevan Jones** (North Durham) (Lab): I am sorry, but the right hon. Lady is talking complete nonsense. Is it not a fact that the Government could lay the money resolution now? The idea that that money would be spent is absolute rubbish, and as for the idea that the Bill will somehow go ahead, would it not be a suitable back-up if the boundary commissions' review were to fall?

**Andrea Leadsom:** I cannot really understand why the right hon. Gentleman wants to support a Bill if he thinks the money will never be spent to enact it. That would be a ludicrous situation.

**Vicky Ford:** Does my right hon. Friend agree that this is not only a significant amount of money but that it creates great uncertainty for the current boundary commissions process, so if the Bill were passed, it would be hugely destabilising for the boundary review and, far from making a better situation, would kick the entire issue into the long grass yet again?

**Andrea Leadsom:** My hon. Friend makes an important point. We need to complete and finalise this boundary review before undertaking any thoughts of a further one such as that proposed by this private Member's Bill.

**Nigel Huddleston** (Mid Worcestershire) (Con): The Leader of the House has mentioned a figure of £8 million. I wonder how many hours of graft by our constituents it would take to generate the taxes to pay for that incremental review. Certainly the constituents of those of us on this side of the House would never forgive us if we enacted something to pay for something we did not need and that was not desired.

**Andrea Leadsom:** My hon. Friend is absolutely right. On this side of the House, we always look for good value for taxpayers' money, so embarking on a new boundary review before the existing one is finished would be absolute nonsense.

**Laura Smith** (Crewe and Nantwich) (Lab): I am sorry, but it is completely disingenuous to say that this is a financial issue. For the Tories, boundary changes have always been about electoral maths.

**Andrea Leadsom:** The hon. Lady is not correct. The debate is about money resolutions, and they are most certainly financial matters. This Government will always look after the financial interests of the taxpayer.

**Rachel Maclean** (Redditch) (Con): Does my right hon. Friend agree that, contrary to what we have heard from Opposition Members, this is about money? My hospital in Worcestershire is due to receive £29 million from the Government. Does the hon. Member for Manchester, Gorton (Afzal Khan) think that my constituents should not have their hospital so that he can have his political project?

**Andrea Leadsom:** My hon. Friend is exactly right to raise the fact that money can be used in various ways, and that duplicating a constituency boundary review is not good value for taxpayers' money at this moment in time.

**James Cartlidge:** May I assure my right hon. Friend that I have not had a single email, tweet, Facebook message, letter, or any other form of epistle calling for a money resolution on this Bill, but that I receive correspondence on an hourly basis calling for us to show prudence with taxpayers' money?

**Andrea Leadsom:** I can say exactly the same to my hon. Friend. I have not received any representations on this matter from members of the public either. I am quite sure that, if they found out what the Bill proposes to spend on replicating an existing review, they would not be best pleased.

**Damian Green** (Ashford) (Con): Does my right hon. Friend agree that for once the indignation of those on the Labour Benches is not synthetic? They are trying to keep an unfair electoral distribution, which the boundary review is looking at so that we can actually have a fair distribution of numbers across constituencies. As it happens, that would disadvantage the Labour party. All Opposition Members are trying to do is delay the proper democratic boundary commission process for their own party advantage.

**Andrea Leadsom:** My right hon. Friend rightly points to the fact that we are seeking to ensure equal representation. That is at the heart of the boundary review and it is quite right that we should do that.

Some Members have argued that the decision is unprecedented and that money resolutions should follow Second Reading as night follows day, but I am afraid that that is not the case. Previous Governments have had to take similar action and for similar reasons that are in play with this particular Bill. For example, in a previous Parliament the Government declined to bring forward a money resolution, and the Minister at the time said:

"I am sorry to tell the Committee that we have been led to the conclusion that there are such major difficulties of principle

involved and such operational costs seem likely to be incurred as to outweigh the benefits and we are consequently unable to support the Bill."

During the 2014-15 Session, the coalition Government decided not to bring forward money resolutions for two Bills. At the time, the then Leader of the House said:

"it is unusual but not unprecedented for the Government not to move a money resolution. There have been previous instances of that under Governments of different parties."—[*Official Report*, 30 October 2014; Vol. 587, c. 417.]

In conclusion, I have sought to explain why the Government do not plan to table a money resolution at this time for this particular Bill. This action is not without precedent and we welcome the good progress that is being made by a number of other private Members' Bills. I also want to assure all hon. and right hon. Members of my own personal commitment to representing Parliament within Government. I am dedicated to championing and safeguarding the role of this House and all its Members, whether through its work in improving legislation, representing constituents or holding the Government fully to account for their actions.

I have outlined the steps I have taken and will continue to take to ensure that the House has the opportunity to debate and scrutinise the key issues that affect people across the UK. I make a commitment today that I will continue to uphold the rights of this House and continue to listen to the views expressed by all Members, no matter on which side of the House they sit. Importantly, whether in this Chamber or outside it, I will continue to treat all hon. and right hon. Members with respect and courtesy, as befits the hundreds of years of democratic tradition in this place.

5.33 pm

**Valerie Vaz** (Walsall South) (Lab): I thank the Leader of the House for what she has said. I hope she will listen to what I have to say, too.

I am pleased that my hon. Friend the Member for Manchester, Gorton (Afzal Khan) made the application for an emergency debate. Thank you, Mr Speaker, for allowing the debate, which is about the will of the House. You have always been a champion of Parliament and I know you will continue to be so. I am disappointed that my hon. Friend has had to take up the time of the House, when we would much prefer to be debating the European Union (Withdrawal) Bill and other important Bills from the other place.

My first point is: what has brought us here? My hon. Friend made representations to me as shadow Leader of the House. He was perplexed as to why his important Bill was stuck in a queue, on call waiting. As the Leader of the House will know, I had to raise this important issue with her in three consecutive business questions—on 3 May, 10 May and 17 May. My hon. Friend the Member for Blaenau Gwent (Nick Smith) raised it in a point of order on 3 May, as did my hon. Friend the Member for Manchester, Gorton on 9 May as well as in an urgent question on 10 May. The hon. Member for Perth and North Perthshire (Pete Wishart) also raised it at business questions last week, but unfortunately the Leader of the House has failed to appropriately address the issue and respond to our pleas.

The lack of a money resolution affects not just my hon. Friend but a number of hon. Members across the House. Right hon. and hon. Members have taken the

time to introduce their private Members' Bills to Parliament. They are not, as the Leader of the House quotes Winston Churchill, "happy thoughts"; they go through a process and a procedure. Right hon. and hon. Members are pleased when their Bills have a reading and it is a testament to the importance of their Bills that they have passed Second Reading—that is the will of the House.

The following Bills are awaiting a money resolution: the Civil Partnerships, Marriages and Deaths (Registration Etc.) Bill from the hon. Member for East Worthing and Shoreham (Tim Loughton); the Organ Donation (Deemed Consent) Bill from the hon. Member for Coventry North West (Mr Robinson); the Overseas Electors Bill from the hon. Member for Montgomeryshire (Glyn Davies); the Parking (Code of Practice) Bill from the right hon. Member for East Yorkshire (Sir Greg Knight); and the Refugees (Family Reunion) (No. 2) Bill from the hon. Member for Na h-Eileanan an Iar (Angus Brendan MacNeil)—I cannot pronounce his constituency as well as the right hon. Member for Orkney and Shetland (Mr Carmichael) did. Those are all important Bills that have not had their money resolution.

The second point that I want to raise is on practice and procedure. Why do we have that? So that there is certainty about the House's rules. The procedures are there for transparency. It is about fairness. Perhaps the Government like chaos and uncertainty, but there is no benefit to society and this House from chaos and uncertainty. The Leader of the House quotes "Erskine May", and I will quote it too:

"A money resolution is normally considered immediately after the second reading of the bill to which it relates".

Once a Bill has received its Second Reading, it cannot be right for the Government to delay money resolutions for such a long period of time. I have previously quoted from the parliamentary website—it is there for the whole world to see. I support what my hon. Friend the Member for Manchester, Gorton said when he spoke about the evidence given to the Procedure Committee by a previous Leader of the House, and about what a former Minister—the hon. Member for Mid Norfolk (George Freeman)—said: it is about conventions. That Minister said that providing a money resolution

"is not a signal of Government support; it is absolutely in line with the convention of the House".—[*Official Report*, 3 November 2015; Vol. 601, c. 926.]

**Mr Rees-Mogg:** The quotation that the hon. Lady gives from "Erskine May" on the provision of money resolutions immediately after Second Reading has never been applied to private Members' Bills. They have always got it at a later date; it is only Government Bills that get the money resolution immediately afterwards.

**Valerie Vaz:** That is a matter that we need to take up with the writers of "Erskine May", but nevertheless, it is there. This is about interpretation and that is what it says.

Of the private Members' Bills in need of a money resolution, the Bill from my hon. Friend the Member for Manchester, Gorton is the only Bill that received its Second Reading in 2017 and has yet to have a money resolution agreed. The hon. Member for Wellingborough (Mr Bone) is lucky: his Health and Social Care (National Data Guardian) Bill had its Second Reading on the same day—1 December 2017—but after my hon. Friend's Bill, and it has been given its money resolution today.

However, the whole point about procedures, processes and conventions is that Members should not have to be lucky. It should not have to be granted at the whim of the Government. There should be certainty.

**Mr Charles Walker** (Broxbourne) (Con): The hon. Lady will know that the Procedure Committee has come up with two excellent reports in the past four years on how to reform private Members' Bills. These reports have been resisted by the Whips Offices on both sides of the House. Does she think we should have another go?

**Valerie Vaz:** I appreciate the hard work the hon. Gentleman does on the Procedure Committee, but sadly it is not up to me; I wish it were—I would like to support him.

Thirdly, how do the measures in the Bill differ from the Government's instructions to the boundary commissions? What would the Bill actually do? It was the ninth Bill of the Session presented and passed its Second Reading by an overwhelming 229 to 44 votes on 1 December. It is an important Bill because it would give instructions to the boundary commissions different from the previous constrained instructions. It would do several things to those constrained instructions. Clause 1 would alter the change in the size of the House of Commons made by the Parliamentary Voting System and Constituencies Act 2011 from 600 to 650 Members and provide a fixed allocation of 18 constituencies in Northern Ireland, with the remaining 632 in Great Britain. Six hundred is an arbitrary figure. Where is the evidence that the number of constituencies should be reduced to 600?

Clause 2 would change the current UK-wide requirement for constituencies, excluding the four island seats, to be within plus or minus 5% of the electoral quota and establish new quotas, one for Great Britain and one for Northern Ireland. In each case, there would be a requirement for constituencies to be within plus or minus 7.5% of the relevant electoral quota.

**Mr Harper:** The hon. Lady says that 600 is an arbitrary number, but so is 650. However, there is an important difference: 600 is not an arbitrary number; it is the number that Parliament put into law for a boundary review that it legislated for in 2011. Is it not right that we allow the boundary commissions to finish their work so that the House can consider their reports before deciding what steps to take next?

**Valerie Vaz:** It is an arbitrary figure—it was plucked out of thin air without reference to any evidence. It might have been agreed by the House, but there was no evidence. The Bill would retain the status quo. It would also require the quota to be based on the total number of voters derived from registers of parliamentary electors published for the 2017 general election, or the most recent election thereafter. This would allow the 2.1 million electors registered after 1 December 2015 to be included in the review.

**Alec Shelbrooke** (Elmet and Rothwell) (Con): On the hon. Lady's point about using the register from the last general election, if the Bill were to go through and further delay matters—it might be another two years before proposals or policies come forward—would she still want to use a register that by then would be three or four years old?

**Valerie Vaz:** This is the most current register—and the 2.1 million people left off the existing register have to be included—but the Bill says that the register from the most recent election should be used.

The Bill would allow the 2.1 million electors to be included in the review. The Government passed a statutory instrument that many in the House agreed with, allowing people to register to vote right up until Thursday 9 June 2016—for the referendum—so they accept that voting is important, and those 2.1 million people should be counted and have their voices heard.

**Alex Sobel (Leeds North West) (Lab/Co-op):** At the time of the Government's boundary review, my constituency had 7,000 fewer electors than at the 2017 general election and slightly more than at the referendum. Should we not be using those figures, as my hon. Friend says, otherwise we are denuding my constituency of the ability to be of an equal size to others?

**Valerie Vaz:** I absolutely agree with my hon. Friend. He makes his point very well. Clause 4 would require the boundary commissions to complete their reports, including in relation to the requirements in clauses 1 to 3, by 1 October 2020 and to report by 1 October every 10th year, rather than every five years, as provided for by the 2011 Act. Giving the boundary commissions 10 years will actually save costs.

**Lloyd Russell-Moyle:** Does that clause not mean that over time the Bill would save, not cost, the taxpayer money, that it is a case of spending a penny now to save a pound later and that therefore the arguments against a money resolution are null and defunct?

**Valerie Vaz:** I absolutely agree. It will actually save money in the long run.

Responding to me following the urgent question on Thursday 10 May, the Leader of the House said that “it is right that we allow the Boundary Commission to report its recommendations before carefully considering how to proceed.”—[*Official Report*, 10 May 2018; Vol. 640, c. 894.]

However, the review is based on a flawed premise. We have had a referendum and we have had a general election, and as a result of our exit from the European Union we have lost further representation by our Members of the European Parliament. The workload of Members of Parliament has increased following local authority cuts and the cuts in advice services: for instance, my local citizens advice bureau has had to cut staff numbers. Members are now having to deal with more cases.

Responding to me during business questions last week, the Leader of the House said:

“The Boundary Commission review will cost taxpayers something in the order of £12 million, and it cannot be right that further money, to the tune of more than £5 million, be made available to a completely separate Bill when that work is under way.”—[*Official Report*, 17 May 2018; Vol. 641, c. 430.]

However, waiting for the review will cost more money. May I ask the Leader of the House what is the financial impact of waiting for the commission to report? I am sure she will agree that this is about democracy. What price democracy?

The Committee considering my hon. Friend's Bill has met three times, but has not been able to consider a single clause of it. The Committee is due to meet again

on Wednesday 23 May. Will the Leader of the House ensure and expedite the tabling of a money resolution that can be brought to the House? She mentioned that a money resolution for the Bill had been presented by my hon. Friend the Member for Croydon North (Mr Reed), but I had to raise the matter during business questions, and the Committee had to meet five times before the resolution was granted.

May I ask the Leader of the House again—she did not answer this during business questions—whether there will be a reduction in the number of Ministers? If not, we shall have an overpowering Executive who want to prevent scrutiny by cutting the number of MPs. It is not right for us to have such an overpowering Executive, and it is not right to reduce scrutiny of it.

Finally, let me ask a constitutional question. I do not want to upset people or make them afraid, but some constitutional theorists have suggested that there may be a personal prerogative whereby the monarch does not have to follow the Prime Minister's advice. An example given during a lecture—perhaps the parliamentary private secretary to the Leader of the House, the hon. Member for Banbury (Victoria Prentis), was also at that lecture: she might have been, in 2005—was the gerrymandering of constituencies in the interests of one party, and not in the interests of democracy.

**Rachel Maclean:** Will the hon. Lady give way?

**Valerie Vaz:** I have nearly finished my speech.

This is a hung Parliament, whose mandate is different from that of 2011. As we say hello to 13 new peers in the other place, we may be saying goodbye to 50 of us. As the numbers in the other place increase, the numbers in this House decrease. According to every definition of a good Parliament and a functioning democracy, that is not acceptable. More than 2 million people have been ignored by this Government. In the interests of procedural certainty, conventions, fairness and democracy, the Government should act now and grant the money resolution.

5.48 pm

**Sir Christopher Chope (Christchurch) (Con):** It is a pleasure to follow the hon. Member for Walsall South (Valerie Vaz). I think it is a pity that the Opposition have conflated the issue of process and procedure with the issue of substance relating to the particular Bill that we are discussing today. On the issue of process and procedure, I absolutely agree with all those who say that we should be having discussions about money resolutions. Obviously the Government can whip against them if they want to, but I suspect that in the case of this Bill, the House would probably support a money resolution. Perhaps that is why they are a bit inhibited about tabling one.

I do not want to be caught up in the discussion about the merits or demerits of the Bill. However, I must say to my right hon. Friend the Leader of the House that when she was listing all the wonderful private Members' Bills that are currently before the House, I was very disappointed that she did not refer to one of the 19 that I had tabled for debate on 15 June. I felt that that was a serious omission.

Many of my Bills do not need money resolutions. One of the unintended consequences of this new rule that the Government have adopted is that a well-advised private Member who is successful in the ballot will probably say, "I'm going to go for a Bill that does not need a money resolution, because a Bill with a money resolution faces an additional hurdle." Let us imagine that a Member wins the ballot and introduces their Bill, but it has probably attracted some awkward customers on Second Reading who disagree with it and want to talk for a long time. The Member will need to have 100 Members present to secure closure; in the past, as night follows day, when they have secured closure and completed Second Reading, they will have a money resolution.

I remember when Austin Mitchell introduced the licensed conveyancing Bill, which was hated by the then Conservative Government and strongly opposed, but the will of the House—I had the pleasure of supporting that Bill—was that that was a really good idea that would loosen up and liberate that rather closed profession of solicitors and enable people to get conveyancing done at less expense. That Bill therefore went through and went on to the statute book and has been a force for good. If the Government had blocked it at the time because they disapproved of it and they had said it needed a money resolution, we would not have had that legislation on the statute book with all the benefits it has brought to consumers.

**Chris Bryant:** The hon. Gentleman is right to point to the element of caprice about this. When I came top of the ballot, I asked the public which of several different Bills they might want me to introduce as my No. 1, and fortunately they came up with one that did not need a money resolution, whereas it could just as easily have been the motion taken forward by the third Member on the list about civil partnerships, which would require a money resolution, then I would have been entirely in the hands of the Government. There is an element of caprice that we need to change.

**Sir Christopher Chope:** I thought that we did not need to change it, because I thought the convention was that if a Bill secured a Second Reading it would get a money resolution, and that is the disappointment that has come out of this debate.

My right hon. Friend the Leader of the House says that the Government are now going to look at this on a case-by-case basis, so we now have another layer, basically with the Government—the Executive—saying "We're going to second-guess Members' priorities." It is difficult enough to secure Second Reading for a private Member's Bill, but once these Bills have done so the order in which they go into Committee is now solely under the control of the Government, because the Government decide whether or not Bills are going to have their blessing on a case-by-case basis.

**Mr Rees-Mogg:** I am fascinated that my hon. Friend has become such a champion of private Member's Bills, as he has killed more of them than almost any other Member of this House, and to my mind has played a very useful role in doing so. However, is the Government's practice not caprice, but constitutional correctness? It is the job of this House to seek redress of grievance while it is the job of the Government to ask for expenditure, and we are at risk of confusing the two?

**Sir Christopher Chope:** I agree with my hon. Friend about the rules in relation to expenditure, but it is ultimately for this House to decide what should be spent and what should not, and if the Government wish to test the will of the House on an issue of £8 million there is nothing to stop their doing so. That would be the appropriate way to proceed and, as my hon. Friend the Member for Wellingborough (Mr Bone) said, all we are talking about is not that the Government should grant or facilitate a money resolution, but that the opportunity should be given to the House to decide a money resolution—that is the issue.

Turning briefly to the issue of substance, my right hon. Friend the Leader of the House makes a big issue of the cost of £8.1 million, but let us compare that with what the Government are doing at the moment. On today's Order Paper there are two motions that seek to abolish Christchurch Borough Council—I hope that they will be blocked, resulting in deferred Divisions on Wednesday in which the House will express its disapproval. Today, Christchurch Borough Council launched legal proceedings against the Government on the basis that those motions are retrospective and use secondary legislation to change primary legislation retrospectively. On the basis of that and of leading counsel's advice, proceedings have begun against the Government. Are the Government, in the light of that, going to try and save money by saying, "Let's resolve those legal proceedings before proceeding down the route of trying to reorganise local authorities in Dorset"? I fear that the Government response will be that they are not going to do that. The Government again play fast and loose with democracy; in this case, in Christchurch where 84% of local people voted against the proposition, but the Government are seeking to override that and at the same time use their ability to fight against the proceedings brought against them in the courts. They are using taxpayers' money to do that, delaying the whole process and adding to the costs.

I therefore ask my right hon. Friend the Leader of the House for some consistency. If the Government are worried about spending £8 million on this, why are they not worried about spending many millions of pounds on fighting a fruitless battle against the people of Christchurch in the courts?

5.55 pm

**Pete Wishart** (Perth and North Perthshire) (SNP): I congratulate the hon. Member for Manchester, Gorton (Afzal Khan) on securing this important debate, and I thank you, Mr Speaker, for ensuring that it has been granted. It is unfortunate that we have to have such a debate under Standing Order No. 24, and the way that the Government have responded to it has been, to say the very least, disappointing.

There are lots of things I call the Leader of the House—I call her charming; I call her helpful; I call her a bit Brexitish—but I think she has been less than sensible in the way that she has approached issues to do with money resolutions in the House, and to continue to defy the majority opinion and view of this House consistently and over a period of time does her no credit whatsoever. The House has made a decision on these money resolutions, and it is incumbent upon the Government to ensure that the rules of this House are progressed.

[Pete Wishart]

Where we are just now is very disappointing, not just for the important private Member's Bill of the hon. Member for Manchester, Gorton, but particularly for that of my hon. Friend the Member for Na h-Eileanan an Iar (Angus Brendan MacNeil). There is strong and great cross-party support and consensus right across the House for his Bill and for this matter to be progressed to ensure that his Bill at least gets through.

There has been a pattern to what the Government have been doing since they were elected as a minority Government in 2017, which is their failure to acknowledge that they are a minority Government. They already do not appear to engage properly in Opposition day debates, and they certainly do not vote in the vast majority of them; they have stuffed the Standing Committees of this House with a majority of their Members even though they are a minority Government; they have done their best to ensure that the Democratic Unionist party has been given its £1 billion to ensure some of their legislation gets through; and the way they have dealt with private Members' Bills is consistent with that approach.

But we are not going to let the Government get in the way of our private Members' Bills. We should say to this Government loudly and clearly, "Get your grubby hands off our private Members' Bills, because they are far too important and valuable not just to this House but to our constituents right across this country." Private Members' Bills are increasingly valued by our constituents, and they want to see legislation progressed through this mechanism; we increasingly see that reflected in our mailbags.

The arrangements for private Members' Bills are bad enough, what with being at the mercy of the likes of the hon. Member for Shipley (Philip Davies) and, although he has changed his coat today, the hon. Member for Christchurch (Sir Christopher Chope) who consistently do what they can to block and filibuster on such Bills. Instead of thwarting private Members' Bills, it is incumbent upon everybody in this House to ensure that they are properly enabled and supported, because they show this House at its very best.

All of us in this House have a passing interest in ensuring that private Members' Bills are dealt with properly, because we all want to be champions of private Members' Bills; we would all like that little bit of a legacy, where we have been able in some small way to shape legislation as a small contribution from our time as Members of Parliament.

**Patrick Grady** (Glasgow North) (SNP): Does my hon. Friend share my frustration that the Procedure Committee in the previous Parliament, and I believe in the Parliament before that and in the current Parliament, has spent a considerable amount of time looking at the private Member's Bill system and has come up with sensible proposals, such as allowing the Backbench Business Committee to allocate the first four Bills so that Bills that command support from across the House can make progress? That is not dissimilar to the sensible system in the Scottish Parliament where, again, provided that there is consensus, Bills can move forward instead of the Government having an effective veto.

**Pete Wishart:** I am grateful to my hon. Friend for that intervention. He really gets to the point of what this is about. Private Members' Bills are popular things.

Our constituents like them. This is the kind of work they want to see us doing. They want to see us working consensually together, progressing Bills that are of interest to them. I commend the hon. Member for Rhondda (Chris Bryant) for going about this in exactly the right way and asking the people of this country what they wanted his Bill to be about, given that he was No. 1 in the ballot. That is the kind of approach that our constituents increasingly want us to take, rather than the usual stuff that we observe, particularly during set-piece opportunities such as private Members' Bills. Instead of thwarting the progress of these Bills, let us get behind them and support them. Let us ensure that this country gets what it seems to want.

To be successful with a private Member's Bill, there are three really big tests that a Member has to overcome. First, they have to beat all the rest of their colleagues to get on the ballot. It is remarkable that nearly 95% of Members of this House applied to bring in a private Member's Bill. That is how popular they are. The Member will have to get into the top 10, or possibly the top 20, in the ballot just to get their Bill to a Second Reading. The second test involves the tough task of getting it through its Second Reading debate. They will need 100 Members down here to ensure that they get the closure motion, but the debates are held on Fridays when we are traditionally with our constituents, hard-pressed as we are to respond to our constituents' interests. The Member will have to work cross-party to ensure that they have a range of support across the House. They will have to work consensually. They will also be at the mercy of the filibusterer, our good friend the hon. Member for Christchurch, when he gets to his feet to try to ensure that the Bill is blocked and disrupted.

If a Member can do all that and get their Bill through its Second Reading, they will then face the third test: does it meet the approval of the Government? At that point, the Government can simply decide that they do not like the Bill and refuse it a money resolution. That will effectively kill it off, or at least put it into private Member's Bill purgatory. That is what has happened just now with the Bill promoted by the hon. Member for Manchester, Gorton. Why are we accepting this? Why are we prepared to allow this Government to block the democratic decisions of this House and to stop something that is clearly popular?

I have a neat and elegant solution: we need to take the decision out of the Government's hands. If a private Member's Bill passes its Second Reading, a money resolution must automatically follow. I have heard the Leader of the House saying, consistently and ad nauseam, that money resolutions are within the gift of the Government. She has talked about the Government's opportunities and obligations, and she has talked about "Erskine May". She has told us what the convention is. That does not matter. We could not care less about all that. If there is a convention, we must make a new one. If there is a tradition, we must start to do these things in a new way. If it is in "Erskine May", let us revisit and review "Erskine May". If it is in the Standing Orders of the House, let us change them. Let us ensure that we deal with this, because at the moment our arrangements for private Members' Bills are letting the House down and letting our constituents down. Let us take back control. Now, where have I heard that before? Oh yes, that is what this House is supposed to be doing. How about we demonstrate it in relation to these Bills?

**Douglas Ross** (Moray) (Con): The hon. Gentleman says that we have to show that we in this House are listening to our constituents. Can he tell me how many people in Perth and North Perthshire have spoken to him specifically about the money resolution for the Bill promoted by the hon. Member for Manchester, Gorton?

**Pete Wishart:** I have to tell the hon. Gentleman that I was very impressed with his skills in the Scottish cup final the other day. His recovery technique was absolutely superb. It was the highlight of the game for me. I can also tell him that my mailbag is absolutely full of all types of suggestions for private Members' Bills that people find favour with, and I am pretty certain that the hon. Gentleman will have had the same experience.

I have another solution to the Government's approach: if they do not like a Bill, they should come to the House and explain why they do not like it. They should not hide behind process and procedure. They should not try to block these Bills simply because they have the means and the capability to do so. They should argue their case on the Floor of the House. I happen to think that the Government have a case when it comes to the Bill promoted by the hon. Member for Manchester, Gorton. They tell us that a boundary review is under way, and yes, of course it is. The House seemed to back it, but the Government did not get a majority in the last election. I think that the Leader of the House has got that one wrong. But let the Government bring their argument for not progressing the Bill to the House where we can debate it. If they have their way, and majority is in favour, that is what the Government will do. However, if they do not get their way, and if this House clearly tells them that it wants to pursue a different approach, the Government should listen to that and respect that decision. Democracy starts with respecting the wishes of this House, and we are getting into dangerous territory when that is so casually overlooked. Let us get back to making sure that when this House speaks, the Government respond and act on that clear decision.

I want to say a bit more about the Bill promoted by the hon. Member for Manchester, Gorton. It is an important Bill that I personally support. I spoke in the debate on the previous Bill that Pat Glass was trying to take through Parliament. The critical feature of this Bill is to defend the number of Members of Parliament in this House. Is it not something else when, over the weekend, extra unelected Members of the House of Lords were created? Is it not something when this Government want to cut the number of directly elected Members of Parliament while increasing the number in that absurd circus down the corridor? Apparently, this is all because they are embarrassed by the successive defeats that they have suffered at the hands of the House of Lords. Apparently, they are not the right type of legislators, so the Government are going to appoint the right type of legislators. Is that not utterly absurd?

**Mr Bone:** The first half of the hon. Gentleman speech, when he was talking about the money resolution, was great. On his later point, however, I understand that my party has created seven or eight peers, yet only one of them is a Brexiteer.

**Pete Wishart:** I can sense the hon. Gentleman's pain as a result of all this.

I have seen a petition signed by 150,000 people across the country who are calling for the abolition of the House of Lords. I have listened keenly to the hon. Member for North East Somerset (Mr Rees-Mogg), who has now started to suggest that there is something perfidious about the nature of the House of Lords. He now has doubts about its constitutional role. I think that the Government are on their last legs when it comes to this. Perhaps there is a coalition across this House that might be able to deal with this question adequately. There are only 22 countries across the world that have a Chamber like the House of Lords. In having a fully appointed Chamber, we are in the company of the Russias, the Madagascars, the Omans and the Saudi Arabias. That profoundly embarrasses this country, and it has to be addressed. How dare we have the gall to lecture the developing world about the quality of its democracy when we have that absurd institution down the corridor?

I want to say something ever so gently and I hope in a friendly way to my friends in the Labour party: what on earth are they doing appointing Members to that absurd circus? They are just as culpable as the Government when it comes to putting more people into that absurd institution. Comrade Lords are taking their places with the nation's aristocrats, party donors, bishops and failed politicians, and backing the sound socialist values of deference, knowing your place, forelock-tugging and the hereditary principle. Well done the Labour party! Is that not something else to be proud of? Until they stop putting people in the House of Lords, they are no better than the Conservatives.

**Jeremy Quin** (Horsham) (Con): I understand the hon. Gentleman's principled objection to the House of Lords and what comes out of it. Can we therefore take it as read that he will oppose any amendments that come through from the House of Lords on any legislation?

**Pete Wishart:** That is an absurd argument. This is what it comes to. The Conservatives want to abolish the House of Lords not because it is an absurd circus and an embarrassment; they want to abolish it because it is doing the right thing. That is how absurd this is.

This Government apparently want to cut the number of directly elected Members of Parliament in this House just at the point when our workload is about to dramatically increase as we get rid of our 73 Members of the European Parliament as a result of this Government's clueless Brexit. The responsibilities that are currently exercised by our MEPs will have to be dealt with by an even smaller pool of Members of Parliament.

**Alec Shelbrooke:** May I clarify a point that the hon. Gentleman has just made? Is he suggesting that, even after the vote for Brexit, we should keep our MEPs?

**Pete Wishart:** Of course I am not saying that. I am not sure what the hon. Gentleman is missing in all this. We have 73 members of the European Parliament just now, but they will soon be gone. He and I, and all other Members of this House, will therefore have an increased workload. There will be more scrutiny work for Select Committees, for example. The size of the Executive will be the same, because there are no proposals to cut the size of the Government—

**Mr Speaker:** Order. I say gently to the hon. Member for Perth and North Perthshire (Pete Wishart) that if I am being charitable I will say that he has been diverted from the path of virtue by the spontaneous intervention from the hon. Member for Elmet and Rothwell (Alec Shelbrooke). Periodic animadversion to the membership of the House of Lords is one thing, but a constant and unceasing dilation upon it is another. The former is orderly; the latter is not.

**Pete Wishart:** I am grateful for your guidance, Mr Speaker, and I will not be driven to speak further about the House of Lords by any hon. Member—at least until the end of this debate.

In conclusion, Parliament's credibility is on the line. The affection that the public have for this House is being called into question due to how we deal with such things. The public like the private Member's Bill system. They want more of it, not less of it. They want the Government to be supportive and enabling; they do not want them to stymie or to block things with all manner of procedural techniques. Why do we not vow today that we have a lot of affection for our private Member's Bill system and that we want to see it work? We should support it, and we should start by ensuring that if a Bill gets past its Second Reading, it receives a money resolution and gets through.

Several hon. Members *rose*—

**Mr Speaker:** Order. After the next speaker I will impose a time limit on Back-Bench speeches which, as things stand, will probably be of the order of eight minutes or thereabouts. However, the hon. Member for Harwich and North Essex (Mr Jenkin), the Chair of an illustrious Select Committee, has slightly greater latitude, which I know he will not abuse.

6.10 pm

**Mr Bernard Jenkin** (Harwich and North Essex) (Con): Thank you, Mr Speaker, and I say to the hon. Member for Perth and North Perthshire (Pete Wishart) that I hope that he and his colleagues from Scotland will continue to avail themselves of the opportunity to propose private Members' Bills in this House for a great many centuries to come.

This debate is confined to the narrow question of money resolutions for private Members' Bill. We are not here to debate constituency boundaries, even though you have allowed a certain amount of latitude, Mr Speaker, but I should draw the House's attention to a report published by the Public Administration and Constitutional Affairs Committee in February entitled "Parliamentary Boundary Reviews: What Next?" The report stated that the Government cannot be confident that the House of Commons will support the implementation of the present boundary recommendations in the autumn, concluding that

"if it moved quickly, it would be possible for the Government to introduce new legislation to allow for a new boundary review and for it to be implemented prior to a 2022 election"—

or a 2021 election. We also concluded that any proposals "would need to be properly debated by Parliament and a consensus reached"

but that there are

"serious problems with using the existing boundaries for a further election in 2022"

or 2021. Our sole recommendation was therefore that

"the House of Commons should be given an early opportunity to debate the options for reform and to decide whether or not to continue the current boundary review. In doing so the House would need to consider the potential risks of legislating, and establish if consensus can be reached in time for legislation to be passed before the summer. The Government should consider if the Parliamentary Constituencies (Amendment) Bill—

the Bill presented by the hon. Member for Manchester, Gorton (Afzal Khan)—

"could provide such an opportunity."

The purpose of that recommendation was simply to draw the House's attention to the position that we are in. The Government are in danger of leaving the House of Commons with Hobson's choice when it comes to the timetabling of a vote on the boundary review, which will be in September or October, because it will be very late indeed—if not impossible—to legislate for an alternative boundary review. Nevertheless, it is entirely plausible that the House will vote down the 2018 boundary review.

On 17 February 2000, Oasis were at No. 1 and Tony Blair had not yet been Prime Minister for three years. If somebody born on that day was elected in 2022, they would be younger than the data used to formulate the boundary review. However, that would not be a democratic disaster. Democracy would still work and people would still vote intelligently in their constituencies, but we would be failing in our duty to provide a fair democratic system that commands the public's confidence.

I rather lament the partisan division that has opened up over the boundary question, and we in the Conservative party must share a measure of responsibility for that. An arbitrary limit of 600 was set in order to "reduce the cost of politics", but—let's face it—there was something of an electoral gimmick in that proposal and it did not command confidence. The 5% variation between the size of constituencies that we included in our legislation was extremely controversial, and we have lost some of the consensus around boundary reviews that I used to see in my earlier years in the House.

I am bound to say that there is a certain amount of pots and kettles in all this, and if the Labour party is genuinely seeking a consensus, it could provide the Government with an assurance about how a new boundary review might proceed. I hope such conversations are going on. For example, to use a new boundary Bill as a Christmas tree for things that the Labour party would like to its electoral advantage would undermine confidence in that consensus, but conversations should be happening. That would be better than this rather scrappy debate, which does not serve this House's reputation well.

**Chris Bryant:** I wholeheartedly agree with what the Chair of the Public Administration and Constitutional Affairs Committee has already said, not least because unless we are able to provide a consensus on such matters there will not be a lasting constitutional settlement. What does he think would happen if the boundaries were voted down in September or October, as was suggested on Second Reading of the Parliamentary Constituencies (Amendment) Bill, and there were to be a general election next year or in 2020? What boundaries would be used then, and what political confidence would the nation have in them?

**Mr Jenkin:** I have made that point already. There would be no democratic disaster; we would not be going back to 1832 and rotten boroughs, for goodness' sake. The boundaries would just be rather old. The electoral data in our constituencies would be up to date, but the data used to draw the boundaries would be out of date. Government Members have argued that traditional boundary reviews have been carried out with rather unequal constituencies, and there is a consensus, as represented by the Parliamentary Constituencies (Amendment) Bill, that constituencies should be more equal—that point has been conceded.

I hope that there is a consensus, but the danger is that we are losing the opportunity for this House to make serious choices while we wait for the boundary review. It would be entirely legitimate for my right hon. Friend the Leader of the House to say that we should not commit to spending more money on a new boundary review until we have decided on the old one. I am simply saying what my Select Committee recommended, which is that we bring forward the decision. The shadow Leader of the House, the hon. Member for Walsall South (Valerie Vaz), is nodding, but her party has many opportunities to put something on the Order Paper that would make that decision. She has sat on this report since February, so why have the Opposition not done something more proactive if they feel so strongly about this? *[Interruption.]* The hon. Lady is now looking aghast, but there are Opposition days on which a resolution could be tabled to give the House the opportunity to decide on the matter.

I just want some consensual, grown-up discussion, and I do not see much of a future in continuing the scrappy discussion that we have had so far. The Select Committee's report has received a formal response from the Government, and we will be considering it soon. I am advised that I cannot refer to it, but I say, "Don't hold your breath." I think it leaves the Government with room for manoeuvre to be flexible and adaptive to the present situation, and I hope that my right hon. Friend the Leader of the House will take that message back to the Cabinet.

**Several hon. Members** *rose*—

**Mr Speaker:** An eight-minute limit will now apply to Back-Bench speeches.

6.19 pm

**Mr Khalid Mahmood** (Birmingham, Perry Barr) (Lab): It is always a pleasure to follow the hon. Member for Harwich and North Essex (Mr Jenkin).

I thank my hon. Friend the Member for Manchester, Gorton (Afzal Khan) for securing a debate on this very important issue after the House voted overwhelmingly in support of his private Member's Bill. It is unfortunate we have had to have this debate because of the Government's wrongful persistence. I thank you, Mr Speaker, for allowing last week's Standing Order No. 24 application and for granting this debate. It is extremely important that we are able to discuss this issue.

Having listened to the Leader of the House speak of all the great things she has awarded Parliament and this Chamber, of the Bills she has allowed and of how gracious she has been, I should perhaps be on bended knee to await her grace and favour. I am aghast that I should even be here to question this situation.

Unfortunately for the Leader of the House, we are not in China. We are the longest-serving democracy in the world. We are the mother of Parliaments. Parliament is supreme, and her job as Leader of the House is to convey those things—not to block, and not to stand for the Executive rather than listen to the voice of this Chamber. In her speech she mentioned only what has been put forward by the Executive and the reasons why she is still not able to say, "Yes, we will grant this money resolution because it is the overwhelming will of this Chamber that we do so."

I do not want to deviate too much on the boundary change issue, to which the hon. Member for Harwich and North Essex and others have alluded, but these are the figures on which the boundary commissions have been working: 46,107,152 people were registered to vote in 2011; and in 2017, 46,826,481 people were registered to vote, a 2.67% change. This year's electoral registration figure is 46,148,035, which means the number of people able to vote has reduced.

The big issues for the boundary changes are, first, the number of people actually on the electoral register and, secondly, how registration has happened over the past eight years and how this Executive have made it difficult for people to register to vote. That is the real problem that the Leader of the House needs to address, and she has not yet done so.

Members on both sides of the Chamber have mentioned the cost factor. The Government say the cost of Parliament is too high. Will a Government Member stand up and tell me how many Members have been appointed to the other place since 2010? What is the cost of those appointments?

**Mr Harper:** Owing to the cost-saving measures implemented both in this House and in the other place, the cost of the other place has actually reduced and not gone up over time, notwithstanding the increase in the number of Members.

**Mr Mahmood:** More wishful thinking, rather than trying to address the question.

**Mr Harper:** Will the hon. Gentleman give way?

**Mr Mahmood:** No. The right hon. Gentleman cannot tell me how many people have been appointed. He cannot tell me the cost of the people who have been appointed. Members of Parliament have a specific role. Unlike Members of the other place, we serve the interest of our constituents and we look after their needs. Our constituents come to us at our surgeries. My constituents continually come to my office, which is open five days a week from morning till afternoon—my office has some of the highest caseloads in the country. As has been mentioned, Members of the European Parliament will soon no longer exist, and we will take on their work load. This is not an issue of arbitrarily trying to reduce the size of the House by 50 Members. To be a proper democracy we have to be held to account. To be able to move forward, we have to think about how we address the needs of the people we represent.

The Government's proposals would dilute the democratic process, which is why the private Member's Bill of my hon. Friend the Member for Manchester, Gorton is important. The Bill would address the size of

[Mr Khalid Mahmood]

constituencies and the number of Members. There would be a 7.5% deviation in the size of constituencies, so the boundary commissions need proper, accountable figures. A census should be taken so we have the right sort of numbers that we can trust. The Bill would allow young people to come on to the electoral register, and the registration mechanism needs to be properly addressed to allow that to happen. That is a key issue.

Another key issue is the number of people we have appointed to the other place and the cost of doing so, and the right hon. Member for Forest of Dean (Mr Harper) could not answer my question. Democracy has a cost, and democracy is not about saving money. It is important for our people that they are democratically represented. That is what this country is about; it is not about making the House smaller and smaller, which would mean people cannot get to their Member of Parliament. On top of that, our constituents have to deal with austerity cuts on a day-to-day basis. We have seen a huge number of people coming forward about that, and now the Leader of the House tells us that austerity will now apply to private Members' Bills because we do not have the money.

I could tell the Leader of the House about the issues in my constituency and how the Boundary Commission for England has completely torn asunder the communities in my constituency, but that would take much more time than Mr Speaker wishes me to have, so I will heed his advice.

The Leader of the House needs to be mindful of understanding the issues. She needs to look at granting a money resolution, as is the will of the House, and she must allow sufficient time for the Bill to be passed.

6.26 pm

**Chris Skidmore** (Kingswood) (Con): I thank the independent Boundary Commission for its hard work on this long-standing review. The Boundary Commission is staffed by independent civil servants, and any accusations of so-called gerrymandering do them no favours.

Not only has £5 million already been spent on the review—the review will cost £8 million by the end, and it would be a waste of money to pause the process—but there has been a record number of submissions to it, around 45,000, many from Labour Members supporting the proposals for their own constituencies. It is right that we have that democratic process and several rounds of consultation.

This review first started in February 2016 but, as the House knows, it is not the first review. History will not be kind to us, as a House, when it looks back on such occasions. I first entered this place eight years ago and, looking on the Back Benches, I see several other former Ministers who had responsibility for the constitution, not least my right hon. Friend the Member for Forest of Dean (Mr Harper).

I was a Back Bencher when I first voted on the Parliamentary Voting System and Constituencies Act 2011, which legislated for the initial reduction from 650 seats to 600, thereby saving the taxpayer £13 million a year, and more than £60 million over the course of a Parliament. I thought we had done the right thing then, but I was wrong because, come 2013, there was another vote in

which Opposition Members—including Liberal Democrat Members who are not present today, and not only because there are far fewer of them to contribute—overwhelmingly voted for a review of a 600-seat House in 2018.

Opposition Members voted to delay the review and, having reached this point, they now want to kick the can further down the road.

**Chris Bryant:** I ask the question again: if the Boundary Commission proposals are not carried in September or October 2018, as seems likely following the result of the Second Reading vote on the private Member's Bill of my hon. Friend the Member for Manchester, Gorton (Afzal Khan), how many parliamentary constituencies will there be under the law in a general election held next year or the year after—650 or 600?

**Chris Skidmore:** As we know, the current rule will mean there will be 650 and it will remain that way. It is a disgrace that, as my hon. Friend the Member for Harwich and North Essex (Mr Jenkin) said, we are still using demographics going back to February 2001 for our general elections. I was 18 when that last boundary review was passed and, historically, we have never been in this position before—this is unprecedented. We have gone far past the situation of the 1970 decision to delay the 1958 review, and the current delay is unacceptable. Constituencies near that of the hon. Member for Rhondda (Chris Bryant) have historically been small. For instance, Arfon has 38,000 constituents whereas North West Cambridgeshire has 95,000. It is unacceptable that when it comes to our parliamentary representation—

**Mr Bone:** This is an interesting debate on boundary reviews, but may I ask my hon. Friend what on earth it has to do with a money resolution for a private Member's Bill? Is he in favour of that being laid tonight or not?

**Chris Skidmore:** No, simply because, as I have stated, it is right that we allow the boundary process, which is only 14 weeks from completion and the Order in Council being laid, to carry on unhindered. Those independent civil servants deserve Parliament's support. They deserve our providing consistency and not mucking around with this process once more. They deserve the opportunity to have this vote, as do our constituents who voted, through manifesto processes in 2017 and 2015, to restate the case for a reduction in the number of parliamentary constituencies. Whenever that vote takes place between 1 September and 1 October, I ask every Member of Parliament who is going through the Lobby to think about how they are going to vote. Our constituents are not going to thank us if we turn around and say we want to increase the number of MPs and that we think it is totally fine that we have 650 Members of Parliament, whereas in France Emmanuel Macron is claiming that 550 representatives are too many and he wishes to cut that number by a third.

In my local authority of South Gloucestershire, residents voted for a ticket whereby the Conservative council administration has successfully taken forward a local government boundary review reducing the number of councillors by 10%, from 70 to 63. That is right because it is cutting the cost of politics and we should also do that in this House. In the vote, Members should look themselves in the mirror and think, "Do I wish to be an

MP who has to turn around and say to my constituents that I voted to protect my job and a bureaucracy, when Chambers across western Europe are looking in the other direction and reducing the number of elected representatives?"

6.32 pm

**Alex Norris** (Nottingham North) (Lab/Co-op): Let me start by congratulating my hon. Friend the Member for Manchester, Gorton (Afzal Khan), on securing this debate and on the vigour with which he pursues this esoteric yet important issue. At the moment, Mr Speaker, he and I share a standing engagement, Wednesday at 9.30 am, but it is not for tennis, as you might like, nor is it for five-a-side football or even for a nice brisk run as is my preference. Instead, we go to the Committee Corridor every Wednesday to consider the Parliamentary Constituencies (Amendment) Bill. It is trapped in parliamentary purgatory: having been overwhelmingly supported on Second Reading, it has been denied a money resolution by the Government. So we meet but we cannot advance the process. We discuss this point briefly and then adjourn, and then we do it again the following week—it is rinse, wash, repeat. We are booked in for Wednesday and I know there will be room in the audience for hon. Members to observe us doing this.

At the first meeting, the Minister responsible for this Bill, the Parliamentary Secretary, Cabinet Office, said that no such resolution would be forthcoming as there is already a similar process in train to the one that my hon. Friend seeks to commence. That is an argument the Leader of the House has made today, but there are two significant holes in it. First, the case being made by the Government is not an argument against a money resolution being tabled; it is an argument against voting for a money resolution. It is perfectly reasonable for the Government to think this process should stop and that it would be a bad bit of legislation, and indeed the hon. Member for Kingswood (Chris Skidmore) made a passionate argument against it. In which case, let us divide on the matter. But the Government refuse to bring forward that Division, which shows either that they know their argument is weak or that they cannot win a vote—or perhaps it is both those things. Either way, that is not a reason to withhold a money resolution.

Secondly, when the House overwhelmingly voted for this Bill on Second Reading, it did so knowing all the arguments that have been made here. This place was well aware of all of them, be they about finances or the nature of the review that is already in progress. We knew all those things—they are not revelations—yet this House divided and chose overwhelmingly to continue with the process. Now that is being thwarted because it is not convenient for the Executive; the will of this legislature does not fit with what the Executive want and, therefore, on a point of procedure, it seems it must be stopped. That is a particularly unsatisfactory state of affairs.

Prior to coming here, I thought that the best argument for codifying our constitution was to protect this place, and the public's will, from an overbearing and overly strong Executive, but after a year here I have seen that a weak Executive—in terms of not commanding a majority—are just as dangerous to Parliament. Over the year, we have seen that this Government will do lots of things to get through the week: when they lose votes in the Lords,

they make more Lords; when they lose votes in the Commons, they rely on secondary legislation; when the Opposition pray against secondary legislation, the Government make it hard to get it on the Floor of this House; when the Government are probably going to lose an Opposition day debate, they do not contest it; and when they might not want to hear what is said during an Opposition day debate, they put a statement on to reduce the time for it. All of those things are not really becoming in a Government; they are desperate acts of a weak Government.

Across this place, all 650 Members, with their different personalities and different reasons for being here, hold different roles: some are in the Government and some are in the Opposition; some are Front Bench and others are Back Bench; and there are first-time Members like me and grizzled veterans, like others. Whatever category we fall into we have one thing in common: we are custodians of this place. As such, we should treat it with respect and not weaken it in the pursuit of our own self-interest. With that in mind, I will be keeping my standing engagement with my hon. Friend the Member for Manchester, Gorton, hoping to move this Bill forward in line with the will of this place. It is time the Government tabled the money resolution to allow us to do so.

6.36 pm

**Colin Clark** (Gordon) (Con): I am delighted to follow the hon. Member for Nottingham North (Alex Norris), and I hope he does not include me as one of those "grizzled" old Members. I am a new Member, too, although, obviously, I am substantially older than he. I recently celebrated a birthday, but it was not my 50th, as some have suggested.

I wish to applaud this UK Government for their willingness to engage with many of the private Members' Bills put forward during this Session. As has been mentioned, from the Parental Bereavement (Leave and Pay) Bill promoted by my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake) to the Assaults on Emergency Workers (Offences) Bill put forward the hon. Member for Rhondda (Chris Bryant), we have seen this Government show they can work with Members of all parties to make real progress. Those are, quite simply, examples of this House at its very best, so I do not accept the idea that this Government are riding roughshod over this House, and I certainly do not do so on the grounds that there has been no money resolution for the Parliamentary Constituencies (Amendment) Bill.

The Government have been happy to provide money resolutions for a number of private Members' Bills, but we also have a manifesto commitment to continue the boundary review process, as I recognise. I am glad to see that reducing the cost of politics will be achieved by leaving the EU; we in this place are positively frugal compared with our MEP colleagues. The hon. Member for Perth and North Perthshire (Pete Wishart) would pull 59 MPs out of here, which would probably save a fortune. I am glad to see that he now defends this place so passionately against the decisions of the other place. It is simply common sense to let the boundary review continue and then consider how to proceed once the Boundary Commission has reported. As other Members have mentioned, rebalancing constituencies is essential, although some may question the reduction from 650 to 600. The UK Government have not dismissed this

[Colin Clark]

private Member's Bill out of hand; all they are doing is saying, entirely reasonably, that we should wait for the boundary review process, which is still going on, otherwise we would have a clear case of putting the cart before the horse: pre-empting the Boundary Commission's recommendations would be not only a waste of money but disrespectful to the Boundary Commission. I therefore do not accept that the UK Government are out of line for not providing a money resolution. Frankly, if hon. Members want to see a Parliament whose independence from the Executive is being undermined by a minority Government, they would do well to look at Holyrood, where they would see a fine example of it.

If we accepted the case that has been made, the Government would have to duplicate the commission's work—there is absolutely no point in doing that—and needlessly spend anything between £5 million and £8 million, as we have heard. I encourage the commission to report substantially before October, if it can, to give us more options. It should embrace the mood of Parliament and broaden the options from the 2017 position. The commission must be pragmatic about the support that it has in this place, but we must wait to hear what it says.

6.40 pm

**David Linden** (Glasgow East) (SNP): I commend the hon. Member for Manchester, Gorton (Afzal Khan) on securing this debate, and thank you, Mr Speaker, for granting time for us to debate this issue under the auspices of Standing Order No. 24. I am disappointed that it has had to come to an emergency debate, but let us be honest: it is the Government's pig-headedness on this issue that has brought it to the fore. I say that as a member of the Public Bill Committee that is considering the boundaries Bill, which is in political purgatory.

The Parliamentary Secretary, Cabinet Office, the hon. Member for Norwich North (Chloe Smith), has shown nothing but utter contempt for the will of Parliament, which agreed unanimously to the Bill's Second Reading. I must say to the Leader of the House that the spectacle of a Minister sitting in Committee doing her papers and saying nothing demeans her office and shows what little respect the Government have for Parliament. Far from Parliament taking back control, we see Ministers simply taking the proverbial. Rather than behaving like a humbled minority Government, Ministers are constantly riding roughshod over parliamentary democracy. They have simply not come to terms with losing their parliamentary majority. I say that humbly as someone whose party lost its majority in the Scottish Parliament in 2016.

The UK Government started by buying off the Democratic Unionist party but continued to give it Opposition Short money, and they continue with the charade of DUP Members sitting on the Opposition Benches. To my recollection, the only time the DUP has not voted with the Government was on the Women Against State Pension Inequality Campaign, when the House unanimously passed a motion saying that the women of the 1950s generation should be looked after. The Government ignored that, and thereby continued to perpetrate an injustice against the 1950s WASPI women.

After setting up their grubby confidence and supply agreement with the DUP, the Government began to gerrymander Select Committees, after a lengthy delay in

their being set up. The Procedure Committee, of which I am a member, has had to launch an inquiry into the establishment of Select Committees, because of the Government's actions.

The Government have said that they will just abstain from or, indeed, ignore all Opposition day votes. Is it not remarkable that the Government chose to break that self-imposed convention only when it came to the motion on the release of data about the injustices perpetuated against the black faces of the Windrush generation? The first time the Government chose to take part in an Opposition day vote was to prevent that information from being published.

The real anger in this place today relates to the boundaries Bill, because Ministers want to reduce the number of MPs while they increase the payroll vote of trade envoys and Parliamentary Private Secretaries. Ministers want to reduce the number of MPs while they simultaneously stuff more people into the House of Lords. On Friday last week, when all eyes were on a royal wedding, Labour and the Tories quietly put out the news that they were ennobling another 12 peers on £300 a day. We have the grotesque sight of Corbynite Labour comrades donning the ermine while people in Glasgow are going hungry as a result of British Government austerity.

In recent months, the Government have filibustered debates on votes at 16 because—I do believe this—a clear majority of MPs in this House now supports votes at 16. The Government are too scared to put the issue to a vote. That is exactly what happened to the private Member's Bill introduced by the hon. Member for Oldham West and Royton (Jim McMahon). Now, we have the deeply worrying development of the Government withholding of money resolutions for Bills that they could not defeat on Second Reading. Rather than killing the Bill, the Government could at least give it a money resolution and allow it to be debated in Committee. That would allow Committee members to consider the Bill, clause by clause, and amend it if necessary. If at that stage the Government do not support the Bill, they can vote it down on Third Reading.

All these people in the House talk about Parliament taking back control, but I am not really seeing a huge amount of evidence. The Government are already running out of steam—so much so that one transport Bill has been carved into four separate Bills, simply to beef up the legislative programme. We have a Government who are running scared of Parliament, whether by not recalling Parliament to debate Syrian air strikes or in the form of a zombie Parliament with endless meaningless general debates, which make this place look more like a university debating society.

The reality is that Westminster is a place of limited democracy, and the British establishment has rapidly run out of steam. I say to the Leader of the House that Scotland can be governed differently and efficiently, with a fairer Parliament that has the powers of independence, and the powers to conduct the legislative process in a way that is respectful of not only its Members but the people we seek to represent. The sooner we are free from this, the better.

6.45 pm

**Mr Jacob Rees-Mogg** (North East Somerset) (Con): I am going to talk about the constitutional point in relation to money resolutions, rather than the virtues of

the private Member's Bill of the hon. Member for Manchester, Gorton (Afzal Khan), and about the difficulty related to that Bill being a private Member's Bill. In promoting his debate earlier, the hon. Gentleman said that the situation was democratically quite improper, that the procedures were being ignored, and so on and so forth, but that seemed to me rather to ignore the point that it is usually the practice of this House that the Committee stage of a constitutional Bill is considered on the Floor of the House, just as the Act that the hon. Gentleman's Bill seeks to amend was. After Second Reading, the hon. Gentleman did not, as he was entitled to—as it happens, as I have done on several occasions—move that his Bill should be put before a Committee of the Whole House, which would have been the correct procedure for a constitutional Bill.

In respect of the money resolution, we are dealing with the most ancient practice of this House and of the constitutional division between the Crown, as represented by Ministers, and the responsibilities of Parliament. Although in this country we do not have as formalised a separation of powers as they have in the United States, none the less we have a separation of powers between that which is done by Ministers and that which is done by this House. What is the role of the House historically? It is to seek redress of grievance and to achieve that redress of grievance by preventing the Government from getting or spending money, or by forcing the Government to change the law to implement that redress of grievance. It is not and never has been the role of this House to seek to force the Government to spend money; the House has always responded to requests to do that.

Therefore, we turn to chapter 32 of "Erskine May", on page 711, where things are set out extremely clearly. Under the title "Financial Relations Between the Crown and Parliament", it says:

"It was a central factor in the historical development of parliamentary influence and power that the Sovereign was obliged to obtain the consent of Parliament (and particularly of the House of Commons as representatives of the people) to the levying of taxes to meet the expenditure of the State. But the role of Parliament in respect of State expenditure and taxation has never been one of initiation: it was for the Sovereign to request money and for the Commons to respond to the request. The development of responsible government and the assumption by the Government of the day of the traditional role and powers of the Crown in relation to public finance have not altered this basic constitutional principle: the Crown requests money, the Commons grant it, and the Lords assent to the grant."

Then there appear in "Erskine May" the rather dubious words "In more modern terms", before it goes on to say that

"the Government presents to the House of Commons its detailed requirements for the financing of the public services; it is for the Commons, acting on the sole initiative of Ministers, first to authorize the relevant expenditure (or 'Supply') and, second, to provide through taxes and other sources of public revenue the 'Ways and Means' deemed necessary to meet the Supply so granted."

**Mr Bone:** I do not disagree with anything that my hon. Friend says, but he refers to the situation for Government legislation. When it is a private Member's Bill, the convention and tradition of this House, which I hope my hon. Friend supports, is that a money resolution is laid. That does not mean that the money is granted; that is up to the House to debate and then divide on. Does he not accept that point?

**Mr Rees-Mogg:** No; I disagree fundamentally with that point. That is why our Standing Orders are as they are. If we look at Standing Orders Nos. 48, 49 and 50, we can see that the requirement of public money is given only at the express request of the Crown, because regardless of whether it is a private Member's Bill or a Government-initiated Bill, the principle is the same.

**Chris Bryant:** I would argue that one problem with how we do our business is that we do not afford enough scrutiny of the way in which the Government seek expenditure. We are simply unable to fillet things out, which is why we have not voted against estimates for a very considerable period of time. Does the hon. Gentleman agree with the simple proposition that, if the number of MPs is reduced, the number of Ministers should also be reduced?

**Mr Rees-Mogg:** I am grateful to the hon. Gentleman, who is a great constitutional expert, but his point is completely irrelevant to this debate, which is on money resolutions relating to private Members' Bills. He seeks to widen it to the virtues of the Bill that is being considered, but we need to focus on this basic constitutional principle, which is at the heart of how this place operates.

A Government elected on the basis of popular suffrage come to the House with their demands for expenditure. We as Parliament and the House of Commons hold that Government to account for the expenditure they wish to have. It has never been the role of the House to say that money should be spent if the Government do not wish to propose it.

**Pete Wishart:** What about the sovereignty of the House, which is an underlying principle for the hon. Gentleman? Does that not matter? If this House decides something, should it not have its way?

**Mr Rees-Mogg:** The hon. Gentleman is not focusing on the totality of the constitution. The sovereignty of this House is there to give confidence to the Government of the day. If the Government do not have the confidence of this House, they fall. Therefore, if the Government do not operate correctly in bringing forward their requests for expenditure in terms of their dealings with this House, or if the House does not approve, the Government change.

**Mr Kevan Jones** *rose*—

**Mr Rees-Mogg:** I will not give way again because time is short, much as I would like to give way to the hon. Gentleman.

The point of the constitutional differentiation—the separation of powers—is that, as long as the Government command the confidence of this House, they are the sole proposer of expenditure.

**David Linden** *rose*—

**Mr Rees-Mogg:** I will not give way again.

**Pete Wishart:** What about sovereignty?

**Mr Rees-Mogg:** Of course we are sovereign, but we are sovereign in that we have the ability to dismiss the Government.

[Mr Rees-Mogg]

The separation of powers is very important. If we allowed the House to do all that the Government try to do, we would in effect not have an Executive. We would simply have Committees of the House trying to run the whole Government, which would be completely impractical and a novel constitutional experiment. For very good reasons, we have the Standing Orders we have. The hon. Member for Perth and North Perthshire (Pete Wishart) rightly said that we can change our Standing Orders—we can change Standing Orders Nos. 48, 49 and 50 so that money resolutions are not needed.

**David Linden** *rose*—

**Mr Rees-Mogg:** I have so little time—I apologise.

The House has decided not to change its Standing Orders because it recognises that the constitutional settlement works well. The British people give a mandate to the Government. That mandate is represented through this House. That Government then come to this House seeking to push through their agenda. The House holds them to account and supports or opposes their expenditures. We would be turning our constitutional settlement on its head if we decided that the powers of the Executive are to revert to the legislature. We are here to seek redress of grievance and to hold to account. We are not here to mimic, replace or take over the functions of the Government. Therefore, it is our role to say to Her Majesty's Government: "You are right. You are preserving the constitution. You are following the constitutional norms."

My hon. Friend the Member for Wellingborough (Mr Bone) made a point about conventions. The one he mentioned is observed more in the breach than in the observance. It has been ignored on many occasions because it is not a rule of this House or of the constitution. That an application for expenditure lies with the Government is not only a rule of the constitution, but a cornerstone of it. Let us preserve our constitution.

6.54 pm

**Emma Hardy** (Kingston upon Hull West and Hessle) (Lab): It is a pleasure to follow the hon. Member for North East Somerset (Mr Rees-Mogg).

In my 11 years as an infant teacher, I found that one of the lessons that children find the hardest to learn is that, just because they do not get the outcome they want does not mean that they get to change the rules. Sometimes there were tears and tantrums, but I have insisted with my own children that they cannot change agreed and established rules part of the way through a game just because they want to win. I would not want to draw any comparison between immature, tantruming children who disregard rules and our Government—that would be unfair to children everywhere.

The principle of accepting that we must all learn to follow the rules, even when it makes us incredibly cross and we do not want to, is crucial. Our constitution is an unwritten one. Some might say that it is based on the trial and error and political victories of our history. It is definitely true that aspects of the constitution have been written to suit the holders of political power at different points in time, but it is even more true that the enterprise has kept working because it is underpinned by shared values and democracy. I celebrate the fact that successive

Governments have put aside political advantage for the good of the country and for the survival of this, the mother of all Parliaments.

The Parliamentary Constituencies (Amendment) Bill, introduced by my hon. Friend the Member for Manchester, Gorton (Afzal Khan), has led to this debate. It is through that scope and the question of democracy and representation that this debate must be viewed. That is why I am saying to the Government today that they should put calculations of their political advantage aside and do what is right for our country.

The Government introduced the boundary review in a previous Parliament, under very different political conditions, the biggest difference being that it happened before we voted to leave the EU and therefore to get rid of all our MEPs. It is not a replicating review because it is based on 650 seats, not 600. The comments about money are a red herring, because if the Government introduce the money resolution and vote against it, they will not have spent any money.

Our constitution is based on the idea that Parliament is sovereign, that it will be bound by no previous Parliament and that, to paraphrase John Maynard Keynes, when the political facts change, it can change its mind. That is what the House was doing when it agreed on Second Reading to my hon. Friend's Bill on 1 December last year by 229 votes to 44.

The Government must not continue to play political games in the face of such a clear mandate from the House by not bringing forward the money resolution. I argue that we desperately need more MPs rather than reducing the 650. In my constituency, not everybody who comes to me for help is on the electoral register. In fact, Home Office delays take a huge amount of my time and work in my constituency, yet none of those people are counted under the boundary reviews in the changes.

The Government do not need to support the money resolution. The terms of the convention make it perfectly possible for the Government to introduce the resolution and oppose it. Many on the Treasury Bench would fancy themselves as statesmen or stateswomen. Indeed, their manifesto prominently featured the words "in the national interest". If they truly believe that it is not the will of the House that boundaries should be changed, and if they believe that they have the numbers to stop it, they can table the resolution and demonstrate it to us. Bring it on. To do otherwise is cowardly and simply undemocratic.

6.58 pm

**Alec Shelbrooke** (Elmet and Rothwell) (Con): This has been a wide-ranging debate. The hon. Member for Manchester, Gorton (Afzal Khan)—I congratulate him on introducing the debate—spoke about the reduction of the number of seats and directly about his private Member's Bill bringing the number to 650, which has slightly muddied the waters when we look at money resolutions.

My hon. Friend the Member for North East Somerset (Mr Rees-Mogg) put it better than I possibly could when he quoted the facts. There is a responsibility on the Government to put in place the checks and balances on how legislation comes forward. As has already been said, we are but weeks away from a boundary review decision being taken in this House. The Government's

position is not to dismiss out of hand the Bill of the hon. Member for Manchester, Gorton, but to say that now is not the time to bring it forward, as we should wait until this decision has been made.

We are a very long way down the line. The Parliamentary Voting System and Constituencies Act was first debated in 2011. I was elected in 2010, so it seems to have travelled through my eight years in this Parliament. Obviously, there is much doubt about whether the order will pass with the proposal to reduce the size of the House to 600 seats. It is a crying shame that, among all other things, we may still end up in a situation whereby we have such unequal seats.

Those who have done election monitoring with the OSCE will know from the Venice Commission of the Council of Europe that the maximum difference between seats should seldom exceed 10% and should never exceed 15%. Of course, we are in a situation whereby there are such differences. Let us look at two seats that I picked at random: Wirral West has an electorate of 55,995 and East Ham has an electorate of 83,827. That is a difference of 33%. This is not the time to debate the Bill promoted by the hon. Member for Manchester, Gorton. Amending the legislation to review the situation every 10 years does not really sit with the point about updating the registers every five years, but I do not want to get too involved with actually debating the Bill.

**David Linden:** This is the first speech from the Conservative Benches that has actually touched on what is contained in the Bill. The whole reason that Opposition Members want the Bill to go to Committee is so that we can consider it clause by clause. At the moment, we do not have the power to do that because of the Government's actions.

**Alec Shelbrooke:** I say very gently to the hon. Gentleman: patience. Later this autumn, the House will vote on the proposal for 600 seats, as was laid down in statute when the review was pushed forward to 2018. There remains to be very significant work, which may or may not have to be done depending on the outcome of that result. The hon. Member for Rhondda (Chris Bryant) has intervened a couple of times to ask what happens if that proposal is voted down. I believe the point he is making is that it is laid down in statute that the number of seats has to be reduced to 600 so, even if it is voted down, what are we going to do?

**Chris Bryant:** Well, if the Order in Council is voted down in the autumn, I think that the legislation will remain as it is and we will have 650 seats on very old boundaries and very old registers, until such time as the legislation is changed somehow or other by this House. That is not in the Government's interest; it is not in the Opposition's interest; and it is not in the interest of the country. I suspect that the Government will suddenly say, "Hello Mr Member from Manchester, Gorton. We'd like to introduce your Bill ourselves." That is what is going to happen; we all know it.

**Alec Shelbrooke:** I am most grateful to the hon. Gentleman, because that is the point that I am driving at. This has gone on for a long time. The reduction to 600 seats has been talked about in this House for seven years, and we are coming to the vote soon.

In my city of Leeds, I represent 80,000 people. The seat next doors represents 66,000 people—I am rounding the figures. A vote in my constituency is only worth one eighty-thousandth, while just next door a vote is worth one sixty-six-thousandth. That does not actually preach fairness in any way at all, and this goes back to the statistics I mentioned earlier.

My concern is that the politics that come to play in changing the number of seats and the boundaries does not end there. When we arrived at the situation of trying to equalise seats, we said that everybody should be roughly equally represented, which indeed is outlined by the Vienna Commission. But of course, how big seats should be used not to be laid down in law. Instead, it was done by looking at communities and bringing things together. When we move down the road of amending new legislation, we start to hear arguments such as, "Well, actually, let's not set an arbitrary figure by saying plus or minus 7.5%, 10% or 5%; let's just base it on communities." That gives an excuse to have very unevenly sized seats.

The Government are right to hold up the money resolution at this stage, simply because we are at the end of almost seven years of a process and a vote is coming to the House. I hope that the reduction to 600 seats is passed, because this has been long debated. In fact, I believe that it was the hon. Member for Rhondda who was at the Opposition Dispatch Box during our debates on the Parliamentary Voting System and Constituencies Bill. I do beg his pardon—I think he was actually there for the Fixed-term Parliaments Bill.

**Chris Bryant:** I did both.

**Alec Shelbrooke:** Yes, the hon. Gentleman did both. I sat through debates on both pieces of legislation. The issue has been well debated and we have to bring the vote forward.

If the Parliamentary Voting System and Constituencies Act 2011 falls, my concern is that we will rush into the Bill promoted by the hon. Member for Manchester, Gorton, start the process again and spend more public money on a process that has already taken years, got us to this point and may be voted down again. We could then see a Bill go to the House of Lords, probably get amended against the Government because there is such a large majority against the Government up there, and then say, "Actually, we're going to get rid of the idea of equalising seat sizes. We're going back to community sizes." We need to be more sensible when we are thinking about starting another two-year process.

Let us face it—this House is not going to vote for boundary changes 18 months out from a general election. That would be, as the hon. Member for Manchester, Gorton said, like turkeys voting Christmas. Somebody said that it is a very esoteric argument; it exercises us here, but it does not exercise the public. If the 2011 Act is voted down—I really hope it is not because this needs to be brought to an end and we do need to equalise seats—we should not just rush in and say, "Right we'll do 650 and carry on with the process." Instead, we should look at the whole thing. Is not one of the problems that when we in this House are voting on our boundaries, we have a fundamental clash of interests?

The reality is that we have now taken so long over this that there is barely a seat in the land that will not have a major change, no matter what it is. A few months

[Alec Shelbrooke]

out from an election, people think, “Hang on a minute. I’ve built this incumbency. I’m not going to change it at this stage.” Once again, we would end up fighting—as I believe will happen if the Act is voted down in October—the 2022 election on the boundaries that we have today. That would be hopelessly out of date.

We have to give serious consideration to what happens if the Act is voted down. We should not just rush into a private Member’s Bill on the basis of having 650 constituencies. We need to have a careful look at whether we should, in fact, enact a change that would always take place following the next general election and, crucially, that Members would not get to vote on. We could keep the decision for the independent Boundary Commission, which we can lobby and make changes to. That was done across the parties in Leeds and there were some matters on which the parties absolutely agreed. We should not rush into any changes if the Act is voted down.

The Government have every right to withhold a money resolution on a Bill that seeks to disrupt a piece of legislation that is seven years in the making and is just weeks away from being voted on in the House. As my hon. Friend the Member for North East Somerset said, we could be in a situation whereby we are simply not looking after the public purse, and where we are just spending money willy-nilly on the whim and political argument of the time. That needs to stop. After the vote, if the Government are defeated—I hope they are not—we need time to go away and think very carefully about what we do next. Let us be blunt: as it stands, this system is not fit for purpose.

7.7 pm

**Bambos Charalambous** (Enfield, Southgate) (Lab): As a relatively new MP, I am still trying to understand how Parliament works and, in particular, the way in which laws are made. One thing that is clear to me is there is very little chance of legislation being made without the support of the Government. As we all know, the Government control the legislative timetable. Apart from the 13 Fridays set aside for private Members’ Bills, there is no other opportunity for such Bills to become law. Even on those 13 Fridays, private Members’ Bills have virtually no chance of becoming law unless they have been lucky enough to have been drawn in the top 10 of the ballot of private Members’ Bills. Even if the Bill has been drawn in the top 10, there is still the prospect that it may be talked out or will not receive sufficient backing from Members.

For a private Member’s Bill to get through its Second Reading, it must first have been properly debated, which means at least four hours of debate. Secondly, there have to be 100 Members present on that given Friday to make the debate quorate. Thirdly, having overcome those hurdles, the Bill has to secure a majority of Members voting for it to proceed. These are all tall measures for a private Member’s Bill to overcome, so once a private Member’s Bill has navigated these obstacles—and bearing in mind the huge odds stacked against a private Member’s Bill to become law—the Government should surely then make provision for the Bill to progress to its next stages. As I mentioned, the Government have the ability to stop a Bill in its

tracks on Fridays by either allowing for it to be talked out or organising MPs to vote against its proceeding to its Second Reading.

My hon. Friend the Member for Manchester, Gorton (Afzal Khan) secured such a passage for his Bill. In attempting to stop it progressing, the Government have used three different arguments why the money resolution should not be granted: that it is contrary to the Government’s manifesto commitments, that it has insufficient support and that it is for the Government to decide which Bills should receive a money resolution and which should not. I will address each of those in turn.

There are numerous manifesto commitments that the Government have decided not to take forward. Therefore, the fact that something was not in their manifesto should be no barometer of whether private Members’ Bills should progress. On Wednesday, I am introducing my Terminal Illness (Provision of Palliative Care and Support for Carers) Bill. More funding for palliative care was in the Government’s manifesto, so I am hoping that the Bill will get a smooth ride to Second Reading and have the support of a money resolution for it to progress.

On attracting sufficient support for a Bill to progress, on Friday 1 December, when the Parliamentary Constituencies (Amendment) Bill was being debated in the House, there was a Division on a closure motion, and the result was 229 to 44 in favour of moving to the vote. In the vote on allowing the Bill to progress to its Second Reading, the House voted unanimously in favour. A total of 275 Members were present on that day—42% of all Members—and there was no dissent to the Bill’s progressing. That, to me, indicates huge support for the Bill, yet the Government refused to grant it a money resolution. That argument therefore does not stack up either. Speaking as a member of the Bill Committee, I remind the House that the Committee met three times, only to have to adjourn because we could not make progress owing to the Government’s refusal to grant a money resolution. That is a complete waste of time for Members and staff who are on the Committee.

Hon. Members have said that we should wait until the autumn for the Boundary Commission to report. Earlier this year, however, there was an opportunity to take an indicative vote on whether the view of the commission should be voted on. The Public Accounts Committee produced a report proposing to take an in-principle vote on the current boundary review. That would have given an indicative vote on whether the boundary review had the support of this House. That could have been done in February. However, the Government chose to ignore the report of the Public Accounts Committee, which is also made up of Back Benchers.

By their actions, the Government are attacking the parliamentary process, diminishing the role of Back Benchers and acting in an undemocratic way. When the Procedure Committee produced its report on private Members’ Bills on 13 April 2016, the Government responded by saying:

“The Government always endeavours to engage constructively in discussions on money resolutions with Members whose Bills have been granted a Second Reading.”

Even with those private Members’ Bills that have received money resolutions, there has sometimes been an inordinate delay in the resolutions being laid—months, in some cases.

Money resolutions should be granted immediately after Second Reading to get rid of this power grab by the Executive, who, after all, despite all their controls, still cherry-pick which Bills they give money resolutions to, thus holding the rest of the Bills to ransom.

This is no way to do business. The system for dealing with private Members' Bills needs a complete overhaul. If the Government continue to ignore the will of the House and Back-Bench Members, then I fear for democracy. I hope that we will see changes to the way that business is done in this House and that that happens soon.

7.13 pm

**Mr Mark Harper** (Forest of Dean) (Con): I want to address most of my remarks to the motion before us. I will touch briefly on some of the points that have come up about the substance of the private Member's Bill, but I will keep those remarks relatively tight, Madam Deputy Speaker, so as not to stray from the subject of the motion.

First, I want to pick up where my hon. Friend the Member for North East Somerset (Mr Rees-Mogg) left off. He is absolutely right that the Government have the responsibility to bring forward money resolutions and to initiate the spending of money. If we think about it, there is a very good reason for that. In the case of Back Benchers bringing forward a private Member's Bill under which they propose spending money on a popular cause, people will of course find that very welcome. Members of the public quite frequently like money being spent on good causes. However, if every private Member's Bill spent a significant amount of money, although each individually might not have a huge impact, collectively they would do so.

That is one of the good reasons why the Government, when bringing forward Bills under their own programme, have to balance the individual measures not only in relation to the good that they do for the money that is spent, but, as my hon. Friend said, in relation to the ways and means—that is, the taxes that have to be levied to pay for those measures. It is therefore right that the Government initiate the spending of money and ask this House to assent to it. That important constitutional principle is worth maintaining.

**David Linden** *rose*—

**Mr Harper:** Of course I give way to my fellow member of the Public Bill Committee.

**David Linden:** The right hon. Gentleman is speaking at length about the Government having to be careful about how they authorise spending of money and how that money is planned to be spent. Does he have the same feeling about the £1 billion that was bunged to the Democratic Unionist party after the general election?

**Mr Harper:** I have not really been speaking at length—I had only been speaking for about a minute when I generously gave way to the hon. Gentleman. The Government do have to spend public money wisely. As they said, spending money on the people—the people—of Northern Ireland, who had to suffer over many decades from the impact of terrorist violence and a divided society, is a perfectly proper spending of public money.

I, for one, am very pleased that we have got to a situation where the public realm in Northern Ireland is much more peaceful and the communities are living much more closely together. Dealing with some of that legacy of the past is a very welcome and very proper thing for the Government to spend public money on.

**Jim McMahon** (Oldham West and Royton) (Lab/Co-op): I fully appreciate that there is a cost to putting right some of the legacy of the troubles in Northern Ireland, but why was that not an issue for the Government before the general election?

**Mr Harper:** I do not want to be taken off the central point that I was making, Madam Deputy Speaker, much as the hon. Gentleman tempts me.

**Madam Deputy Speaker (Mrs Eleanor Laing):** Order. For the avoidance of doubt, the right hon. Gentleman is correct. This is a very narrow debate and we must keep to that.

**Mr Harper:** I am grateful, Madam Deputy Speaker. I was responding to the intervention by the hon. Member for Glasgow East, but I do not want to be taken off the point.

It is proper that the Government have that role of financial initiation. It is also clear that there is a convention that the Government will bring forward a money resolution, but it has not been an invariable convention. There have been a number of examples—the Leader of the House set them out—where Ministers have not brought forward money resolutions. I was intrigued by the point made by the right hon. Member for Orkney and Shetland (Mr Carmichael). The private Member's Bill brought forward by my hon. Friend the Member for Bromley and Chislehurst (Robert Neill) on a European Union referendum was not given a money resolution despite the fact that the then Prime Minister was very keen on doing so. There have been plenty of examples of private Members' Bills not being given money resolutions.

I repeat what the Leader of the House said, as did the Parliamentary Secretary, Cabinet Office, my hon. Friend the Member for Norwich North (Chloe Smith)—that the Government simply want to wait for the Boundary Commission's report. One of my hon. Friends, I think, asked whether it could report earlier. It cannot do that because the primary legislation means that it can report only between September and October of this year, and that is what it is going to do. Given that we have been having boundary commissioners look at the parliamentary boundaries since, in effect, 2011, I do not think it is unreasonable that we allow one of those reviews to reach completion and allow this House to make a decision before we then consider what to do. The position that the Leader of the House has set out is not unreasonable. I think the central thrust is absolutely right.

I wanted briefly to touch on some of the points that were made in the debate, before you were in the Chair, Madam Deputy Speaker, but I will not dwell on them at length because they touched on the substance of the Bill introduced by the hon. Member for Manchester, Gorton (Afzal Khan). The first is about the timing of his proposed review and about the members of the public who are not on the electoral registers under the arrangement that the current boundary review is considering. That sounds

[Mr Harper]

superficially like an attractive point. However, detailed analysis of the changes in the registers between the start of that review and a review that he would like to trigger showed that the distribution of voters across the country was fairly consistent, and so there would not actually be a significant impact on the distribution of constituencies across the country.

To Members who find that a huge point, I simply reiterate that the general election last year was carried out with boundaries that were drawn based on electoral registers that date from 2000, which was a point strongly made by the Chair of the Public Administration and Constitutional Affairs Committee, my hon. Friend the Member for Harwich and North Essex (Mr Jenkin). If they are worried about voters who were not on the electoral register in the last couple of years, they should surely be concerned that the current boundaries do not take into account voters who have gone on to the register in the last 18 years. That is a much bigger injustice. Allowing the current review to continue and this House to take a view on it is much the best thing to do.

**Alec Shelbrooke:** If Members are worried about the number of people appearing on the register, is that not a flaw in the argument that we should change to 10-year cycles rather than five-year cycles?

**Mr Harper:** My hon. Friend is exactly right. I favour having more frequent reviews—one a Parliament—that are much smaller and less disruptive, rather than less frequent reviews that are much more disruptive because so much population shift has happened. That is a better balance. Indeed, that was what the House decided when it passed the Parliamentary Voting System and Constituencies Act 2011.

The hon. Member for Perth and North Perthshire (Pete Wishart) talked about the House of Lords. The Prime Minister's nomination of peers was very modest; I think it was 13 in total. If we look at the votes on Brexit legislation, I do not think anybody could suggest that it was anything to do with that, given that most of the votes the Government lost in the other place were by significantly more than that number. They were modest and very reasonable proposals.

There is a very real point about the size of the other place. My understanding is that they themselves recognise that, and I know that work is under way to look at reducing the size of the other place. I hope that some consensus can be reached, so that it can be shrunk. I say somewhat immodestly that I am very pleased when we debate this issue, because as some Members will remember, I made modest proposals to reform the other place by shrinking it quite considerably and making it more democratic, although they did not find favour with the House. Indeed, I do not think we received a huge amount of support from the Scottish National party in getting that legislation through Parliament. As much as SNP Members protest now, they were not supportive when it would have been helpful.

My final point, to come back to the debate at hand, is about what private Members' Bills should be used for. My hon. Friend the Member for North East Somerset touched on this. I do not think they should be used for significant constitutional measures. Detailed debate on

those should take place on the Floor of the House, as we did with the 2011 Act. My hon. Friend the Member for Christchurch (Sir Christopher Chope) put his finger on it when he suggested that most private Members' Bills do not need money resolutions because they should not be used for significant areas of public policy that involve spending significant amounts of money. That properly should be the role of the Government, not private Members' Bills. Private Members' Bills most often should not require money resolutions because they should not require huge amounts of money to be spent; they should properly be for things that do not require the expenditure of huge amounts of money. We would not then be having the sort of argument we are having today.

In conclusion, the Government are right. The Leader of the House's arguments are very reasonable. She has undertaken to keep this matter under review, and I do not think we can say fairer than that.

7.23 pm

**Mr Kevan Jones** (North Durham) (Lab): I congratulate my hon. Friend the Member for Manchester, Gorton (Afzal Khan) on securing the debate and on being successful in the ballot.

Private Members' Bills are important and have been responsible for some major social change in this country. The Sexual Offences Act 1967, which legalised private consensual sex between males over the age of 21, was a private Member's Bill promoted by Leo Abse. Sydney Silverman's private Member's Bill became the Murder (Abolition of Death Penalty) Act 1965, which suspended the death penalty in Great Britain, excluding Northern Ireland, if I remember correctly.

Major social change has been made in this country through private Members' Bills. Sometimes, including in the case of those two Bills, Governments have preferred to use private Members' Bills to make those changes, rather than to legislate for it themselves. Not as famous as those two Bills was the Christmas Day (Trading) Act 2004, which I successfully piloted through the House, to limit larger shops from opening on Christmas day. If anyone asks you, Madam Deputy Speaker, why they cannot shop in a large hypermarket on Christmas day, you can say that it is my fault.

The traditional route for private Members' Bills then was to get selected in the ballot and then argue the Bill through on a Friday. I remind new Members that in those days, we had the formidable Eric Forth in the Chamber, who was the Member for Bromley and Chislehurst. I successfully fought him for a few Fridays, and then we did a deal to get my Bill through. It is an important way for Back-Bench Members to get legislation on to the statute book. That was the traditional route, but we now have a blocking move by the Government. When Members put in for the private Member's Bill ballot in future, they will have to think about whether the Government will ever give the Bill a money resolution.

**Mr Harper:** I am listening carefully to the examples of private Members' Bills given by the right hon. Gentleman; the thing they all had in common was that they did not involve spending large amounts of public money. I suspect that most of them did not require money resolutions, and that is the proper role for private Members' Bills

**Mr Jones:** I disagree with the right hon. Gentleman, because we then get into a situation where we have to ask who defines what the amount of money is. That is the point—it has to be down to the House to decide whether a money resolution is passed.

The hon. Member for Christchurch (Sir Christopher Chope) quite rightly asked what is stopping the Government laying down a money resolution to be debated on the Floor of the House. I am sure there are Members in the Chamber tonight who know that I can speak and have spoken at length on money resolutions. Why are the Government not bringing forward a money resolution to be debated on the Floor of the House? If it is the will of the House that this Bill should have a money resolution, it should go forward. It should not be for the Executive to decide which Bill gets a money resolution. Otherwise, we should just scrap the current system of private Members' Bills.

I fundamentally disagree with the hon. Member for North East Somerset (Mr Rees-Mogg), who is not in his place. He is wrong in the points he made. It is the convention of the House that we do not vote on estimates, for example, but we could, and we could block them. I would challenge him and ask: if the Government are so confident that they are right, why do they not test the will of the House and bring forward the money resolution for debate on the Floor of the House? We all know the reason: the Government do not have a majority and will not dare do so, for fear that they will lose that vote.

**Dr David Drew** (Stroud) (Lab/Co-op): Does my right hon. Friend agree that the Government had the opportunity to kill this Bill, by voting against it on Second Reading? That is the normal way in which to kill a Bill. Why did they not do that?

**Mr Jones:** Therein lies the problem. Clearly, there are a number of Conservative Back Benchers who will not vote for the current Boundary Commission recommendations, which I will get on to in a minute, and the Government are not confident about getting them through. Not tabling a money resolution to the private Member's Bill is a new blocking technique. They do not want to test the will of the House because of their fragile majority—or rather lack of a majority; I do not think they could have carried the Democratic Unionists at that stage. What are the Government afraid of? They should bring the resolution before the House and let it decide.

In terms of the argument that the Bill will somehow be a waste of £8 million, I am taking no lectures from the Government. I remember the coalition Government flipping and changing over whether we should have cats and traps on aircraft carriers, for example, which cost the taxpayer £100 million. There was the decision to re-nationalise the east coast main line last week; the rebranding of the trains alone is going to cost £13 million. The argument is complete nonsense. My hon. Friend the Member for Rhondda (Chris Bryant) summed it up very well when he said that the Government would not be wasting money because what will happen, if they lose on this matter, is that they will pick up the Bill as a way of enacting the new boundaries.

May I turn briefly to the new boundaries? I believe in the equalisation of constituencies, which is fair and a part of our democratic process. It is important to have confidence in that, and to keep the link, which is unique

in our system, between individual Members and their constituencies and communities. The gerrymandering that was done by the Cameron Government in reducing the number of MPs to 600 has led to the Boundary Commission—and I do feel sorry for it—being given an impossible task. We only have to look at some of the recommendations that have been put forward for the shape of constituencies, with communities put together that have no connection whatsoever. For example, there is one in the north-east that would win a geography prize and, given its odd shape, would clearly not be out of place in Texas in the United States.

**Madam Deputy Speaker (Mrs Eleanor Laing):** Order. I hesitate to interrupt the right hon. Gentleman, and I apologise to him. There has been a technical problem with the clock, and the number of minutes apparently left to him is not the number of minutes he has left. He has taken two interventions, so I will add on two minutes of injury time, but I would be very grateful if he did the House the courtesy of finishing at 7.33 pm.

**Mr Jones:** As you know, Madam Deputy Speaker, brevity is my style; I will certainly do what you request.

A fundamental part of our democracy in this country is the link between the constituency and the community, but that has been thrown out completely in this process. I do not blame the Boundary Commission for that; I blame the coalition Government. Let us remember that there was a coalition, and the Liberal Democrats signed up as well.

There has also been the argument that the cost of democracy will somehow be reduced. My hon. Friend the Member for Birmingham, Perry Barr (Mr Mahmood) asked how many peers David Cameron created. He created 198 in six years, and I understand that the cost of that is an additional £22 million a year.

**Nick Smith** (Blaenau Gwent) (Lab): Will my right hon. Friend give way?

**Mr Jones:** Unfortunately, I cannot give way because I do not have the time.

This debate is not about the cost, but about the fact that the Government cannot secure a majority in this House. They do not have a majority among their own Back Benchers to support their legislation, and if they were really thinking about the public purse, they would ditch the Boundary Commission review now, adopt the Bill of my hon. Friend the Member for Manchester, Gorton, so that we can equalise constituencies and get on with the process, which would actually save, not cost, money.

May I finish by making a point about the Leader of the House, whose job is to uphold and protect our rights as a Chamber? I am sorry, but I do not think she is doing a very good job of that at all. She has found herself on this occasion bowing to the inevitable, with a Government who clearly do not have a majority, but want to get their own way at all costs.

7.33 pm

**Chris Philp** (Croydon South) (Con): It is a great pleasure to follow the right hon. Member for North Durham (Mr Jones), who was unusually succinct.

[Chris Philp]

I will concentrate my comments on the question of money resolutions, which is the topic of this Standing Order No. 24 debate. I must say that my hon. Friend the Member for North East Somerset (Mr Rees-Mogg) and my right hon. Friend the Member for Forest of Dean (Mr Harper) put this very well. The nub of this question is whether the right to initiate public expenditure should sit with the House as a whole or with the Government. By requiring Government consent before a money resolution is tabled, we are in effect saying that it is the prerogative of the Government to initiate public expenditure, not the prerogative of the House as the whole. It is the role of the House as a whole to consent to expenditure, but not to initiate it.

The reason for that is twofold. The first reason why it is important to do it that way is that the Government, in their general duties, have to balance the demands of spending and raising taxes. If the House as a whole seeks to introduce measures that require significant expenditure without at the same time raising the revenue to do so, we quite quickly head towards national bankruptcy. That is why we have a Budget each year in which the Government, with an even hand, balance those things. If we simply allowed the House as a whole to initiate unfunded expenditure, we would rapidly go bust.

**Alex Norris:** The hon. Gentleman makes a very compelling case for voting against a money resolution, but does he understand that that is not an argument for not tabling a money resolution?

**Chris Philp:** Perhaps I should elaborate further on the distinction I was drawing about the power to initiate expenditure. The Government rightly have the power to initiate debates and votes on expenditure. In this case, the Government are choosing—this may change, but at the moment they are choosing—not to do so.

The second reason why it is reasonable for the Government rather than the House as a whole to have the power to initiate significant expenditure is that if the House as a whole took that power on itself, the House as a whole would in effect become the Government or the Executive, and rather than having a system of Cabinet Government, the whole House would in effect become the Cabinet and the established system of Government would fundamentally cease to exist. Although this seems like quite an arcane point, there is in fact a profound constitutional principle underpinning it. The whole role of Parliament would fundamentally alter if we took the step being contemplated.

**Pete Wishart:** The hon. Gentleman is in effect saying that a Member who is successful in the private Members' Bills ballot should go to the Government to see whether they will give it their approval before progressing with the Bill. Is that what we should do?

**Chris Philp:** No, that is not what we should do. I am specifically referring to the expenditure of significant amounts of money that requires budgetary balance—a discipline Labour Members may well want to reflect on.

The right hon. Member for North Durham listed a number of private Members' Bills over the years, some of which have been very significant, but as my right

hon. Friend the Member for Forest of Dean pointed out in an intervention, almost all—in fact, all—of the private Members' Bills that were listed did not require significant expenditure. The distinction I draw is about initiating expenditure and the balance between the Executive and the legislature.

**Mr Kevan Jones:** That is fine, but will we then get a situation in which, when someone initiates a private Member's Bill, we get into a debate not about whether it needs a money resolution, but whether it needs what is deemed to be a significant amount of expenditure? As we all know, what is significant in the eyes of one person is different from what is significant in the eyes of others.

**Chris Philp:** I hope that the right hon. Gentleman is not suggesting that the expenditure in this case—I think it is some £13 million—is insignificant; that money would pay for 300 nurses. If Labour Members are seeking to advance the argument that £13 million of our constituents' money is insignificant, I think they are sorely mistaken. If that is their attitude, it perhaps explains why the deficit they bequeathed us in 2010 was quite so large.

To move on to the process, the Government are taking quite a sensible view by saying that they will wait and see when it comes to the money resolution for this private Member's Bill, because we have an active process that is currently running and on which considerable time and money have already been expended. There will be a report to the Government and also to the House in a matter of three or four months, and to have two separate processes cutting across and indeed contradicting each other before the House has reached a decision on the first process strikes me as duplicative and wasteful. It is therefore quite reasonable to wait for three or four months—it is not very long: a matter of a few weeks—before deciding how to proceed.

The House itself will reach a decision about the proposed boundaries with 600 constituencies in the month of October, and having waited seven or eight years we can quite comfortably wait until then. At that point, we will of course have a debate about the Boundary Commission proposals, and the fact that the Government are prepared to wait and see with regard to this private Member's Bill until then hints at some degree of open-mindedness about the outcome of whether we are equalising at 600 or 650 constituencies. That open-mindedness actually shows respect for the House because the Government are saying that they will listen to the House's opinion in a few months' time. There are of course good arguments on both sides—in favour of 600 and in favour of 650. The arguments in favour of 600, of course, relate to reducing the cost of and having a more manageable House, but there are clearly good arguments in favour of 650, not least—

**Nick Smith** *rose*—

**Chris Philp:** I want to conclude, as other Members want to speak.

Not least among the arguments for 650 is the fact that we in this House will have more work to do when powers return from the European Parliament, where they are currently exercised. We will have that debate in due course.

The Government are being pragmatic and sensible by keeping the door open for this private Member's Bill until the House makes its decision known. On the fundamental constitutional principle of who initiates expenditure and whether this House acts as a legislature or as an Executive, I think the Government and the Leader of the House are quite right and she enjoys my enthusiastic and unqualified support.

7.40 pm

**Jim McMahon** (Oldham West and Royton) (Lab/Co-op): I shall keep my comments brief, as I am aware that my hon. Friend the Member for Manchester, Gorton (Afzal Khan) needs to respond to this very important debate.

I would like to take at face value the comments made by the Leader of the House about her being a champion for the Chamber. I will not go as far as other Members, but I will say that we have to do far more on the rights of Back-Bench Members to secure new legislation. When I presented my private Member's Bill to reduce the voting age to 16, it was not the money resolution that blocked it. We had 150-plus MPs present to move a closure motion, but unfortunately the previous Bill was deliberately talked out by the Government. That is very difficult, because the Bill that was considered before mine was legitimate and important, and was on a subject that was very sensitive. How could I object to that? But that tactic is deployed regularly on Bills with broad support in order to frustrate the process a bit further on.

If David Cameron was serious about reducing the cost of politics, it cannot be right that the payroll vote, as it stands, is the biggest since 1979. The number of people who are paid or unpaid members of the Government—Ministers or Parliamentary Private Secretaries—is high, at 21% of the House of Commons. If the number of MPs is reduced to 600, nearly a quarter of all members of the Commons will be on the Government payroll, which will reduce even further the ability of this Chamber to be independent, to hold the Government to account in the way that a democracy ought to, and to have good governance in place because of that.

Every Prime Minister has the right to nominate Members to the House of Lords, and every Prime Minister in my memory has exercised that right, but it is hypocritical to say that the decision to reduce the number of MPs by 50 is about reducing the cost of democracy while in the same breath appointing more Members to the House of Lords. If that proposed change goes through, there will

be 215 more Members of the House of Lords than of the House of Commons, so the second Chamber would be significantly bigger than the elected Chamber.

I want to say this in defence of MPs—

**Nick Smith:** Will my hon. Friend give way?

**Jim McMahon:** I am not going to, just because I have only about a minute left.

In defence of MPs, we ought to be very careful not to downgrade the work we do to represent our constituents. It is all right to say in a flippant way that there could be fewer MPs and the public would not even notice, but what I can say is that in my constituency on a Friday and Saturday there are people who need help. I do not just come to Parliament to make laws; I go back to Oldham to give people support and to help them navigate the system of Government Departments. We do our best. If Member support is part of the cost, it cannot be right for the Government to have it in mind to reduce the number of caseworkers or researchers who support parliamentary activity. MPs have to be given the right support to do the job properly.

The truth is what we will really be saving is the money around the edges—MPs' salaries and minor travel and accommodation costs—because the staffing contingent, which is the largest budget, will remain the same. Let us be honest about this: it is about gaming the system, in the way that individual voter registration has gamed the system and in the way that we have seen the House of Lords packed—be honest about it, and at least defend it.

7.44 pm

**Afzal Khan:** With the leave of the House, I thank all Members for their contributions. It has been a wide debate. My Bill has the unanimous support of the House, and the Government should follow the procedures that they have followed and affirmed until recently, and table a money resolution. If they then want to vote against it, they can, but they need to table the money resolution so that we can have a debate. My Bill covers a vital constitutional issue and this cannot happen in the backrooms of Government.

*Question put and agreed to.*

*Resolved,*

That this House has considered the expectation that the Government brings forward a Money resolution relating to a private Member's bill which has received a second reading.

## Tenant Fees Bill

*[Relevant document: the Third Report of the Housing, Communities and Local Government Committee, Pre-legislative scrutiny of the draft Tenant Fees Bill, HC 583, and the Government response, Cm 9610.]*

*Second Reading*

7.45 pm

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

This Bill takes forward essential measures to promote fairness in the private lettings market by banning unfair fees charged to tenants, as promised in the Government's manifesto. It is a Bill that we should all welcome. The Bill will make the market more transparent, yes, but it also has the potential to save tenants—especially young people and families—hundreds of pounds. It caps tenancy deposits, further protecting tenants from high up-front costs when renting a home. It also introduces a lead enforcement authority for the lettings sector to support local authorities in their enforcement activities.

These measures have been informed by consultation with the sector and by the scrutiny of the Housing, Communities and Local Government Committee. I am grateful to the members of the Committee for the constructive and positive way in which they have contributed to the Bill. We have accepted the majority of the recommendations, which have helped to improve the final Bill.

**Caroline Lucas** (Brighton, Pavilion) (Green): The Secretary of State is talking about the benefits of the Bill, and it certainly has some, but it would have an awful lot more if he had listened to the complaints about the setting of the deposit at six weeks rather than four. Can he explain why he has gone for a figure that means that only about 8% of renters will benefit and that many others will see their rents go up as a result?

**James Brokenshire:** The hon. Lady has intervened early, and that is a point that I will come on to. I would say that that is a maximum level, but I will deal with the specific issue in my remarks.

I am pleased that the Tenant Fees Bill was introduced to Parliament soon after my appointment. It is the latest step in our work to create a housing market that is fit for the future. I have been greatly encouraged by the broad support for banning unfair fees—something that has come through very clearly in our consultation. We have listened and we are taking action. This Government are making sure that everyone, whether they rent or own their home, has a safe, secure and affordable place to call their own.

I am confident that the Government's ambitious house-building programme will transform the sector in the years to come, but it is also important that we help people now. The Tenant Fees Bill will enable us to do this. It will ensure that tenants will no longer be stung by hidden costs. In the first year alone, we believe this could collectively save tenants as much as £240 million a year.

**Debbie Abrahams** (Oldham East and Saddleworth) (Lab): I congratulate the Secretary of State on his appointment. Will he explain why the impact assessment

did not assess the pass-through effects on tenants? With the reduction in fees and so on, how can we guarantee that the costs will not be passed through into rents for tenants?

**James Brokenshire:** If the hon. Lady looks at the impact assessment, she will see that it has been calculated as a straight transfer through. I know that there will be a lot to discuss in Committee. It covers that pass through—the costs do not represent increased expenditure by letting agents and landlords, but the value of time spent reading guidance and reconsidering business models is also reflected in the net present value in the impact assessment. The hon. Lady will no doubt want to scrutinise this in further detail as the Bill proceeds through Committee.

The costs include unfair letting fees, with tenants facing bills for hundreds of pounds for simple things, such as reference checks, which on the market are often free, or £30 at most. Our consultation has found that tenants have to pay an average of £137 for a reference check. Then they are hit by fees for drawing up a tenancy agreement, for inventory checks and even for just picking up keys for their property. This, I should underline, is all alongside their deposit and the first month's rent up front. That is just at the start. There are fees on renewal, and fees when they leave the property. Often people are not just paying the fees once; they are put through the same process every single time they have to move home. These are often young people who would rather put that money towards a home of their own, but they have no control over that. Tenants have no power to negotiate, as agents are appointed by landlords. Some use tenant fees to compensate for artificially low rates for landlords. This is simply not fair and we must now move to protect consumers.

**Dr David Drew** (Stroud) (Lab/Co-op): The Bill is greatly welcome, but will the Secretary of State do more to bolster the consumer rights of tenants so that they are able to challenge both the landlord and, in some cases, the estate agent, and to make sure that their rights are secured in law?

**James Brokenshire:** I am grateful to the hon. Gentleman for highlighting that point. He will know that clauses 18 to 20 contain amendments to the Consumer Rights Act 2015, so changes have been put in place in a number of different ways.

The Bill protects tenants from paying unreasonably high deposits. Coming on to the point made by the hon. Member for Brighton, Pavilion (Caroline Lucas), we are capping deposits at six weeks' rent. I stress that this is an upper limit and not a recommendation. We expect landlords to find an appropriate level on a case-by-case basis and we will provide guidance to that effect. In Scotland, tenancy deposits are capped at eight weeks' rent. A cap of six weeks' rent, in our judgment, offers a balance of greater protection to tenants while giving landlords the flexibility to accept higher-risk tenants. It will also give landlords adequate financial security, and we believe that is necessary to maintain investment and supply in the sector.

**Marsha De Cordova** (Battersea) (Lab): The Secretary of State is capping deposits at six weeks' rent. Does he not agree with me and many of the voluntary organisations

that have provided evidence and information that it would be right to consider reducing the cap to four weeks?

**James Brokenshire:** The issue was considered by the Select Committee, and we have considered it carefully. We believe that six weeks' rent as an upper limit strikes the right balance between providing tenants with greater affordability while ensuring that landlords have adequate financial security for their assets.

**Rebecca Pow** (Taunton Deane) (Con): I welcome the Bill. It is crucial that we have a vibrant tenant sector and that we aid it in every way possible, but the Bill must not deter landlords or agents who are acting well, assiduously and industriously. We must ensure that the Bill increases transparency and the competitiveness of the market, while still having a viable and vibrant market.

**James Brokenshire:** My hon. Friend makes an important point. Let me be clear: the Bill is not an attack on good agents and landlords. We value the important services that they provide, but it will ensure a fair playing field for reputable agents by making it harder for rogues to operate. Letting agents and landlords who represent good value for money will continue to thrive, while those who rely on charging unfair and unjustifiable fees will have to reconsider their business models. We have also committed to regulation to prevent reputable agents from being undercut or undermined by rogues.

My hon. Friend makes her point very sincerely. The interesting point about some of the experience in Scotland is that the number of letting agents in Scotland, according to Companies House, has increased since 2012, when the ban on tenant fees was clarified there. That demonstrates that innovative and good agents can continue to thrive.

**Mr Jim Cunningham** (Coventry South) (Lab): I welcome some of the measures that the Secretary of State is taking. Nobody wants to attack good landlords. We still have bad landlords and that is who the Bill is directed at. There is a problem with commitments that landlords make, then break. I have had cases where they have refused to carry out repairs or said, "Take me to court" and that sort of thing. The Secretary of State and I know that ordinary individuals, mainly young people in rented accommodation, cannot always afford to do that. How does the Bill deal with those sorts of issues?

**James Brokenshire:** The Bill seeks to address the application of unfair fees by, in essence, banning all of them unless they are then reapplied back by the terms of the Bill itself. This is an important step to provide reassurance and to deal with the rogue practices that the hon. Gentleman highlights. In that context it is important to stress some of the other steps that have already been taken in relation to rogue landlords and the abuses in the sector that need to be tackled. This is a further measure to address them.

Turning to the key provisions of the Bill, which apply to assured shorthold tenancies, tenancies of student accommodation, and licences to occupy, these will ban landlords and their agents from requiring tenants and licensees of privately rented housing in England, and persons acting on their behalf or guaranteeing their rent, to make any payments in connection with a tenancy, with some key exceptions: the rent; a refundable tenancy

deposit capped at six weeks' rent; a refundable holding deposit to reserve a property, capped at one week's rent; a capped payment for changing a tenancy agreement when requested by the tenant; payments associated with early termination of the tenancy, when requested by the tenant; payments in respect of utilities and council tax; and payments in the event of a default by the tenant, such as replacing a lost key or late rent payment fine, capped at the level of the landlord's loss.

In the Bill, the term "in connection" with a tenancy refers to any payments required by the landlord or agent throughout a tenancy. This is an important point, as we want to ensure that landlords and agents do not just transfer their fees to another stage of the tenancy, such as exit. The proposed legislation will also prevent tenants from being required to contract the services of a third party.

**Jo Stevens** (Cardiff Central) (Lab): There are a lot of references in the Bill to upper limits and caps. Does the Secretary of State recognise that the temptation, and I suspect the practice, will be that agents and landlords will put deposits at the top end of the cap? They will not put them further down—they will be right at the top end.

**James Brokenshire:** We intend to provide guidance on those issues. I do not accept that that would automatically be the situation. It is why we have taken the steps that we have in considering what the right action should be in setting a number of these issues. It is important to recognise that the Bill proposes a number of enforcement measures that offer a strong deterrent to irresponsible agents and landlords, and in doing so protects tenants.

**Maria Caulfield** (Lewes) (Con): Does the Secretary of State agree that this is very much a geographical issue? In London and the south-east, tenants have really suffered at the hands of lettings agents and their fees. Tenants can pay anything from £175 to £900 just in fees alone. My local citizens advice bureau in Lewes found that on average tenants are paying, for eight weeks' deposit, nearly £4,000 in advance. This is a real problem for London and the south-east.

**James Brokenshire:** My hon. Friend highlights the issues that go to the heart of the Bill—that is why I hope that it will command broad support across the House.

The Bill places a duty on trading standards authorities to enforce the measures it contains. It also makes provision to enable tenants and other relevant people to recover unlawfully charged fees. It prevents landlords from recovering their property, via the section 21 of the Housing Act 1988 procedure, until they have repaid any unlawfully charged fees. A breach of the fees ban will usually be a civil offence, with a financial penalty of £5,000. However, if a further breach is committed within five years this will amount to a criminal offence. In such a case, local authorities will have discretion about whether to prosecute or impose a financial penalty. Guidance on that will be issued. They may impose a financial penalty of up to £30,000 as an alternative to prosecution. Local authorities will be able to retain funds raised through financial penalties, with the money reserved for future local housing enforcement.

[James Brokenshire]

Finally, the Bill makes provision for a lead enforcement authority to provide oversight, guidance and support, with the enforcement of requirements on letting agents. This includes the ban on letting fees and related provisions.

**Mark Pawsey** (Rugby) (Con): In respect of fees charged by letting agents, does the Secretary of State agree that there is something fundamentally wrong when a letting agent takes a fee from both parties in the transaction—the tenant and the landlord? That is just not right.

**James Brokenshire:** I understand. In many ways, that lies at the heart of the Bill—the way in which, effectively, there can be charges in two different directions. That underlines why these measures are important and why, to take my hon. Friend's point, they are intended to promote fairness.

The Government will always stand on the side of people who are being ripped off and exploited and support them. We are taking this action to address inequalities in the lettings market and to create a market that is fair for consumers. By banning fees for tenants and capping deposits, we are delivering on our commitment to make renting fairer and more affordable. The Bill will make a real and meaningful difference to millions of tenants right across the country, especially for young people and families, and I commend it to the House.

8 pm

**Melanie Onn** (Great Grimsby) (Lab): I congratulate the Secretary of State on his appointment and welcome my hon. Friend the Member for Croydon Central (Sarah Jones) to our housing team. This tenant fees legislation is very welcome. We know that the majority of landlords are good landlords, or strive to be, and understand the expectations upon them before they embark on becoming a landlord. However, a number of rogue landlords and letting agents give the sector a bad name, undermine the good work of quality agents and landlords, and they have squeezed tenants for cash in unfair ways, with disproportionate charges for unjustifiable reasons. It is right that the Government are acting to change this unfair system and Labour welcomes that, but it would be remiss of me to fail to remind the House that we first suggested a move to ban letting fees back in 2013. After five years, it is good that the Government are finally acting on this issue. If we get the Bill right, it will have a positive impact on people's lives on a day-to-day basis.

The overriding purpose of the legislation is to help to shift the balance of power from unscrupulous agents and landlords towards decent tenants—to make renting fairer, more affordable and more transparent and to give tenants greater clarity and control over what they pay. We will all have heard horror stories of agents or landlords charging people excessive fees to secure properties, or throughout tenancies, imposing additional charges with excessively high administration fees. With fewer social properties available, this places great difficulties on those with low incomes, or those who are renting alone or simply cannot afford thousands of pounds in up-front fees. In an increasingly competitive market, that has led to the UK's nearly 5 million private renters sometimes feeling that they are an easy target from which to extract unnecessarily large sums of money. That is on top of the £50 billion a year paid in private rents.

As the number of private renters is predicted to rise to 5.6 million people by 2021, we should be aiming for a gold standard of contract of understanding between renters and landlords, or their agents. As it stands, there is an inherent tension between landlords who view their property as an asset or investment and a tenant who sees it as their home. We have to take steps to bring those two positions closer together.

Increasingly there are larger, more professional companies recognising the importance of peoples' home life and striving to provide properties in high-demand areas. They do not use agents, seek to develop a sense of community and aim to retain tenants for as long as possible and keep rents affordable in line with local incomes—in places such as Argo Apartments—and stand in stark contrast to the enormous billboard I saw from Wentworth Estates, boasting that it could guarantee rents for between one and five years for landlords, would provide three months' rent in advance and could offer “free evictions”.

**Caroline Lucas:** Does the hon. Lady agree that another way the Government could follow both Labour and Green party policy would be to tackle extortionate rents? The elephant in the room is the need for some kind of rent controls, including rent caps, because although what is in the Bill is a welcome step forward, until we tackle the size of rent increases, we will not be able to provide the homes for the people who need them.

**Melanie Onn:** Labour absolutely recognises the—*[Interruption.]* Before the Under-Secretary of State for Housing, Communities and Local Government, the hon. Member for Rossendale and Darwen (Jake Berry) leaps on me—before I am able to make myself clear—Labour absolutely recognises the issue of the amount that people are paying in rent and recognises that there could be restrictions on the percentage of increases in rent, not a rent cap.

The pressure in the housing market is rapidly producing new forms of exploitation. For example, an alternative letting agency-cum-landlord service called Lifestyle Club London markets itself as a membership club. Tenants or members pay an annual fee instead of rent. Club staff are entitled to inspect rooms unannounced at any time and fines can be given for anything even as minor as dirty dishes. This is a fast-moving area. We can see that there are wildly differing practices in the world of private rental and that tenants have had difficulty in getting the treatment that they deserve, which is why groups such as Generation Rent and Marks Out of Tenancy have emerged to give a collective voice to private renters on matters of not only policy but practice.

Although the Bill is satisfactory in many respects, it still provides the opportunity for the continuation of an exploitative approach. For example, clauses 1 and 2 detail the prohibitions on landlords and agents applying fees in many circumstances. The cap of £50 for any of those charges is very welcome, but the explanatory notes go on to say

“or reasonable costs incurred if higher”.

That is a clear opportunity for a coach and horses to be driven through this otherwise very good Bill. We know that some letting agencies and landlords will push these grey areas, and without directly spelling out what charges are permissible and what “reasonable costs” are, there is undeniably room for incorrect interpretation.

The Government have so far given an indication that they will provide guidance on these and other issues, but how can that be enforced? If I speak to Shelter about how a renter can take a case against a banned fee being levied against them, the question then becomes a test of reasonableness. Whether or not such charges are reasonable, I know that it will say that if the Government want to genuinely give tenants additional powers, regulation is required to ensure that they are enforceable and meaningful.

The same goes for default fees, which are to be capped at the level of the landlord's loss. At first glance, this seems eminently reasonable. A landlord should not be required to pay for a banking or other fine due to a tenant making a payment late or the replacement of a lost key or entry fob. However, the Minister must be aware of the scope for this to become a nice little earner for agents or landlords who would seek to unfairly penalise their tenants for minor errors.

**Mr Jim Cunningham:** I agree with my hon. Friend that there should be some form of adjudication or regulator, whichever way we want to put that argument. The weakness in the Bill, which is a good Bill by the way, is on enforcement, because as most people know, trading standards departments up and down the country in local authorities are totally underfunded.

**Melanie Onn:** My hon. Friend makes a very important point and I will come on to trading standards shortly.

There is no definition of what a landlord can include as a loss. If this includes the use of agents and agents opt to charge for their time—to replace a key or make some phone calls—charges may amount to far more than Government ever intended them to. This is one of the issues that we have seen with the scandal around excessive charges to private leaseholders: without a specified cap, there is scope for the unscrupulous to run riot.

**Jo Stevens:** The Bill is obviously necessary because of the bad behaviour of some landlords and letting agents. Without the measures that my hon. Friend set out, bad behaviour by rogue landlords and letting agents will not be prevented. They will carry on doing it because there is no sanction and no enforcement to stop them.

**Melanie Onn:** My hon. Friend makes a really important point. There is absolutely no point in this House taking through legislation, as good as it is, if it cannot be enforced because it holds no weight in law.

The inclusion of a one-week refundable holding deposit, on top of a month's rent and six weeks' tenant's deposit, is allegedly designed to minimise instances of tenants securing multiples of properties at the same time before finally settling on their preferred property. There has been very little, if any, evidence that this is a regular practice. Additionally, the Government say that there are a number of exceptions to that deposit having to be refunded, including when the tenant provides false or misleading information. Again, although on the face of it, that is a sensible measure, there are no additional protections for tenants if the incorrect information is not their fault. For example, a reference that does not exactly match a tenant's claims should not immediately mean that they lose that holding deposit. There is scope

to develop a mechanism to test inaccuracy and establish the reasons behind it before immediately assuming information has been deliberately misleading.

**Kevin Hollinrake (Thirsk and Malton) (Con):** I draw the House's attention to my entry in the Register of Members' Financial Interests. Despite the fact that I have been involved in this sector for most of my life, and am still involved, I am very supportive of the Bill and the drive to ban tenant fees. That said, on the hon. Lady's point about holding deposits and the reference fees that tenants pay to the agent or landlord, does she not think it a reasonable concern that if we do not allow a letting agent or landlord to hold back a reasonable amount for referencing, they might be more likely to pick a better-off tenant than some of the lower-income tenants she is seeking, quite rightly, to protect? There are concerns about the commercial behaviour that could result if what she describes was to happen.

**Melanie Onn:** The point is that poorer tenants struggle the most. That is why we are trying to make the Bill as good as it can be. It comes back to reasonableness and whether there is sufficient rigour in the proposals to ensure that people are properly protected, and that goes for landlords as well.

The Government must bring back evidence during the remaining stages to convince us that this is a legitimate charge to make, rather than a simple amelioration of losses to agents and landlords. It is notable that the Government have opted to cap deposits at six weeks. The Minister should know that in practice this means all deposits will be six weeks, despite most rents being payable on a monthly basis. Shelter estimates that a six-week cap still means that London renters have to find on average a £1,800 deposit and that outside of London the figure is £1,100. Add to that one month's rent and a week's holding deposit, and people are looking at needing £3,750 just to secure a property in London and £2,290 elsewhere. That is a huge amount to save.

Wages are not keeping pace with rents and many people struggle to afford a decent place to live. Most low-paid workers are women. Will they be more disadvantaged by these measures than men, and what about those with disabilities, from black and minority ethnic communities or the lesbian, gay, bisexual and transgender community? The Government have not undertaken a formal equalities assessment of the Bill. Will the Minister explain why and commit to ensuring that an assessment of the proposals is undertaken before the Committee stage? There has been an informal but not a formal process on this matter.

As I said earlier, none of the measures in the Bill will matter without their ability to be enforced. There is direction in the Bill for responsibility to lie with local authorities and their trading standards teams. The Minister will be aware that trading standards teams are currently responsible for checking on age-restricted products, agriculture, animal health and welfare, fair trading, food and hygiene standards, counterfeiting, product safety and weights and measures, and they do this despite having endured a drop in funding from £213 million in 2010 to £124 million in 2016 and a halving of their staffing capability—more in some areas.

[Melanie Onn]

The Chartered Trading Standards Institute has previously expressed its concern that the public are being let down in respect of its current areas of responsibility, let alone additional responsibilities—particularly ones that will not pay for themselves through the imposition of fines, which are limited to a maximum of £30,000, whose rules are not enforceable because the drafting provides too much scope for interpretation and for which the Government only plan to provide guidance rather than issue regulation to support tenants and those seeking to enforce the measures in the Bill.

Those in the private rental sector are in desperate need of clear and positive action from the Government to protect their rights. I hope we will see a strengthening of resolve from the Government as the Bill goes forward. They must not miss the opportunity to make a good Bill a great Bill, and I urge them to take this chance to make real changes that could improve this sector of our country's housing market.

**Several hon. Members** *rose*—

**Madam Deputy Speaker (Dame Rosie Winterton):** Order. As colleagues can see, a number of colleagues want to get in. I would rather not impose a time limit, but if Members could stick to about six minutes, we should get everybody in.

8.13 pm

**John Stevenson** (Carlisle) (Con): I will make just a short contribution, Madam Deputy Speaker. I first draw the House's attention to my entry in the Register of Members' Financial Interests. I am a solicitor at a legal practice that owns an estate agents.

As we know, Second Reading debates are about the general principles of a Bill, and that is where I want to concentrate my speech. My instinct is to be very careful about legislation of this nature, or at least to be suspicious of it—in a healthy way, I would like to think. I believe in free markets. They generally produce better services through competition, higher standards and better value for money for the consumer. The important thing about free markets is that there are lower barriers to entry, which helps to create that competitive environment, and with fewer statutory requirements, it is much easier for individuals to set up businesses and create more choice for the consumer.

Introducing regulation does, therefore, have drawbacks. As we all know, it can distort markets, increase rents and have other unintended consequences. It can reduce competition and therefore increase prices and impose barriers to entry, and it often leads to more interference and yet more regulation. A good example is the legal services market—there is far too much regulation in the provision of legal services. When I served on the Communities and Local Government Select Committee several years ago, we looked at this very issue and concluded that it was not the time for regulation, although the Committee was open-minded about the possibility and thought it something the Government should consider later.

The question, then, is whether the time is right now. Quite clearly, the Government think it is. I, too, recognise that markets are not perfect, and it is right and proper that the Government interfere and regulate where appropriate to help markets, particularly where a section

of society is being adversely affected, but the goal must always be to improve matters for the consumer. We should take a bit of a history lesson. When assured shorthold tenancies were first introduced, in the 1980s, they changed the housing market dramatically. We must remember, however, that it was a much smaller market back then, with fewer landlords and fewer tenants seeking private rented accommodation. Interestingly, the legislation was introduced because there had been too much regulation and interference in the private housing market. It was an opportunity to free up the market, encourage landlords into the rented market and improve tenant choice.

I fully accept that the letting market has changed fundamentally and radically since the 1980s. Some 20% of our housing market is now in the private rented sector. In many respects, that was accelerated from about 2008 onwards. It is a very different environment. We now have accidental landlords up and down the country—people who unexpectedly have become landlords—and many more letting agencies. It is a thriving industry in a way it was not in the 1980s, and there is a host of tenants with very different needs looking for comfort in the knowledge that when they deal with letting agents they will be dealt with properly and fairly.

We have to recognise that some letting agencies have been exploiting the deficiencies in the housing market. As everyone does, I acknowledge that the property market has changed significantly. In many respects, the whole issue of property ownership is in need of review, right across the spectrum, including the relationship between social housing and the private rented sector. Interestingly, back in 2015, when Carlisle was hit by floods, the people who were flooded did not turn to the social housing market for accommodation, even though it was available; they turned to the private sector. We should recognise, then, that the private sector has a huge contribution to make to the housing market.

It is generally accepted, however, that the time is also coming to look at the nature of assured shorthold tenancies. They were introduced in the 1980s in a different time. Perhaps that is something that in time the Government will look at. Estate agents are often letting agents as well, and it seems strange that someone could go into an office where one side is regulated but the other is not.

The housing market is hugely significant on so many levels in our country. We have to recognise the importance of property as a source of taxation, that many people aspire to own their own house and get on the housing ladder and that it is also a source of capital for business investment, but also that the lack of housing in the various markets affects individuals and families, as we all know.

I have concluded that we now live in such a different market that I will support the Bill. On balance, it is clearly in the interests of tenants, but it is also in the interests of good landlords and letting agents that act with integrity. I encourage the Government to ensure that the Bill preserves a competitive environment for letting agents—that is vital—and that it be enforced in a pragmatic and sensible way to the benefit of tenants and the market. I plead with the Government to ensure that we end up not with too much regulation but with effective regulation.

I believe that the Bill is the start of a sensible review of our housing market at all its various levels and with all its various requirements. I encourage the Government

to look at all aspects of the property ownership markets and the taxation of property, because I think we are in danger of ending up with piecemeal legislation. The ultimate goal must be a working market that benefits everyone.

8.19 pm

**Angela Crawley** (Lanark and Hamilton East) (SNP): I am delighted to speak in the debate. Let me say at the outset that I welcome any moves by the Government to put money back into renters' pockets. I recognise that the Bill is not wholly relevant to Scotland, but I feel that some comparisons can be made with actions that we have taken there.

As someone who was on a low wage and who rented in the private sector for a number of years, I understand the difficulties faced by people in those circumstances. While the demand for social housing outstrips supply, the need for privately rented accommodation will only increase, and, as we have heard repeatedly this evening, when the demand for private rented accommodation is high, those looking at the market can be put at a financial disadvantage. We need to get to the root of the problem. There are a number of ways in which we could seek to solve it. For instance, we could increase the social housing supply, end the sale of council homes under the right to buy, and give renters the protection that they require. Those are just a few of the ways in which we have been able to mitigate some of the worst impacts in Scotland.

Over the last parliamentary term, the SNP Government invested more than £1.7 billion in affordable housing. We exceeded our target of building 30,000 affordable homes, and by the end of the parliamentary term we had delivered more than 33,000. Only six council homes were completed during Labour's last term of office in Scotland. We have also taken steps to safeguard social housing for the future by abolishing the right to buy, thus protecting 15,500 homes in the social rented sector. In the current Parliament, we have set the target of building at least 50,000 new affordable homes.

Tenant fees were abolished in Scotland in 2011, and the evidence suggests that those renting property have more money as a result. Renters themselves were no more likely to report a rent increase than those in other parts of the UK. However, protecting renters' rights extends beyond scrapping tenant fees. If the Government are to make real progress on protecting tenants in their homes, they must go further than the Bill suggests.

The Bill contains a number of loopholes, which I hope the Government will try to address. They have amended the definition of a default fee, providing that it should not exceed the loss suffered by the landlord, and have said that they plan to issue guidance on the type and reasonableness of fees. However, more protections are needed to limit what can be charged for and ensure that any loss is reasonable, and there must be a definition of "reasonable". Agents have already admitted in evidence to the Select Committee that they will try to charge disproportionate default fees to make up for lost revenue.

There is currently a lack of clarity about the circumstances in which landlords or agents can or cannot retain a holding deposit. A holding deposit can be retained if a tenant has provided false or misleading information that materially affects his or her ability to

rent a property, but it is unclear what will be considered false or misleading information, and the rule is therefore open to abuse.

I welcome the Government's intention, but more must be done in the Bill to protect renters, and more must be done generally to protect those in the private rented sector.

8.23 pm

**Mark Pawsey** (Rugby) (Con): It is a great pleasure to speak in the debate. Like my hon. Friends the Members for Carlisle (John Stevenson) and for Harrow East (Bob Blackman), I am reminded of the work that we did in the Select Committee under the able chairmanship of the hon. Member for Sheffield South East (Mr Betts). It is also a great pleasure to see him in the Chamber this evening.

In its 2013 report, our Committee recognised and expressed concern about the imbalance between tenants and landlords and their agents. I support the Bill because it goes some way towards creating a balance between the parties involved in the taking up of a residential property tenancy. Back in 2013, we drew attention to the sharp practice and abuses perpetrated by some letting agents, and recommended that agents be subject to the same controls as their counterparts in the sales sector. Most residential property agents are involved in both sales and lettings, and in each instance the property involved will be someone's home. It makes no sense for only one of those tenures to be covered by regulation. The Bill does not provide for the regulation of letting agents, and I am happy for that to come later, but it takes a step towards it in requiring them to behave in a more professional manner.

According to evidence given to the Committee, letting agents often failed to give renters up-front information about fees. I was therefore happy with our recommendation for a code of practice requiring agents to publish a full breakdown of their fees, which was introduced in the Consumer Rights Act 2015. The Bill goes further by banning nearly all up-front fees for tenants. That is welcome, and was a manifesto commitment from my party in the 2017 general election. It strikes me as wrong in principle for an agent to attempt to take a fee from, or make a charge to, both parties in a transaction. When it comes to the relationship between landlord and tenant, the letting agent is clearly acting on behalf of the landlord, with the landlord's interests paramount. If up-front fees are banned, there can be no danger that unscrupulous agents will charge both parties.

A letting agent in my constituency has contacted me, arguing that through the national approved letting scheme the sector has reformed itself and the Bill is unnecessary, but it also suggests that there should be

"proper comprehensive regulation of all lettings and management agents",

and states that agents currently provide services for both landlords and tenants, which I rather dispute. According to this agent, those services include offering tenants a choice of viewings at the convenience of existing and incoming tenants, referencing checks on tenants and their guarantors, and even explaining tenancy agreements.

I accept that some of that work supports tenants, but I see no reason why the tenants should pay for it. I believe that when a letting agents engages in those activities,

[Mark Pawsey]

he does so on behalf of the landlord, who—rightly and appropriately—pays him a fee for doing so. The agent is then remunerated for that work, and, in most instances, goes on to earn a regular income through the management charges involved in the collection of rent.

The national approved letting scheme suggests that agency-trained staff are trained to have the right level of knowledge to ensure that neither the landlord nor the tenant is disadvantaged. It fears that the abolition of fees will cause letting agencies to reduce staff levels and training budgets. I am not at all convinced by that. Before coming to the House, I employed a team of salespeople serving the catering trade, but I never expected the customers of my business to pay for the training of my staff. The NALS also suggests that rents may rise. I think that that neglects the principal feature of any market, which is that the prices set are based on supply and demand.

We know that the private rented sector has increased massively. In 2008 it made up 10% of all households. By the time we produced our 2013 report, it made up 18% of households, with 4 million households renting. Today, 21% of the market consists of the private rented sector, with 4.7 million households renting. That is the highest level for 30 years. More and more people are affected, and it is entirely right that the Government are taking action to protect them.

8.28 pm

**Mr Clive Betts** (Sheffield South East) (Lab): First, I refer to my declaration in the Register of Members' Financial Interests: I own one property which I let out.

The Select Committee carried out pre-legislative scrutiny, and we unanimously warmly welcomed the principle behind this Bill. The principle we accepted was that the contract is between a landlord and a letting agent, and therefore it is up to the landlord to pay the cost of that contract; that seems a very simple principle to adopt. Evidence was given to the Select Committee that considerable savings to tenants could materialise from this; there was talk about average fees charged to tenants of £100 or £200, but Shelter gave evidence that they could be as high as £300 or £400 in some cases, so there are significant savings for tenants here.

There could in some circumstances be an increase in rents to compensate, and that would be legitimate if done properly from the beginning, but again there was evidence that if tenants were asked to pay a bit more each month, rather than a lump sum fee, that would help them in most cases. Organisations representing tenants generally accepted that point.

The Select Committee looked at the Bill and recognised that the good letting agents would accept it and willingly comply. The Bill tries to deal with those letting agents that would try to find loopholes to get around the provisions. We concentrated to a degree on default fees and how letting agents might seek to recover money they can no longer charge through charging extra for things that happen during a tenancy such as a lost key. It is reasonable that a lost key should be charged for, but it ought to be a reasonable charge. Letting agents might also charge more if they could in the first month of a tenancy to disguise an upfront fee, or indeed try to

recover money in that way at the end of a tenancy. These were the sorts of matters we considered and made recommendations on.

I will not go into all the areas where the Government accepted our recommendations, because there is quite a long list of them, but I think the Minister will accept that the Bill is better for the consideration of the Select Committee and its suggestions. For example, section 21 notices cannot be used where the letting agent has kept outstanding prohibitive fees; that was a Committee suggestion. I am however disappointed that the Government did not accept our suggestion that we should have a clause about retaliatory evictions not being allowed as a result of this legislation. Indeed, the Committee looked at the issue of retaliatory evictions in our recent report on the private rented sector in general, and I think the Government must now review the legislation on retaliatory evictions and the Deregulation Act 2015, as it is not working at present. The Government are going to come back with some more information on how many cases there have been where a retaliatory eviction has been stopped because of the current legislation. This point might also apply to the private Member's Bill of my hon. Friend the Member for Westminster North (Ms Buck); I can see retaliatory evictions coming into that as well. Therefore, we must extend the scope not just in terms of this legislation, but in terms of other Bills as well.

We did a lot of work on default fees. We need some specific figures on this, and my understanding is that the Government have generally accepted that default fees should only be related to the cost incurred by the landlord, and that more information will be provided in the guidance the Government issue. The problem is that the guidance will not be available to this House as the Select Committee suggested; it will not be available until consideration in the House of Lords. We are therefore taking the Government's word that they are going to toughen the default fees powers without seeing that in practice.

Another important issue is enforcement. The Government have accepted the principle of the Select Committee suggestion that a tenant charged prohibitive fees should be able to recover them from the first-tier tribunal. That is the best place to go because it is fairly user-friendly for tenants, although they will often still need some help from advice services or local authorities. The problem is that if a letting agent does not agree to the first-tier tribunal decision the tenant has to go to the county court for enforcement, and that is not a user-friendly place, which might deter tenants from going. We have suggested that the first-tier tribunal might be given powers of enforcement or at least might have to take the case on behalf of the tenant to the county court if its decision is not being complied with. Will the Government look at that? It would also be nice to have a bit more information about their idea of a housing court reform and generally having one place where tenants can go for a whole range of housing issues. That is a good suggestion, but we have not seen any details so far; it would be good if the Government were to come back with some.

On local authority enforcement, we suggested that paying the costs the local authority will incur through civil penalties was not sufficient and that local authorities need extra funding from Government. They have accepted that in principle, but have committed only to doing that

for the first year that the scheme is in effect and have not given any idea of the amount of money. We will need to look at that in more detail.

Finally, we talked about the size of security deposits. We heard conflicting evidence: organisations representing tenants wanted deposits equivalent to four weeks' rent; landlords and letting agents wanted six weeks. Both made compelling cases, so the Committee suggested five weeks. We also heard some interesting ideas about alternatives to security deposits. We were not convinced that any had been sufficiently thought through to recommend them, but we felt that many of them needed further thought. Will Ministers therefore commit to carrying out a review of the various alternatives to security deposits and report back to the House in due course?

8.35 pm

**Bob Blackman** (Harrow East) (Con): It is a pleasure to follow the Chairman of the Select Committee, the hon. Member for Sheffield South East (Mr Betts). For part of his absence, I had to chair the Committee as we carried out some of the pre-legislative scrutiny of the Bill and agreed the final report that the Committee published. I am pleased that the Government have seen fit to adopt many of our recommendations, which were agreed on a unanimous all-party basis. This is one of the areas that the Government should learn from, across the Departments. Submitting draft Bills to Select Committees and asking them to carry out pre-legislative scrutiny improves the legislation before it comes before the House, and many other Departments could learn from this and use the same method to improve their legislation. I should also like to draw the House's attention to my entry in the Register of Members' Financial Interests, in that I am a vice-president of the Local Government Association and I have a small portfolio of properties that are rented out.

A key area is the need to strike a balance between landlords and tenants and the agents that they utilise between them. I agree with other Members that it cannot be right for an agent to work for both the landlord and the tenant, and for fees to be charged in both directions. The principle has to be that the letting agent acts on behalf of the landlord and that the landlord therefore pays the costs of the agent. Tenants should not be charged for the purposes of identifying a tenancy. As we in this country increase our dependency on the private rented sector, this is becoming an ever greater problem and it needs to be addressed.

I warmly welcome the Government's decision to bring forward this legislation, and I am delighted that they have accepted so many of the Committee's recommendations. However, I want to deal with some of the recommendations that they did not accept, as they are the ones that form the nub of the debate. First, I should like to be just a bit critical about the process of deciding whether there should be an assessment of impact or an impact assessment. The Committee thought that the Government should have carried out a proper impact assessment on publication of the draft Bill before it came to us for pre-legislative scrutiny. They chose not to do that, and instead decided to carry out an assessment of impact and subsequently do an impact assessment. I will not go into all the technicalities involved, but this was one of our key concerns.

We also considered in some detail the question of whether a deposit should be based on four, five or six weeks' rent. Clearly, landlords would like as large a deposit as possible and tenants would like to pay as little as possible. Our concern over limiting the deposit to four weeks' rent was that most tenancies involve paying rent monthly and that at the end of a tenancy, the tenant might simply skip without paying the last month's rent. At that point, the landlord would have to enforce and retain the deposit. Similarly, we felt that six weeks would be too long, and that it would be a barrier to many tenants seeking to rent. We therefore struck a balance and recommended five weeks, on the basis that both parties would have something to lose if the deposit had to be relied upon. That is why we arrived at that compromise arrangement, and I am disappointed that the Government did not accept our strong arguments in favour of that compromise. I believe that once a maximum figure is set, it is almost inevitable that all landlords and letting agents will go straight to that maximum level. That has a severe impact and would be an unfair charge for people on relatively low incomes.

The Government have partly accepted the Select Committee's position on whether fees such as holding deposits can be considered reasonable. If someone goes into a letting agency wanting a tenancy, appropriate fees for reference checks, which are of the order of £20 to £50, are reasonable costs for them to incur, but it is unreasonable for the landlord to pay if someone fails a reference check. The Committee also recommended that if a prospective tenant gives deliberately misleading information, they should lose the holding deposit, which should be retained by the landlord. That suggestion has not been accepted in full by the Government, and it needs to be considered in detail again.

Another of the Committee's concerns was that if the first month's rent is artificially high and then the rent decreases over time, that hidden fee is unfair on the tenant. However, we want it recognised that rents can go down as well as up. The Bill essentially presumes that the cost of a tenancy will always increase and that the rent will increase when a tenancy is renewed. However, the market could determine that rents will come down, so there should be a provision that allows for rents to fall, particularly over the course of a longer tenancy.

I completely agree with what the Chair of the Select Committee had to say about retaliatory evictions, and we must review the whole process in law. We cannot necessarily do all that in this legislation, but the position could be corrected through provisions in this Bill. Tenants must feel able to complain to trading standards, the housing court or whatever organisation we choose, without running the risk of being evicted. Such evictions cannot be right, and we must draw a firm line under them.

In conclusion, I agree with the current draft of the Bill, but there are some changes that would improve the legislation for all concerned and strike a much better balance between tenants and landlords.

8.42 pm

**Jo Stevens** (Cardiff Central) (Lab): It is a pleasure to follow the hon. Member for Harrow East (Bob Blackman). Some Members may be wondering why I, a Welsh Member, am speaking in this debate, because housing is devolved to the National Assembly for Wales, and the Welsh

[Jo Stevens]

Government will be bringing their own Bill before the Assembly this year to ban letting fees in the private rented sector. The Welsh Government consulted widely and the consultation's findings have added to the ample evidence, a lot of which we have heard this evening, that action is needed to address the fees currently charged to tenants.

To highlight a few of the consultation's findings, 56% of all respondents agreed with an outright ban on unnecessary fees, 62% of tenants said that fees had affected their ability to move into a rented property, 86% said that fees had affected their decision to use a letting agency and, astonishingly, 61% of landlords did not know what their tenants were being charged by their letting agent. I doubt that the experiences of tenants in Wales differ greatly from those in England, so I welcome the Welsh Bill and am pleased that introductory fees will be banned—hopefully throughout the UK.

My constituency has the fifth-highest proportion of privately rented accommodation of any constituency. That is largely, although not exclusively, because it has the third-highest proportion of full-time students of any constituency. Nearly 37% of my constituents live in private rented homes, and much of that number is made up of families. Like many Members, I see constituents in my advice surgery every single week who are living in expensive, cramped accommodation and for whom fees are a constant worry. Such fees are yet another worry to add to insecure employment, low pay, cuts to social security and housing benefits, a publicly funded legal advice desert—when rent arrears get to the point where eviction is imminent, no help is available—and, obviously, eye-watering levels of student debt. Banning letting agency and landlord fees is very welcome. It is a cash cow that has gone on for too long. Some agents are using it as a scam, and it needs to stop.

Other Members with university constituencies will no doubt recognise the picture I am about to paint. Some of the larger streets in my constituency are almost entirely made up of family homes that have been converted into student lets—streets of about 200 properties, each with eight or more students living in it. When I go down those streets and knock on doors to speak to constituents, I add up in my head the total paid every single year in letting agency fees by those residents. On one street in the Cathays ward of my constituency each resident will pay, on average, £200 in letting agency fees. Between them, on that one street, letting agencies are making a minimum of £320,000 every single year. Never mind Ponzi schemes or payment protection insurance scandals, this is a scandal that has lined the pockets of letting agents, some of whom are parasitic, greedy and unscrupulous, and it has gone on for far too long.

As we have heard, these fees, like so many other things, are based on an imbalance of power. Student tenants and low-income families have no power in this relationship. This is what one constituent wrote to me, having had a dreadful experience with a Cardiff letting agency:

“They are LEECHING people for all that they can, and there is nothing to stop them. They are brazen. They know they're screwing you over, and they know that you know that they're screwing you over, and THEY DON'T CARE. Because there are no consequences and they hold all the power.”

My experience of representing constituents living in the private rented sector is that the fees charged are almost always completely arbitrary and unjustifiable.

Here is another view from a constituent:

“Students and low earners are bled dry by these lizards, to the tune of hundreds of pounds a year all to live in rotting accommodation which can be dangerous to live in.”

As another example, one student said to me:

“In the small print of our contract it said the letting agency will take 65 pounds from each of us in our student house for ‘professional cleaning...regardless of the condition the house is left in.’ So I was then quite annoyed to find they hadn't bothered with this ‘professional cleaning’ for us when we moved in. The kitchen was leaking and rotting. A ceiling collapsed within a week due to an upstairs leak. The bathrooms reeked and were mouldy. A microwave nearly caught fire and...exploded but we were told”

by the letting agency that

“it wasn't their problem.”

The truth is that many of these fees are completely arbitrary. They mean nothing. At most, they constitute a few minutes of basic administration using tenancy agreement templates and the ability to cut and paste, yet at the moment agencies and landlords can just name their price, so I welcome the Bill.

This racket needs to end, all of it, and fast.

8.48 pm

**Eddie Hughes** (Walsall North) (Con): I refer the House to my entry in the Register of Members' Financial Interests, as I am an “accidental landlord”, to use that excellent term. I think 123 MPs are also landlords, so there should be a wealth of knowledge in the Chamber.

I wanted to speak in this debate because I am mindful of the Prime Minister's speech on 13 July 2016, in which she said her intention is to reach out to ordinary working-class families. As the product of an ordinary working-class family, I am keen for her to do that. I represent the people of Willenhall and Bloxwich, and the average property price in my constituency is only £127,000 and the average income is £25,000 a year, so clearly my constituents are the epitome of hard-working people.

From my perspective, it is therefore incredibly important that this Government do everything they can to protect people who are required to rent because they are not in a position to buy. Clearly, this Government's aspiration would be for all those people who want to buy to have the opportunity to do so, but we heard the figures earlier and that is not the current reality of this country. We have an ever-increasing rental market. People are forced into a situation where they have to rent because their family is growing or they need to leave home, so it is incredibly important that they are protected.

This is not the good thing about this Bill; it is not just that this is a Conservative party policy. We have others and it is great that we have done things such as increasing the minimum wage and increasing the level above which people need to pay tax. People looking in from the outside this evening will be seeing Parliament say this is the right thing to do. One of the greatest things for me, having been an MP for less than a year, is to come to this Chamber and hear people on both sides say positive things about a particular idea around which we can all coalesce. It was excellent to hear from the hon. Member for Sheffield South East (Mr Betts) and there has been great involvement from the Select Committee; there has been deliberation from people who are very knowledgeable

on these topics and the Government have responded accordingly. I also appreciate, from my hon. Friend the Member for Harrow East (Bob Blackman), that perhaps in some ways the Bill has not gone quite as far as some would like. It is a work in progress, but from my point of view the comment made by my hon. Friend the Member for Rugby (Mark Pawsey) sums up what my constituents would be thinking: is it fair that the fee for sourcing a property is paid by both the landlord and the tenant? I do not think so and I do not think the people in this Chamber think so either.

8.51 pm

**Dr Paul Williams** (Stockton South) (Lab): It is a pleasure to follow the hon. Member for Walsall North (Eddie Hughes). Like him, I refer the House to my entry in the Register of Members' Financial Interests, as my partner and I rent out properties, although we are also private sector tenants.

I wish to congratulate the Government on introducing this Bill. I was proud to be elected last year on a manifesto to increase rights for tenants, although any Bill should protect the role of good and ethical landlords too. Unfortunately, rogue letting agents have for too many years been allowed to profit from insecure tenancies, with some charging renewal fees every six months. Nearly all charge administration and referencing fees, and huge deposits, which are completely out of reach for low-income families.

I support the broad aims of this Bill, but I would like to draw the Government's attention to one aspect that continues to leave tenants vulnerable to unfair fees. I have particular concern with schedule 1(4), which reserves the right for landlords and letting agents to charge tenants who are forced to default on their tenancy agreements. I believe people who rent through the private sector could be better supported by this part of the Bill. I understand that some agents and landlords currently charge a full month's rent for tenants to be granted an early release, then every month's rent and utilities while a new tenant is found. There are genuine instances where tenants are forced to end tenancy agreements, which they entered into in good faith, through absolutely no fault of their own: for someone living in the private rented sector who is made redundant from their job, benefits might not cover the rent, and any delays in receiving benefits will leave them in rent arrears. Someone might have had a family bereavement and might need to move to another part of the country or of the world. Someone might have a mental health crisis and need to be admitted to hospital. Someone might be off work with a serious injury and not receive sick pay, or they might need to flee domestic violence. Many letting agents and landlords are unforgiving in such circumstances and trap tenants in situations that they need to escape.

**Jim Shannon** (Strangford) (DUP): The hon. Gentleman is outlining extreme circumstances for tenants who rent properties. Does he agree that those people probably need legal advice, but do not have access to it when they need it most? Does he feel that the Government should look into legal advice for people who rent accommodation, then find themselves in difficulty?

**Dr Williams:** I would certainly like the Government to look at what advice and support is offered to people who find themselves in extremis.

Landlords' loss of earnings do not compare to the trauma faced by tenants in a situation in which they just cannot pay the rent. Some such situations call for compassion. Let us remember that landlords have the right to increase their tenants' rents as much as they want and can evict a tenant with two months' notice without loss of earnings, but a tenant cannot leave a tenancy early in extremis. Why should landlords have the flexibility when the tenants do not? Surely, the Government must think more about the protection for tenants in such situations.

Many more children now live in the private rented sector than 10 or 20 years ago. With growing child poverty, any potential for charging households fees beyond the monthly rent and security deposit can be an absolutely debilitating blow to families on the breadline. I urge the Government to look at the Mind report, "Brick by brick: A review of mental health and housing", which makes for particularly concerning reading. Published in November last year, it finds that the instability of the private rented sector is bad for children's social, emotional and mental health. As a GP, I see the effect of that instability every week. Some 28% of all children in the north-east live in poverty, and more than two thirds of them are from working households in which one or two parents work full time. Nearly half of working-age people in poverty spend more than one third of their income on housing costs.

There is a strong case for the Government to strengthen the Bill further. Unaffordable housing affects a family's ability to pay for essentials. From school uniforms to energy bills, to healthy and nutritious meals, families should not have to sacrifice the basics to keep a roof over their head. A healthy and stable home can support healthier children too. I urge the Minister to go away and look closely at schedule 1(4) and to protect people who have to default on tenancy agreements through no fault of their own. Let us think of someone who has lost their job, had a family bereavement or mental health crisis, is off work without sick pay or is fleeing domestic violence; the Bill should grant to tenants in such circumstances more financial protection from any charges from letting agents or landlords. I urge the Government to look into these issues more carefully.

8.57 pm

**Maria Caulfield** (Lewes) (Con): On 3 May 2016, I led an Adjournment debate in which I called for a cap on letting agents' fees, because they were becoming such a big issue in my constituency. I therefore welcome the Bill, which goes even further.

This issue particularly affects London and the south-east. In my constituency, rent for an average property is close to £2,000 a month. I have worked closely with the citizens advice bureau in Lewes, and it has done a lot of work on this issue. It highlighted how letting agents fees in one of the four towns in my constituency can range from £175 to £922. Coupled with an eight-week deposit, which is standard in Lewes, that can leave tenants paying anything from £3,332 to £3,779. It is just not affordable for someone on the average wage. I was therefore pleased to see in schedule 1 that the deposit is going to be limited to six weeks.

I have two key concerns. The first is about the variety of fees listed in schedule 1. Although the Bill covers holding payments and deposits, several fees that letting

[*Maria Caulfield*]

agents have introduced will get around the legislation. Citizens advice in Lewes found that people can be charged around £450 to add a second tenant to a property. A reference check can cost £100, as can general admin. An “express move”—to move within 10 days—can cost around £200, and it can cost another £200 to keep a pet in a property. If a tenant moves out and someone takes over the lease, that costs £300 on average. Some Members have already mentioned the six-month tenancy. Tenants often want a longer lease, to which they are legally entitled, but are not allowed to contact the landlord to negotiate one, because it is in the letting agents’ interest to keep tenants on a rolling six-month tenancy, paying around £150 to £350 every time they renew their lease.

My other concern is enforcement and schedule 3. It is a legal requirement for letting agents to advertise their fees, but it just does not happen and is not enforced. Citizens advice looked at 25 letting agents in Lewes and Seaford. Only one currently advertises its fees. We have legislation and it is not being enforced. I am not clear from schedule 3 who is responsible for the enforcement of the legislation and what happens if they do not do it. I welcome the Bill, but I have those two concerns—the variety of fees not covered, and enforcement to ensure that the Bill works properly for tenants.

9 pm

**Matt Rodda** (Reading East) (Lab): I am grateful to be able to speak on Second Reading and to discuss an issue that is relevant at both national and local level. It is also my pleasure to follow the hon. Member for Lewes (*Maria Caulfield*).

I welcome the Bill, which has long been delayed—the issue was raised by Labour in 2013 and adopted in our 2015 manifesto. Rising house prices in my constituency mean that the rental market is growing rapidly. Since 2009, median house prices in Reading East have risen spectacularly by 175%, from £197,000 to £344,000. Increasing numbers of young families as well as single people are entering the rental market.

Some renters are satisfied with their properties, but in my experience far too many find themselves footing bills for housing that is in poor condition, or for tenancies without any long-term certainty. Nationally, 1.6 million families with children are renting privately, with their long-term plans depending on the reliability of landlords who can evict them with one month’s notice. Meanwhile, letting fees, burgeoning rents, and high deposits present an affordability challenge for tenants. It is therefore in the vital interests of all my constituents that the rental market be maintained as affordable, transparent and accessible. I welcome the Bill as a first step towards establishing that fair and reliable rental market.

The Bill will have a positive impact in abolishing up-front fees to enhance clarity and control for tenants. Letting-agency fees restrict the mobility of renters, thereby removing one of the prime incentives of renting a property. On average, tenants pay £272 per person in fees with each move, on top of rent in advance and deposits. Alarming, one in seven tenants are charged more than £500 to enter rented accommodation. Over the past five years, renters have racked up a staggering bill of £678 million in agency fees.

Moreover, there is a lack of consistency in setting those costs. Research by Shelter has found broad variations across letting agents—reference-check fees range from £30 to £220, and tenancy renewals cost between £35 and £150. I welcome the premise of the Bill—the measure was initially promised in the 2015 Labour manifesto—but I note that both the Prime Minister and the Chancellor of the Exchequer have previously voted against a motion abolishing letting fees. I am delighted that the Government have decided to change their mind.

Default fees are chargeable if an agent or landlord incurs costs due to a tenant’s actions. They have been described by agents as a back-door route to reclaiming lost income. Agents have admitted openly to the Housing, Communities and Local Government Committee that they will charge disproportionate default fees to make up for loss of revenue, which is an extraordinary admission from the industry about its intentions to exploit loopholes in the Bill. I am concerned that there will be cases of a brush coming with an associated charge of £45, or of £130 being charged for a missing TV remote. These default fees are set at the discretion of the agent or landlord, and there is no cap in the Bill on the cost to tenants. There is an urgent need to strengthen this legislation to provide limits on what can be charged for and to ensure that any charge made is reasonable. If relevant additions are made to the Bill to resolve this flaw, the legislation’s good intentions will be preserved.

The second aspect of the Bill that I would like to discuss concerns tenancy deposits. Although I am glad that the Government have decided to issue a cap on tenancy deposits, I am disappointed that the Select Committee’s recommendation to cap deposits at five weeks’ rent has been rejected, as the hon. Member for Harrow East (*Bob Blackman*) mentioned. The Government have opted for a six-week cap, which means that renters in the south-east of England will still have to find an average of £1,800 to place a deposit. This is at a time when the majority of landlords already take deposits for six weeks or less. As such, the Bill will not change the realities of access to housing for renters, particularly in an area such as mine.

Thirdly, I voice my support for robust enforcement. I am glad that tenants will be given access to a first-tier tribunal to enforce the regulation, and I am pleased to see penalties being put in place for breaches of the rules. However, sufficient funding must be released to allow for the enforcement of the ban on letting agent fees. Without proper resourcing, the measures in the Bill are likely to fall short.

In general, the Bill has the potential to make significant savings for tenants in—and enhance the transparency of—the private rental sector. I am pleased that the Government have listened to calls to make private renting fairer and more affordable. In fact, as I mentioned, the Labour party has been campaigning for these measures for a long time. Indeed, my right hon. Friend the Member for Wentworth and Dearne (*John Healey*) first recommended them in the Letting Agents (Competition, Choice and Standards) Bill in 2013. The Bill requires further scrutiny in several important areas—most obviously, the provisions on default fees. I ask the Government to provide further protections against the exploitation of tenants in this regard.

With proper amendments, the Bill can present a good first step towards balancing the rental market. I urge the Government to listen to these points.

9.6 pm

**Andrew Lewer** (Northampton South) (Con): Although it is true that some renters pay many hundreds of pounds in fees to letting agents, I want to point out that the solution proposed by the Government may merely shift the cost of the burden, not to landlords and lettings agents, but back to tenants in a different way. Banning letting agency fees means that the money will have to come from somewhere else, at least as far as legitimate services from respectable letting agents are concerned. Landlords may well be forced to, or at least will, increase rents across the tenancy to cover the costs anyway.

**Alex Chalk** (Cheltenham) (Con): Does my hon. Friend agree that however appropriate this legislation is—and it is appropriate—it is at least in part because of the unscrupulous actions of some letting agents, and not all letting agents should be tarred with the same brush? CGT Lettings and Morgan Associates in my constituency do a good job by their tenants and can be expected to continue to do so.

**Andrew Lewer:** I entirely agree.

These new rules are quite complex and there will be a bureaucratic cost to councils, letting agents, landlords and therefore tenants. The rules trigger the new burdens doctrine, and I hope that this will be accounted for in the legislation. I still think that a simple rule allowing letting agents to impose a maximum fee of 100% or 150% of monthly rent might have solved this more straightforwardly, as long as there were additional safeguards for those receiving housing-related benefits and others.

As I said last week on housing and, before that, on the energy price cap, I am a critical friend and a supporter, rather than a member, of this Conservative Government. Although I accept the need to intervene at times to ensure that fairness is maintained in the market, we also have a strong commitment to providing more houses and making people's lives easier. The focus needs to be the key objective of having new homes in which the private rented sector will have a role, rather than just the "ban and regulate" type of legislation. As my hon. Friend the Member for Cheltenham (Alex Chalk) has just said, let us remember that there are hard-working people in the sector. We should not draft legislation purely to punish those who behave unscrupulously at the expense of the far more numerous examples in the former category.

I would like to acknowledge the work of the Housing, Communities and Local Government Committee, on which I sit. Over the past few months, it has held evidence sessions with stakeholders and done significant work to improve this Bill so as to avoid more costly and inefficient enforcement. Indeed, that work has been sufficient, notwithstanding my reservations, to secure my support in the Lobby, because there is a problem to be tackled, even if this proposal has some Jim Hacker in it as well as some King Solomon.

9.9 pm

**Wera Hobhouse** (Bath) (LD): I draw Members' attention to my entry in the Register of Members' Financial Interests.

The Liberal Democrats have long fought for renters' rights. The Bill is in many ways the result of the hard work of my colleagues in the other place, who have campaigned tirelessly for a ban on letting fees and for private rented sector reform. I am therefore pleased that the Government have listened and will make the sector fairer for my constituents in Bath and people across the country. However, the Government could be much more ambitious. The Bill introduces a ban on letting fees, but currently does not include provision for local government to enforce fines if the ban is breached. What is proposed is a self-financing system, and that often does not work in practice. Equally, we must ensure that the Bill covers all fees. We cannot permit letting agencies to attempt to bring in fees under an alias or to exploit the default fees loophole, as a couple of Members have already pointed out. We need more information from Government to understand how this issue is being addressed.

Many landlords are not badly intentioned, but we must do more to stop those who abuse the system. There must be compulsory registration for landlords. There must also be public access to the Government's database of rogue landlords, and those landlords should not be able to obtain a licence for houses in multiple occupation. There should be support for longer tenancies; I completely agree with the hon. Member for Lewes (Maria Caulfield). We should have Government-backed loans to help people to afford a tenancy deposit. By tackling rogue landlords and supporting those struggling to afford a deposit, we would be reducing the key factor behind the rise in homelessness.

The housing crisis is denying young and vulnerable people in my constituency access to a place to call their own. The Bill is a step in the right direction. I am pleased that a practice that was a nice earner for some but an injustice to the young and most vulnerable people will now end. However, I urge the Government to be far more ambitious if we are truly going to make a difference to renters.

9.12 pm

**Richard Graham** (Gloucester) (Con): It is a great pleasure to join this happy debate with a lot of consensus on both sides of the House. It is also a pleasure to follow the hon. Member for Bath (Wera Hobhouse), who reminded us that success has many parents and that that is a happier position to be in than the orphan without any parents.

Much has already been said, so I just want to add two or three thoughts. Last year, I became, with my wife, an amateur landlord. As this Bill took shape, I spoke to constituents who were tenants, agents and landlords, and I looked it in the light of our own experience. I quickly came to the conclusion that the market was not acting as effectively as it should, fundamentally because tenants are not equal partners in the negotiations and lots of family landlords inevitably devolve decision making to agents. As both the current and previous Secretaries of State have said, and as the shadow Minister, the hon. Member for Great Grimsby (Melanie Onn), said today, a small—I repeat, small—number of rogue agents have spoiled the situation. As the supply-and-demand equation has altered, so, in turn, tenants have become more squeezed.

Fundamentally, the role of agents in this process has changed. They are evolving quite radically from being an intermediary in an analogue age to a landlords'

[Richard Graham]

compliance department in a digital age. Today, their fundamental role, which is very important, is to keep landlords and themselves out of trouble—indeed, even out of jail. The reason for this is not least the complexity of the law. Regulations need to be enforced. Most amateur landlords need high-quality agents to ensure, for example, that smoke detectors and fire exits work, that boilers are checked and that insurance is adequate. There is much more besides all the important environmental health provisions that councils are responsible for ensuring do not get breached. I believe that the role of agents therefore is to focus on keeping landlords within the law and providing a good service to tenants. A commission agent is fundamentally different from a compliance department.

I welcome the Bill and everything that Ministers have announced. I note one or two caveats from colleagues. I think that the fundamental goal of saving some £240 million a year in unnecessary fees will be welcomed across the country. The compromise on capping security deposits at six weeks' rent—it is eight weeks in Scotland—seems sensible, but no doubt there will be further debate on whether it should be five or six weeks.

The Bill will not solve all the problems—the supply of housing is still too small and the prices are still too high for many tenants—but it is a chance for agents to adapt their business model in the way I have suggested, for landlords to get their properties in order and for tenants to help keep landlords straight. Because rents have risen, there is a risk of poor and even dangerous homes being rented by landlords who are cutting corners to tenants who are trying to cut costs. I urge Ministers to look at how they can work with local authorities to ensure that that risk is not increased and that local authorities seize the opportunity to levy fines where they are needed and to provide the resources for their housing departments to keep housing of the quality that we, and above all tenants, deserve.

9.16 pm

**Helen Hayes** (Dulwich and West Norwood) (Lab): I presented a petition to the House on behalf of my constituents back in June 2016, calling on the Government to take action to curb letting agent fees. In responding to the petition, the Government gave no indication that they were considering any action on fees other than requiring letting agents to publish a full tariff of their fees. That response was very disappointing.

The publication of tariffs in my constituency has simply confirmed what private renters have always known: that fees are enormously variable and that in many cases a combination of fees, holding deposit and tenancy deposit can run into hundreds and sometimes thousands of pounds each time a tenant moves. Letting agent fees are no small matter financially, whether someone is trying to save for a deposit to buy their own home or simply trying to keep their head above water and make ends meet. The instability that many private renters face means that they are not only paying high fees, but can be forced to pay them every six to 12 months, so they face the utterly dispiriting experience of seeing what little savings they manage to accumulate being wiped out again and again each time a tenancy comes to an end.

Fees, combined with spiralling rents, are one of the reasons why many renters cannot afford to buy. They are also one of the reasons why many of my constituents who are in the greatest housing need and on long waiting lists for genuinely affordable social housing increasingly fear the private rented sector, if they are able to access it at all. So I welcome the Government's change of heart on letting agent fees. I welcome the adoption of a Labour policy, and I welcome the Bill.

The Bill seeks to iron out a significant confusion in the letting agency market, which is the question of who the client is. Since landlords procure the services of letting agents and have a choice about which letting agent to choose, and letting agents provide a service to landlords in finding them tenants, the landlord is the client. Tenants do not have a choice about which letting agent to go to in order to access the type of home they require. They cannot decide that they like a particular property but would prefer to rent it via a different agent. As such, they are not the client. Any services the letting agent provides that involve the tenant, such as obtaining references and credit checks, are simply part of the process of securing that tenant for the landlord who is their client. It is therefore not fair or reasonable for two different parties in a letting transaction to be charged for the provision of services. No other part of the estate agency industry operates in that way, and there is no justification for it to continue.

While I welcome the Bill, there are some important ways in which it can and must be improved. The first and most significant relates to default fees. The Bill allows for default fees to be charged by landlords and agents of tenants but does not specify any parameters for that. Great concern has been expressed by many witnesses to the Housing, Communities and Local Government Committee's pre-legislative scrutiny inquiry on the Bill and others that the provisions relating to default fees are simply a loophole that will allow arbitrary sums to be claimed from tenants by the back door.

Although default fees have to be specified in the tenancy agreement, there is in practice no way for a tenant to identify and challenge unfair fees at the point at which a new tenancy begins—and by the time they are being charged, it is too late. Letting agents' representatives admitted in evidence to the Select Committee that they would try to charge disproportionate default fees to make up for a reduction in other fees. This would be completely unacceptable, and while I welcome the Government's intention to provide further clarification, it is vital that this is absolutely watertight if the Bill is to succeed in its main objective of reducing cost to tenants.

Secondly, I am concerned that the Bill is insufficiently clear on the circumstances in which an agent can retain a holding deposit. In circumstances where a tenant has wilfully provided false information, it may be acceptable for an agent to retain the costs of undertaking checks, but we know that there are many circumstances in which incorrect information can be provided where this is not the fault of the tenant. For example, the tenant may be unaware that their credit rating has dipped, or an employer may hold out-of-date salary information, and there are many other such circumstances. The Bill must ensure that tenants are protected against incorrect information being provided by someone else. The failure to do so could result in tenants who have lost a proportion

of their savings being prevented from accessing another home, with dire consequences. I urge the Government to ensure that the Bill is sufficiently robust on this matter.

Finally, I must emphasise that although the Bill is a welcome step, there is still much more to do to reform the private rented sector and to redress the imbalance of power that exists between landlords and tenants. The Government have shown a willingness to adopt Labour policy with regard to banning letting agents' fees. May I urge the Minister to go further and legislate for longer and more secure tenancies, intervene to address the spiralling rents that cause hardship for so many of my constituents and act to stop revenge evictions because the current legislation simply is not working? We need comprehensive reform of the private rented sector to give security and stability to the increasing numbers of my constituents who are reliant on it, and in particular for the growing numbers of children living in private rented accommodation on whom the need to move frequently can have a particularly harmful impact. While I welcome the Bill, there is much more to do, and I urge the Government to go further.

9.22 pm

**Lloyd Russell-Moyle** (Brighton, Kemptown) (Lab/Co-op): I congratulate the Conservative party on delivering yet another 2015 Labour election manifesto pledge. Page 62 of our 2015 election manifesto, which I stood on, pledged to ban unfair letting agent fees. I have some news for the Conservative Members, however, because we had a new manifesto in 2017, which was even more popular than our 2015 manifesto: it led to their losing seats and to our gaining them. The 2017 manifesto went even further:

“Labour will make new three-year tenancies the norm, with an inflation cap on rent rises... We will legislate to ban”—

all—

“letting agency fees for tenants. We will also empower tenants to call time on bad landlords by giving renters new consumer rights.”

It was a little bit disappointing that this Bill did not go quite so far. However, if the Government wish to continue their work in implementing Labour manifesto pledges, I am sure that they will meet no resistance from Labour Members and that it will be met with a great deal of praise from those who are suffering in the private rented sector.

The scandal of letting agent fees has gone on for far too long, and an audit of the private rented sector in Brighton and Hove shows exactly how out of control the fees are. In Brighton, agents' fees start at £500 just for a holding fee, which is of course, as we have heard, non-refundable. If someone decides not to go for the property, they will lose the money. In the house buying world, someone can put in a bid for a property, agree an offer and get very far through the negotiations, but they can drop out with no financial charge. That seems manifestly unfair: for the rich, or for homeowners, there is one rule; and for renters, there is another whereby, if someone decides to change their view at the last moment, for whatever reason, they are charged. Ending that is a great opportunity that has been missed in the Bill.

In Brighton, admin fees are also common, at £250 on average per tenant, tenant substitution fees are as high as £420, and guarantor fees are £190. All in all, it costs more than £1,000 and we have not got started on

the deposit. We have heard the same story from many constituencies throughout the country, particularly those in the south-east. We also have check-in and check-out fees, which are as high as £270 per check-in or check-out.

How has it got this bad? There is, of course, a fundamental power imbalance in the landlord-renter market. Often, young and insecure workers have no choice but to take what they are given, pay the fees and, sometimes, to do it with a smile because otherwise they would be rejected by the landlord. That is, of course, why it has been necessary in Brighton to establish renters' unions. There are renters' unions in my constituency such as Acorn, and I applaud the work it has done to fight for renters who are being abused by agents. We have heard a lot of talk about this being about only a few agents, but I am afraid that in my city it is, I think, a large number of agents. I would even go so far as to say that the majority of agents use these dirty tactics. That is why the Bill is needed; it is not about a few rotten apples but a systemic failure in the market.

The Minister will have received the same advice as I and many others have about some of the things that need to change, particularly the loophole in paragraph 4 of schedule 1, which has been mentioned, regarding tenants who have to pay a default fee. Again, that takes me to the point about the equality of the sides in this argument. While we still have no-fault evictions, where a landlord can decide to evict a person with notice and there is no charge or fee against the agent or landlord and no reimbursement for the person losing their house a few months early, it seems to be totally unfair to have any default fee on the other side without the situation being equally balanced. If the Bill were to introduce an equal default fee for no-fault evictions, this would be a measure that I could probably come to support.

Of course, the Bill also fails to provide a comprehensive definition of default fees and creates the ability for fees to be reintroduced by any other means. Of course, we know that in a capitalist world capitalism will use those loopholes to its best advantage. It seems that the Government never learn that if they do not close down loopholes, the people who will be abused are our constituents. I guess that it will take a Labour Government to implement Labour manifesto policies properly, but I support this measure, even if it does not quite yet go far enough.

9.28 pm

**Sarah Jones** (Croydon Central) (Lab): This has been an important debate, which has seen excellent contributions from across the House. I want to highlight in particular those made by my hon. Friend the Member for Sheffield South East (Mr Betts) as Chair of the Select Committee and my hon. Friend the Member for Cardiff Central (Jo Stevens), who painted such a powerful picture of a student city and the arbitrary and unjustifiable fees to which those students are subjected.

As has already been said, it is always flattering for the Opposition when a Government steal our good ideas, but the serious point that all of us on the Opposition Benches want to make tonight is that we welcome the Bill, we welcome its intent and we want to work with the Government to get it right. Introducing an outright ban on up-front letting fees is absolutely right and, as the hon. Member for Carlisle (John Stevenson) said, it is right and proper that the Government should intervene.

[Sarah Jones]

As we know, the Bill has been some time coming. The Government voted down a private Member's Bill on this topic in 2013. As my hon. Friend the Member for Reading East (Matt Rodda) said, the proposals to ban letting fees were put to the House in 2014 and the Conservative party, including the Prime Minister, voted them down. In 2016, my constituency predecessor and then Housing Minister dismissed this policy as a bad idea, just eight weeks before his Government briefed the policy as part of their autumn statement. That is all in the past, however, and we are delighted we won the argument in the end.

We welcome the Bill, but we think it could go further and give private renters the rights they need. The Government have backtracked on their original plans to cap deposits at rates tenants want. They have put a major loophole in the Bill for a minority of unscrupulous landlords to exploit, they have kept costs for holding deposits at an unreasonable level and they have passed potentially high fees beyond year one for enforcing the Bill on to local councils.

It is right that we challenge the Government to go further, while welcoming the Bill's overall aims. As the hon. Member for Rugby (Mark Pawsey) said, 21% of the market is now privately rented. It is no longer just young single people and students: England's private rented sector is home to 1.6 million families with children. Average rents are now almost £1,500 a year higher than they were in 2010. As my hon. Friend the Member for Stockton South (Dr Williams) said, there is a link between paying more than a third of income on rent and one's mental health. As my hon. Friend the Member for Dulwich and West Norwood (Helen Hayes) said, in her constituency people are increasingly fearful of the private rented sector, if they are able to access it at all. The hon. Member for Bath (Wera Hobhouse) and my hon. Friend the Member for Brighton, Kemptown (Lloyd Russell-Moyle) painted a picture of the wider reforms that are needed if we are to really tackle the private rented sector. There is certainly much more to be done, but we welcome the Bill.

I want to press the Minister on a few small points. Security deposits are a barrier to entry for many people trying to access the private rented sector. The proposal to cap deposits is welcome and a long overdue admission by the Government that the current market price is just too high. The Department's own consultation found that more than nine out of 10 tenants want to see a cap, but we do not believe that the proposals in their current form are fit for purpose, because the cap is above what the market has already settled on and will not make any difference to the majority of tenants. Shelter's most recent private landlord survey found that 55% of landlords ask for four weeks' rent as a deposit, while only 6% ask for more than six weeks.

Citizens Advice also found that the most common amount is four weeks. It argues that a six-week cap will just help 8% of private renters. The Government's own consultation on the policy found that two thirds of tenants wanted a cap of four weeks or less. Instead of listening to tenants and experts, the Government have risked making a deposit of six weeks' rent the norm, rather than the maximum. This is a particular concern

in high-cost areas such as London, where a six weeks' rent deposit will see tenants paying £2,000 based on medium rents.

The Mayor of London is calling for a three-week cap. Experts such as Shelter and Citizens Advice are saying it should be no higher than four weeks. As set out by the hon. Member for Harrow East (Bob Blackman), the Housing, Communities and Local Government Committee is calling for a five-week cap. Clearly, there are some different views. It is a shame that the Government have bowed to pressure from trade associations and backtracked on their original plans to cap deposits at four weeks' rent. I really hope the Minister will be open to discussing this in more detail in Committee. We on the Labour Benches will thank the Government for that if they do so.

On default fees, although the majority of landlords and many agencies operate fairly and responsibly, excessive fees imposed on tenants for minuscule breaches are still far too common. Some examples highlighted by Shelter include: a £40 administration fee for every phone call or letter to chase overdue rent; a £40 charge for a late rent payment; and mystery shopper evidence that appears to show agents making up fees for things on the spot. The Government have allowed a potentially serious loophole in the Bill by not banning default fees.

There are several issues that we do not have time to go into tonight, but there are big question marks over the effectiveness of statutory guidance in such areas. In the energy sector, the continued use of back-billing by companies in defiance of Ofgem's guidance meant a licence requirement was eventually needed.

It is important that we get this right and do not leave a loophole for unscrupulous landlords and letting agents at the heart of the Bill. As the hon. Member for Lanark and Hamilton East (Angela Crawley) said, the lettings industry admitted in evidence to the Housing, Communities and Local Government Committee that some agents may seek to charge disproportionate default fees in order to recoup revenue that is lost as a result of the legislation.

Turning to the enforcement duties in clauses 6 to 8, as with any legislation of this sort, effective enforcement is key to its success. As we have heard today, the suggestion that the Bill should be completely funded through civil penalties jeopardises its chances of working effectively. Serious concerns have been raised about the ability of trading standards to enforce the measures properly, as no extra funding is earmarked beyond year one for enforcement—of course, we very much welcome the announcement of £500,000 in Government support in year one. Trading standards are under-resourced and overstretched to an unprecedented degree, and therefore, this proposal seems misguided. I hope that the Minister can offer us something during the Bill Committee to deal with that issue.

In conclusion, unlike other sectors in which consumers can expect certain standards with clear redress, repair and replace provisions, in practice they have fewer consumer rights in renting a family home than they do in buying a fridge-freezer. Today's Bill is a step in the right direction, but it is not yet perfect. Although it will give comfort to renters, it will not tackle their wider problems. The Conservatives have so far turned a blind eye to the pressures that England's rapidly growing number of private renters are facing. We hope that the new Secretary of State will continue on his course of coming in and

changing things that are not right and will work with us to make the Bill work. My hon. Friend the Member for Great Grimsby (Melanie Onn) called for a gold standard for renters and landlords and for us to take the Bill from good to great. I am sure that that is something the Government would support.

9.36 pm

**The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Rishi Sunak):** It is a pleasure to wind up the debate and I thank the hon. Member for Croydon Central (Sarah Jones) for her constructive support for the principles of the Bill. I very much look forward to discussing the details with her in Committee.

At the outset, I pay tribute to the Under-Secretary of State for Housing, Communities and Local Government, my hon. Friend the Member for South Derbyshire (Mrs Wheeler), who could not be with us tonight. She deserves enormous praise for the way she has brought the Bill to the stage in which we are discussing it tonight, through her tireless engagement not only with colleagues across the House, but the sector at large, and extensively with the Housing, Communities and Local Government Committee. I thank her for all her work. She is the reason that we are talking about a Bill over which there is so much agreement.

I start by agreeing with my hon. Friend the Member for Carlisle (John Stevenson). Like him, I am a committed believer in the power of free markets and competition. I approach cases of caps and bans with some scepticism as well, so I am pleased to tell him that after careful consideration of the Bill's provisions, I came to the same conclusion as my hon. Friend the Member for Gloucester (Richard Graham): what this Bill does is address a failure of competition and a failure of the free market, which Government Members believe so passionately in. There is an inherent unfairness in a situation where a potential tenant is faced with a monopoly provider of a letting agent, and it does not strike any of us as being right. That unfairness was highlighted by my hon. Friends the Members for Rugby (Mark Pawsey) and for Walsall North (Eddie Hughes) and is most clearly evidenced in the charging of double fees, where letting fees are charging fees on both sides of the transaction. This is evidence of the broader imbalance in the market that my hon. Friend the Member for Harrow East (Bob Blackman) highlighted, and the Bill seeks to redress the balance between landlords and tenants.

We have heard many helpful contributions from members of the Housing, Communities and Local Government Committee on both sides of the House. I pay tribute to its work and in particular, to the hon. Member for Sheffield South East (Mr Betts) and my hon. Friends the Members for Harrow East and for Northampton South (Andrew Lewer), as well as their colleagues. They did an excellent job. It is worth pointing out that I counted 19 separate recommendations of the Select Committee's report and the Government were pleased to accept 15 of those. I hope that that speaks to the value that we place on pre-legislative scrutiny—*[Interruption.]* We should not dwell too much on the differences that separate us.

My hon. Friend the Member for Harrow East, the hon. Member for Sheffield South East and many other hon. Members asked about retaliatory evictions, and I am

pleased to say that the Government are considering the Committee recommendations arising from its wider inquiry into the private rental sector, including on retaliatory evictions, and will reply in due course.

My hon. Friend the Member for Northampton South raised the issue of new burdens funding. I can tell him with my other hat on—as a local government Minister—that there is probably no more passionate defender of new burdens funding than me, so I will ensure that the funding is there for our local authorities to enforce the Bill properly.

That brings me to the comments by my hon. Friend the Member for Lewes (Maria Caulfield). She asked about enforcement and about the fees that would be charged and gave examples of exorbitant £200 or £300 fees charged when tenants want to add a second tenant to their contract or request permission for a pet. I am pleased to tell her that the Bill seeks to end that practice. Such fees will be capped at £50 or reasonable costs, which I hope gives her some comfort.

Enforcement is, of course, incredibly important. I am pleased to tell my hon. Friend and others that there are multiple avenues by which tenants can seek enforcement of their rights: first and foremost, through redress schemes, which the Government made mandatory for letting agents some years ago and are consulting on making mandatory for landlords today; secondly, through trading standards authorities and district councils where they are not the trading standards authorities; thirdly, on the advice of the Select Committee, through the first-tier tribunal; and, if none of that works, subsequently through the county court. The fines, starting at £5,000 and scaling up to potentially unlimited fines, are significant and will act as a deterrent to errant landlords.

**Mr Betts:** On enforcement, does the Minister accept that going to a county court is quite an experience for a tenant and would probably put them off, and does he therefore accept that the first-tier tribunal itself should take the matter of enforcement to the county court on behalf of tenants who have already won their case?

**Rishi Sunak:** We do not fully agree with the hon. Gentleman on that particular point, but I hope he takes comfort from our having accepted his recommendation that in the first instance the first-tier tribunal be available for tenants to take cases to and that this will serve as a benefit to them.

On fines, in criminal cases parties will be liable to potentially unlimited fines and banning orders. I think that the combination of all those things will serve as sufficient deterrent to errant landlords.

In conclusion, the Bill will save millions of tenants hundreds of millions of pounds and will deliver fairness. It is one of the many measures the Government are taking to fix the broken housing market, and I commend it to the House.

*Question put and agreed to.*

*Bill accordingly read a Second time.*

#### TENANT FEES BILL (PROGRAMME)

*Motion made, and Question put forthwith (Standing Order No. 83A(7)),*

That the following provisions shall apply to the Tenant Fees Bill:

*Committal*

(1) The Bill shall be committed to a Public Bill Committee.

*Proceedings in Public Bill Committee*

(2) Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 12 June 2018.

(3) The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

*Proceedings on Consideration and up to and including Third Reading*

(4) Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.

(5) Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

(6) Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

*Other proceedings*

(7) Any other proceedings on the Bill may be programmed.—  
(*Amanda Milling.*)

*Question agreed to.*

**TENANT FEES BILL (MONEY)**

*Queen's recommendation signified.*

*Motion made, and Question put forthwith (Standing Order No. 52(1)(a)),*

That, for the purposes of any Act resulting from the Tenant Fees Bill, it is expedient to authorise—

(1) the payment out of money provided by Parliament of:

(a) any expenditure incurred under or by virtue of the Act by the Secretary of State;

and

(b) any increase attributable to the Act in the sums payable under any other Act out of money so provided; and

(2) the payment of sums into the Consolidated Fund.—  
(*Amanda Milling.*)

*Question agreed to.*

**Lloyd Russell-Moyle** (Brighton, Kemptown) (Lab/Co-op): On a point of order, Mr Deputy Speaker. I want to ask how I might put the record straight. I have a lodger, not a tenant, and I want to be very clear, for transparency purposes, that while the Bill does not affect that relationship, I do derive an income from that lodger, as my entry in the Register of Members' Financial Interests states.

**Mr Deputy Speaker (Sir Lindsay Hoyle):** I think the matter has been clarified.

**Health and Social Care (National Data Guardian) Bill (Money)**

*Queen's recommendation signified.*

9.43 pm

**The Parliamentary Under-Secretary of State for Health and Social Care (Jackie Doyle-Price):** I beg to move,

That, for the purposes of any Act resulting from the Health and Social Care (National Data Guardian) Bill, it is expedient to authorise the payment out of money provided by Parliament of any expenditure incurred under the Act by the Secretary of State.

I pay tribute to my hon. Friend the Member for Wellingborough (Mr Bone) for bringing forward this important Bill. I once again confirm the Government's support for and commitment to it and our desire to see it succeed.

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

**Mr Deputy Speaker (Sir Lindsay Hoyle):** I was going to let the shadow Minister come in first, Mr Bone.

9.44 pm

**Justin Madders** (Ellesmere Port and Neston) (Lab): Thank you, Mr Deputy Speaker. I am sure that we can hang on for a couple more minutes before hearing the contribution of the hon. Member for Wellingborough (Mr Bone).

There is well-recorded Labour support for the Bill. The use of data has the potential to improve every aspect of the NHS by, for instance, transforming the way in which we diagnose illnesses such as cancer, and improving the patient experience by ensuring that every clinician at every stage has access to the complete picture. However, as we know from experience, the use of data in the NHS can be controversial, with high levels of suspicion among patients.

That suspicion is not unfounded. Official figures show that more than 100,000 patients were caught up in NHS data blunders in 2016-17. The number of serious data incidents has doubled in a year, and now, on average, there is one every three weeks. Last year it emerged that NHS Shared Business Services had failed to deliver just under 709,000 letters from hospitals to GPs' surgeries, and that the correspondence had been left in an unknown warehouse. Those examples show the importance of effective, modern data protection laws with robust safeguards, which are central to securing the public's trust and confidence in the use of personal information within the NHS. The establishment of a state-backed national data guardian for health and social care is one of the ways in which we can improve practice across the NHS and increase public confidence.

That said, the Government have fallen a long way short of their data aspirations. All hospitals and GPs were expected to be able to access GP records by 2014, and by 2015 patients were expected to be able to see all their own records online. We are some way from that, but the direction of travel is clear, which is why the Bill is so important.

The need for a data guardian is obvious, and we will support the motion, but it would be remiss of me not to mention that we are discussing a money resolution for the 94th Bill presented in the current Session. By an

amazing coincidence, we have already heard extensively today from my hon. Friend the Member for Manchester, Gorton (Afzal Khan) about his Bill, which was the ninth to be presented but for which there has still been no money resolution. Do we know why that is?

It cannot be right for the Government to decide when to accept the will of the House, or whether to accept it at all. Money resolutions have historically been formalities, introduced as a matter of course after Second Readings, but now we see Ministers picking and choosing when to listen to the sovereign body of this country. The Government are defying the will of the House and overstressing their executive power in the service of their own electoral interests. Nothing in this debate will change that, but one day they will be sitting on these Benches again, and they may come to regret having played so fast and loose with Parliament.

9.47 pm

**Mr Peter Bone** (Wellingborough) (Con): I am grateful to the shadow Minister, the hon. Member for Ellesmere Port and Neston (Justin Madders), for what he has said about the Bill. I completely understand his closing remarks, and I will try to deal with that dilemma later. It is very strange that a money resolution should be proposed for Bill No. 94 before one has been proposed for Bill No. 9. I also thank the excellent Minister—I think that we may be meeting tomorrow to discuss the Bill—for introducing the motion.

We had a long debate earlier today, which was technically about money resolutions following Second Readings. It was not particularly concerned with the Parliamentary Constituencies (Amendment) Bill, but Members became carried away on that subject. What we should be doing tonight is deciding whether the expenditure for my Bill justifies a money resolution, but I can understand why Opposition Members—and, perhaps, some Conservative Members—feel that we should not pass the motion because it would leapfrog a Bill on which there was a substantive debate in the House and a very large vote. My Bill was given a Second Reading only because of the widespread support that it had attracted; there was no debate on it whatsoever. I therefore find myself in something of a dilemma over what course I should recommend to Members later.

Let me, however, explain what the Bill is about. The role of health and social care national data guardian has already been established, but the Bill would put it on a statutory footing. I thought that the need for a money resolution was a little arguable, as the Government were already paying for the same services, but the excellent advice from the Clerks was that we did need one, and the amount of money involved is reasonably substantial.

**Philip Davies** (Shipley) (Con): I am grateful for what my hon. Friend said because I am, as he knows, one of the supporters of his Bill, so I am very grateful that we have got to this stage, too. It is said that the cost will be approximately £700,000. Does my hon. Friend think that is a fair estimate, or does he have a different view of the cost of the Bill?

**Mr Bone:** I am grateful for my hon. Friend's intervention, but I would like to deal with that later in my remarks.

There is the following deferred Divisions motion on the Order Paper in the name of the Prime Minister:

“That, at this day's sitting, Standing Order No. 41A (Deferred divisions) shall not apply to the Motion in the name of Mel Stride relating to the Health and Social Care (National Data Guardian) Bill.”

That is interesting because under Standing Order No. 49 automatically there has to be a debate of up to 45 minutes on a money resolution, so I am not sure why that motion is on the Order Paper. The new version of Standing Orders published on 1 May is in the Vote Office today, and consideration of such a resolution automatically can go through the moment of interruption.

**Sir Christopher Chope** (Christchurch) (Con): We have just allowed a money resolution to go through on the nod in relation to the Tenant Fees Bill and I think the sums involved are much higher than £700,000, yet under Standing Orders we were not allowed any separate debate on that. Can my hon. Friend explain why his Bill for £700,000 has 45 minutes but a much more expensive Bill has nothing?

**Mr Deputy Speaker (Sir Lindsay Hoyle):** I do not think we need to consider that.

**Mr Bone:** Mr Deputy Speaker, I wanted to get credit for the fact that some years ago I got the House to accept that in Second Reading debates we can deal with the money resolution; that is perhaps my only achievement in Parliament. But it is right that if the money resolution does not follow Second Reading immediately there has to be a 45-minute debate, and the Department of Health and Social Care estimate of the cost is £700,000.

**Richard Graham** (Gloucester) (Con): Up to that sum.

**Mr Bone:** No, the Department has estimated that these costs will be approximately £700,000 per year, so actually I suppose they could exceed that. To me, that is quite a lot of money. We have to make sure we know what we are doing tonight and I will leave it to Members to decide.

It is only fair to say that I can understand why Members might want to oppose this money resolution. It is not necessarily because they are against this Bill, but it does stop the Parliamentary Constituencies (Amendment) Bill having much chance of making progress. That is because on certain Fridays private Members' Bills have priority if they have come out of Committee, and if we pass the money resolution on my Bill tonight I will probably take 26 October while another Bill that has already gone through will take the November slot; there are no more dates available for private Members' Bills. I can therefore understand why Members might want to vote against this money resolution tonight, and if they did, I would respect that.

**Philip Davies:** Is my hon. Friend saying that if we vote for this money resolution this evening, the Parliamentary Constituencies (Amendment) Bill of an Opposition Member would not be able to proceed?

**Mr Bone:** That is exactly what I am saying, because it would come on as a second Bill and therefore, as it is quite a complex Bill, would not get through. I think that some people who may have been involved in rearranging when money resolutions come through—this new idea

[Mr Bone]

of having a choice in relation to money resolutions—were aware of that fact, but I am not sure that everyone in this House was. I considered standing up and recommending that Members should not support this money resolution. However, if I did that, I would be playing into the Government's hands, because that would stop a private Member's Bill.

**Sir Christopher Chope:** My hon. Friend seems to be saying—in his typically generous way—that, for the greater good, he would be prepared to make a short-term sacrifice in respect of his own Bill. From the debate that took place earlier today, we know that one way of avoiding the problem that he encounters by having to have a money resolution debated and voted on in the House tonight would be to have a Bill without a money resolution. When he drafted his Bill, did he consider whether it would be possible to draft it in such a way that it would not require any more public money?

**Mr Bone:** Absolutely. There was much discussion with the Clerks of the House on that point. As my hon. Friend knows, that money has already been expended on the system that we have. My Bill is actually not going to cost the public purse any more money than at present. I argued strongly that my Bill should not have a money resolution, but the Clerks persuaded me that it was the proper thing to do. I think they felt that, on balance, it was safer to do it like this.

I did not think I would be speaking about a money resolution for my Bill. I did not think that anyone would spend any time on this matter. What normally happens—[*Interruption.*] No, I think we need to scrutinise this properly—

**Mr Deputy Speaker (Sir Lindsay Hoyle):** Order. There is someone else who wishes to speak as well.

**Mr Bone:** I do apologise, Mr Deputy Speaker, but I think that we have 45 minutes, whatever happens.

I have lost my thread a bit, but the fact is—

**Philip Davies:** Start again if you have lost your thread.

**Mr Bone:** Well, what I am trying to say is that, yes, there is £700,000 of expenditure but we are already paying £700,000 so I am not actually asking for any more money.

I also have a gripe about the time it has taken to get this money resolution here. I am not going to thank the Government for doing this, because I think that that is wrong. This should happen automatically. It is weeks and weeks since the Parliamentary Constituencies (Amendment) Bill had its Second Reading, and that was on exactly the same day that my Bill had its Second Reading. Mine was afterwards. I think there is something a little bit shifty here. I know that other Members want to speak, so let me just say that I want a money resolution and I want my Bill to move forward, but I will quite understand if the House divides tonight as a matter of principle.

9.58 pm

**David Linden** (Glasgow East) (SNP): What a pleasure it is to follow the hon. Member for Wellingborough (Mr Bone), with whom I am pleased to serve on the Procedure Committee. I will not take up too much of the House's time tonight, as I have a further lengthy speech to write for a Public Bill Committee on Wednesday morning, but I was rather shocked when I saw this money resolution on the Order Paper, not least because the House spent time debating a similar matter at length this afternoon, as we set out, on a cross-party basis, the need for a money resolution for the Parliamentary Constituencies (Amendment) Bill, which was passed unanimously by the House of Commons.

I presume that most Conservative Members have other engagements and cannot be here now, but they spent a huge amount of time this afternoon talking about the importance of money resolutions when committing public money and expenditure. This debate started at 9.44 pm and I think that the hon. Member for Wellingborough has been the only Conservative Member who has stood up to speak on this money resolution, which commits to spending £700,000 of public money. Conservative Members tell us on a regular basis that it is important to have lots of scrutiny when the Government are committing to using taxpayers' money. Tonight, however, we have heard from the hon. Member for Wellingborough, whose Bill got its Second Reading on the nod, without debate, whereas hon. Members including me came here on a Friday from our constituencies to debate the Parliamentary Constituencies (Amendment) Bill. We spent some four hours doing that, and the Bill was passed. It is the ninth Bill of the Session, whereas this Bill from the hon. Member for Wellingborough is No. 94, so we face the rather bizarre spectacle tonight of a Bill that was ninety-fourth jumping over the Bill of the hon. Member for Manchester, Gorton (Afzal Khan) and, indeed, the laudable Bill of my hon. Friend the Member for Na h-Eileanan an Iar (Angus Brendan MacNeil) that relates to child refugees. Once again, we see this Government playing party politics with private Members' legislation.

*Proceedings interrupted (Standing Order No. 9(3)).*

*Motion made, and Question put forthwith (Standing Order No. 41A(3)).*

That, at this day's sitting, Standing Order No. 41A (Deferred divisions) shall not apply to the Motion in the name of Mel Stride relating to the Health and Social Care (National Data Guardian) Bill.—(*Amanda Milling.*)

*Question put and agreed to.*

*Debate resumed.*

*Main Question again proposed.*

**David Linden:** What a pleasure it is to take the House past 10 o'clock this evening.

It is quite interesting that schedule 1(15) to the Bill states:

“The Secretary of State must pay to the Data Guardian such sums as the Secretary of State considers appropriate for the purpose of enabling the Data Guardian to perform his or her functions.”

In addition, the motion we are discussing is not cumbersome and states:

“That, for the purposes of any Act resulting from the Health and Social Care (National Data Guardian) Bill, it is expedient to

authorise the payment out of money provided by Parliament of any expenditure incurred under the Act by the Secretary of State.”

It would therefore not be a lot of work for the Government to bring forward a money resolution for the Parliamentary Constituencies (Amendment) Bill, too. Given that it has been easy tonight, I look forward the money resolution being passed for the Bill of the hon. Member for Wellingborough.

10.1 pm

**Sir Christopher Chope** (Christchurch) (Con): I thank you, Mr Deputy Speaker, for allowing us to debate this motion up to the maximum of 45 minutes. I was disappointed when it was introduced, however, because there was not much detail. We have heard about the approximate sum of £700,000 a year, but paragraph 47 of the Bill’s explanatory notes states:

“The Bill may result in some implementation costs for the bodies and individuals required to have regard to the Data Guardian’s published guidance, in that they will need to review and assess the relevance of the guidance.”

When the Minister comes to respond to this short debate, I hope that she will explain how many of those bodies and individuals are actually funded out of the public purse, and therefore to what extent additional costs will be incurred for the Exchequer in addition to the approximate £700,000 per annum.

I do not know whether the Opposition will call a Division, which they can do following the decision that deferred Divisions shall not apply to this motion this evening, but if they are really keen to move forward with the Bill that they were complaining about this afternoon, which has not yet received a money resolution, they should be using every available procedural device available to them to promote that cause. One is sometimes left with the feeling that there is a bit of gesturing here and that people do not have their heart in it, so I want to see the Opposition’s heart reflected in votes in this House, rather than in just mere words. Having said that, some important points have been made, and I hope that the Minister will respond to them.

*Question put and agreed to.*

## Business without Debate

### DELEGATED LEGISLATION

**Mr Deputy Speaker (Sir Lindsay Hoyle):** With the leave of the House, we shall take motions 6 and 7 together.

*Motion made, and Question put forthwith (Standing Order No. 118(6)),*

### BANKS AND BANKING

That the draft Cash Ratio Deposits (Value Bands and Ratios) Order 2018, which was laid before this House on 16 April, be approved.

### CHILDREN AND YOUNG PERSONS

That the draft Restriction on the Preparation of Adoption Reports (Amendment) Regulations 2018, which were laid before this House on 16 April, be approved.—(*Amanda Milling.*)

*Question agreed to.*

*Motion made, and Question put forthwith (Standing Order No. 118(6)),*

### LOCAL GOVERNMENT

That the draft Somerset West and Taunton (Modification of Boundary Change Enactments) Regulations 2018, which were laid before this House on 29 March, be approved.

*The Deputy Speaker’s opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 23 May (Standing Order No. 41A).*

*Motion made, and Question put forthwith (Standing Order No. 118(6)),*

### LOCAL GOVERNMENT

That the draft Somerset West and Taunton (Local Government Changes) Order 2018, which was laid before this House on 29 March, be approved.—(*Amanda Milling.*)

*The Deputy Speaker’s opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 23 May (Standing Order No. 41A).*

*Motion made, and Question put forthwith (Standing Order No. 118(6)),*

### LOCAL GOVERNMENT

That the draft Bournemouth, Dorset and Poole (Structural Changes) Order 2018, which was laid before this House on 29 March, be approved.—(*Amanda Milling.*)

*The Deputy Speaker’s opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 23 May (Standing Order No. 41A).*

*Motion made, and Question put forthwith (Standing Order No. 118(6)),*

### LOCAL GOVERNMENT

That the draft Dorset (Structural Changes) (Modification of the Local Government and Public Involvement in Health Act 2007) Regulations 2018, which were laid before this House on 29 March, be approved.—(*Amanda Milling.*)

*The Deputy Speaker’s opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 23 May (Standing Order No. 41A).*

*Motion made, and Question put forthwith (Standing Order No. 118(6)),*

### ENVIRONMENTAL PROTECTION

That the draft Offshore Environmental Civil Sanctions Regulations 2018, which were laid before this House on 23 April, be approved.—(*Amanda Milling.*)

*Question agreed to.*

## Hypothyroidism

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

10.4 pm

**Sir Vince Cable** (Twickenham) (LD): I am grateful to have secured this Adjournment debate on a very specific issue that was originally raised with me by my constituent Liz Barron, who felt sufficiently strongly and sufficiently affected that she brought supporters from Walsall and Northampton to my Twickenham constituency. I then discovered that the health issue that concerns her affects some 50,000, and possibly 70,000, people across the country—an average of around 100 people per parliamentary constituency.

Those people suffer from a condition called hypothyroidism—an underactive thyroid—which leads to a variety of conditions, including chronic fatigue. There is a link to cardiac symptoms and diabetes, and in some cases to mental illness. For many of these people, the condition leads to the absence of a full life, and in some cases it leads to serious disability, leaving those affected on benefits and unable to live life to the full.

Eighty-five per cent. of sufferers, at the very least, are women. Hypothyroidism is very gender-specific. Underlying the issue is a policy failure by Government. I do not mean this particular Government—this is a long-standing problem going back at least 10 years under successive Governments. The problem is a paradoxical one that is rather different from what we normally see in health debates. Typically the argument in health debates is that something should be done but there is not enough money, whereas in this particular case far too much money has been spent on over-expensive drugs, leading to a correction in the form of severe rationing, which is now causing a great deal of hardship.

**Jim Shannon** (Strangford) (DUP): I have sought the right hon. Gentleman's permission to intervene. Does he agree that lab tests are just one part of the diagnostic puzzle and that other steps have been taken to address the fact that between 40% and 50% of patients are either over-treated or under-treated, which massively affects their quality of life?

**Sir Vince Cable:** There is a lack of precision in this area, and there are questions both on the number of people affected and on the dosages required. I fully take the hon. Gentleman's point.

We are predominantly dealing with the questions of cost and of physical availability, but let me develop the argument a little. It is estimated that one in 20 of the UK population have a thyroid condition of one kind or another. The figures vary considerably, and within that aggregate there are people who suffer from hyperthyroidism—an overactive thyroid—and the opposite, hypothyroidism, an underactive thyroid, and then there are people with thyroid cancer, who suffer considerably.

There is a standard treatment for hypothyroidism, and I will attempt to pronounce the drug's name once—levothyroxine—before referring to it by its more common name of T4. The drug is broadly accepted to be fairly uncontroversial, at least in the UK. It has been seriously controversial in France, where the drug company Merck varied the composition, leading to considerable side effects.

There were large-scale protests by hundreds of thousands of people in France, but there has been relatively little controversy about this particular drug in the UK.

What is controversial is where the standard T4 treatment does not work, or does not work adequately, for a fraction of hypothyroidism sufferers, estimated to be roughly 12%—the range goes from 5% to 20%. It has been established by tests over the years, and by successful treatment, that those people benefit from an additional drug, liothyronine, known as T3. We are talking about 50,000 people in this position and, as far as we can establish, only about 6,000 of them are getting the treatment they should have, which would substantially alleviate their condition.

The roots of this problem lie in the charging and costings for this drug. There is a monopoly supplier, Concordia, a company that was originally called Goldshield. The word “gold” was probably so obviously embarrassing, given the way it treated this as a goldmine, that it changed the name to Mercury Pharma, and it has subsequently been changed to Concordia. Some 10 years ago, this company originally produced a packet of these drugs for about £4.50, but the cost then increased to £258 for the same product, which is an escalation of about 6,000%. The NHS was originally spending some £600,000 a year on this drug, but I established through parliamentary questions that in the past three years it has spent successively £22 million, £33 million and £30 million. There has been an enormous increase in cost and an enormous burden to the health service as a result of the extraordinary pricing that this company has adopted. The consequence is that a large number of clinical commissioning groups have stopped supplying the drug and a large number of people no longer have access to it.

The Government, to their credit, have responded in the past year or so with two specific interventions, the first of which was referring the matter to the Competition and Markets Authority so that it could examine the abuse of pricing. The CMA has provisionally reported that the drug company has been seriously abusing the market and charging excessively. In addition, the Government have engaged in a consultation exercise on limiting the availability of the drug. There was a strong negative reaction and some 30,000 people petitioned the Government on those potential restrictions, but they have proceeded with guidance, at least in England, and the drug has been removed in many situations. The guidance is somewhat ambiguous but, in essence, it says that the drug should be made available only through secondary care—through hospitals. A user has to obtain a consultation with an endocrinologist in order to have the drug prescribed, and often this is difficult to secure. What are the consequences of that? In some 23 to 25 CCG areas in England the drug is no longer available on prescription, and 90% of CCGs have said that they wish to stop supplying it, so we have a postcode lottery.

In addition, a lot of users have realised that they can get round these restrictions by going on the internet or travelling to Europe, because in many European countries the drug is available at cost. Remarkably, the NHS is paying some £9 per tablet, whereas in Germany it is available for 25p. People who have become aware of that can order it on the internet or go to Italy, Germany or Greece, where the drug is freely available. We are dealing with a combination of a postcode lottery,

some well-off people able to pay the full market cost, and others who are using the drug unsupervised through internet purchases.

I shall round off what I want to say by posing questions on a series of issues to the Minister, the first of which relates to the history. We have had 10 years of a scandal that may well have cost the taxpayer some £200 million in overcharging, so I want to ask him whether he has any plans to retrieve that money. I established through parliamentary questions that the Government have been active in the High Court in cases of this kind and have recovered money for the taxpayer in previous cases of seriously abusive charging by companies. Do the Government have any plans to do the same in this case?

Why did it never occur to anybody in the NHS over the past 10 years to bring in these drugs from overseas? They are produced in Europe at standard quality, so there is no problem. Why is that not NHS policy? Perhaps I can recall a former Member of the House who was recently remembered because of his infamous “rivers of blood” speech: Mr Enoch Powell, who was once a highly respected Secretary of State for Health. One thing that he did in his period in office was to help the NHS to overcome issues of scarcity and cost by bringing in imported drugs in situations of this kind. There is a long precedent and I cannot understand why that option was not used on this occasion.

My second concern relates to current supply. Why are the Government not using the powers recently acquired through Parliament—in the Health Service Medical Supplies (Costs) Act 2017—under which they can force companies to cut their costs? That appears not to have happened in this case, and I am intrigued to know why. Two other companies have been licensed to break the monopoly; are they now producing the drugs, and at European-level costs? Are those drugs being made available to the NHS so that the problem can be resolved?

Finally, on the availability of the drugs to patients, will the Government introduce revised guidance to help a much larger number of patients to obtain prescriptions through their GP, as they did before, rather than having to go to a hospital? It is often not possible to get a consultation and, even if there is one, a prescription is difficult to obtain. Will the Government therefore issue revised guidance to help the large number of people who currently do not have access to the drug?

I conclude by quoting Sir Anthony Toft, a former physician to Her Majesty the Queen who was for many years president of the British Thyroid Association. He summarises the case from the point of view of an experienced professional:

“Experience of managing more patients with thyroid disease than most over a period of some 40 years is being trumped by inflexible guidelines; truly a remarkable state of affairs. Others hide behind guidelines to avoid the cost of prescribing liothyronine, which in the UK is exorbitantly priced by the sole supplier...when well-travelled patients can obtain supplies for a few euros in Italy and Greece and beyond.”

He strikes me as an authoritative and reliable source of advice. I do not know whether the Minister is aware, but 25 May—at the end of this week—is World Thyroid Day. He will make a lot of people very happy if they are able to celebrate that day with an advance in Government policy.

10.18 pm

**The Parliamentary Under-Secretary of State for Health and Social Care (Steve Brine):** I thank the right hon. Member for Twickenham (Sir Vince Cable) for giving us the opportunity to debate this issue. It is unusual for a party leader to lead an Adjournment debate; indeed, this is certainly a first for me. I just note that point. I pay tribute to him and the hon. Member for Strangford (Jim Shannon), who as always is in his place and intervened in the debate. They spoke passionately on behalf of their constituents affected by this condition.

Hypothyroidism—hypo is different from hyper, as the right hon. Gentleman rightly said—is a debilitating condition, caused by a deficiency of thyroid hormone that affects at least two in every 100 people. It is therefore not rare, and it can lead to depression, severe tiredness and weight gain, with all the associated health implications that we know about. The symptoms can affect every area of someone’s life, affecting their ability to work, to play a role in society and to lead any sort of full social and personal life.

It is important for people to have the drug that is most effective in treating their condition. Levothyroxine is beneficial for the majority of patients with the condition but does not treat the condition in all patients. For some, the alternative drug at the centre of the right hon. Gentleman’s opening remarks—liothyronine—better alleviates symptoms.

Let me say up front that, if people have a clinical need for a medicine, it is right that they get the most appropriate medicine for their condition. It is certainly not the Government’s intention to deny someone the correct treatment. Indeed, the basic principles of our national health service are based on the provision of the right care and treatment, free at the point of delivery, paid for by general taxation. That is correct and how it will remain.

Under their terms of service, GPs are allowed to prescribe any product, including any unlicensed product, that they consider to be a medicine necessary for the treatment of their patients under the NHS, subject to three provisos, the first of which is that the product is not included in what is commonly referred to in the NHS as the grey and black lists—the list of drugs which have national prescribing restrictions placed on them. The second proviso is that the local clinical commissioning group is prepared to fund the treatment. They are the commissioners of treatment, which the House decided through the Health and Social Care Act 2012, under the Government in which the right hon. Gentleman served. The third proviso is that the GP is prepared to provide a clinical justification to any challenges to their prescribing.

Although prescribers such as GPs should consider the cost of a medicine, their first consideration is the individual clinical needs of patients and the most effective options for meeting those needs. However, it is in all our interests that the NHS drives maximum value in delivering its essential services, including by using the most cost-effective and safe medicines for patients. As has been mentioned this evening, NHS England guidance following its consultation on

“items which should not be routinely prescribed in primary care” said that liothyronine should not be prescribed routinely due to its significantly higher cost. I should make it clear that that decision was also based on insufficient evidence of the clinical effectiveness of liothyronine, either alone or in combination with levothyroxine.

[*Steve Brine*]

The NHS England guidance was developed, as we would expect, in partnership with NHS clinical commissioners on behalf of the clinical commissioning groups that they represent, based on the latest clinical evidence, including that from the National Institute for Health and Care Excellence. Practising doctors and pharmacists were involved in the development of the guidance throughout.

The proposal that liothyronine should not be routinely prescribed caused significant and understandable concern among patients who had been prescribed it. NHS England listened carefully to those concerns during its consultation on the guidance, and as a result, the NHS England board has decided that liothyronine should continue to be prescribed for a small cohort of patients for whom the first-line treatment—levothyroxine—does not alleviate symptoms and has advised that it should be initiated in secondary care only.

NHS England's final commissioning guidance is addressed to clinical commissioning groups to support them to fulfil their duties on the appropriate use of prescribing resources. As part of issuing the final guidance, I am assured by NHS England that careful consideration was given to all responses to the consultation to ensure that particular groups of people are not disproportionately affected and that principles of best practice on clinical prescribing are adhered to.

NHS England expects, as do the Government, clinical commissioning groups, which have responsibility for commissioning services, to take account of the guidance when determining their local prescribing policies. I cannot comment on the situation in Strangford, but I understand that the south-west London clinical commissioning groups are reviewing local arrangements. The review will include close working with consultants in south-west London hospitals and build on the recent NHS England guidance. It will consider whether GPs as well as hospital consultants—primary as well as secondary care—should initiate prescribing of the drug. It will also consider which categories of patients should be prescribed it. I am sure the local clinical commissioning groups will ensure that the right hon. Gentleman is fully apprised of the outcome. I will ask them to ensure that he is fully apprised every step of the way.

Let me now turn to the other issue raised this evening concerning liothyronine: the significant increase in its price. Liothyronine is an unbranded generic medicine. For unbranded generics, the Government encourage

competition between suppliers to keep prices down. However, as we know, Concordia—the manufacturer—is currently the subject of an investigation by the Competition and Markets Authority over how much it was charging the Government and taxpayers. As the right hon. Gentleman said, the CMA has provisionally found that Concordia abused its dominant position, overcharging the NHS millions of pounds for its tablets.

As the right hon. Gentleman rightly put on the record, the CMA's findings are provisional at this stage. There has been no definitive decision that there has been a breach of competition law, and the CMA will carefully consider any representations from the companies concerned before deciding whether the law has in fact been broken. Where companies have breached competition law, the Department of Health and Social Care will seek damages and invest that money back into the NHS. That was one of the right hon. Gentleman's questions, and the answer is an unequivocal yes. This is why we refer such issues to the CMA.

I am pleased to note that there are now multiple marketing authorisations for this drug. Increased competition usually leads to a more resilient supply chain and lower prices—one of the right hon. Gentleman's other concerns. However, we will watch this carefully and will consider referring the matter to the CMA again if competition does not bring the price down.

It is not often that we hear a Liberal in this House quote the qualities of Enoch Powell—he is not often talked about in new Richmond House—but I take the right hon. Gentleman's point. I will look into the issue of overseas imports and write back him on it. He also mentioned the Health Service Medical Supplies (Costs) Act 2017, which does not come into force until this summer. Officials who report to me are very much ready to go when that legislation comes into force. I thank the right hon. Gentleman for speaking on behalf of his constituents and many others. This subject has not had a hearing in this House during my time here.

The total medicines spend in England for the years 2016-17 was £15.4 billion. That is the second biggest area of NHS spending after pay. Access to treatment is, and always will be, a priority for this Government. I hope that some of the answers that I provided tonight have helped the right hon. Gentleman in his investigations; I will write to him with more.

*Question put and agreed to.*

10.27 pm

*House adjourned.*

# Westminster Hall

Monday 21 May 2018

[IAN AUSTIN *in the Chair*]

## Sale of Puppies

4.30 pm

**Martyn Day** (Linlithgow and East Falkirk) (SNP): I beg to move,

That this House has considered e-petition 213451 relating to the sale of puppies by pet shops and commercial third-party dealers.

The proposed ban is known as Lucy's law.

It is a pleasure to serve under your chairmanship, Mr Austin, in this immensely popular debate on a petition that collected more than 100,000 signatures in its first 13 days. It now has almost 150,000 signatures, with four months still remaining, making it probably the most popular dog welfare petition that the Government have seen in all time. I congratulate all involved in the writing of the petition and its promotion, including its creator, Beverley Cuddy, who is in the Public Gallery today. The petition is popular not just with the electorate, our constituents, but with Members, almost 100 of whom from all parties—when I last checked—had signed early-day motion 695 on Lucy's law, and all proudly support the call for an immediate ban on puppies being sold by commercial dealers and pet shops.

Lucy's law was launched in December 2007 at a Commons reception hosted by vet and campaigner, Marc Abraham, founder of Pup Aid—who is also in the Public Gallery—and supported by the all-party parliamentary dog advisory welfare group, which is chaired by my hon. Friend the Member for East Kilbride, Strathaven and Lesmahagow (Dr Cameron). Lucy was a Cavalier King Charles spaniel, a victim of the puppy farm system, used for breeding for many years with no regard for her health or welfare.

Media and celebrity support for Lucy's law has been quite staggering, with titles such as *The Mirror*, *The Sun*, the *Daily Mail* and *The Guardian* all backing the campaign, as well as mainstream TV shows, such as "The One Show", ITV's "Good Morning Britain" and "This Morning", and "The Wright Stuff", and Sky News, Channel 4, and Channel 5 all giving support. Popular figures behind the campaign—it is not just politicians and constituents, but many celebrities—include Ricky Gervais, Brian May, Peter Egan, Sue Perkins, Clare Balding, Rachel Riley, Sarah Millican, Eamonn Holmes, Kay Burley, Gail Porter, Deborah Meaden, Jon Richardson, Victoria Stilwell and many others. The campaign is receiving a huge amount of attention.

Significantly, the next generation of social media influencers has also embraced Lucy's law, with support from the UK's top vloggers such as Zoella and online giant UNILAD, which has even made its own documentary about the campaign.

**Andrew Selous** (South West Bedfordshire) (Con): I strongly support a ban on third-party puppy and kitten sales. Does the hon. Gentleman agree that it would be

very useful for those people getting a dog for the first time to have a basic information pamphlet, pointing to where they can get help? That would do a lot to promote animal welfare.

**Martyn Day:** That is a very worthwhile suggestion. No one should rush into getting a dog or any pet; it should be something people think about in detail. Equally, when they make that decision, they should not make an impulse purchase of any dog from any source.

A ban on third-party sales has also gained much support from the most well-respected animal welfare organisations in the UK and beyond—the list is impressive.

**Henry Smith** (Crawley) (Con): I congratulate the hon. Gentleman on his introduction to the debate. With others, I very much support the campaign behind ensuring a ban on third-party puppy sales. Cats Protection has made the point that such a ban should apply to kittens as well. Does he agree with that?

**Martyn Day:** I was wondering how to find a link to mention my cat Porridge in the debate—the hon. Gentleman has provided it. I think there should be such a ban. Interestingly, the Government consultation was on puppies and kittens, while the petition is clearly about puppies. There is a broader issue there and I support him on that.

The organisations supporting the ban include the Royal Society for the Prevention of Cruelty to Animals, Battersea, the Kennel Club—

**Stephen Lloyd** (Eastbourne) (LD): I congratulate the hon. Gentleman on his introduction to this important debate. Will he confirm that there has been some misunderstanding out there that this petition would actually prevent charities from helping to move on dogs? That is not the case at all; it would strengthen their hand.

**Martyn Day:** I shall come to that point in my speech, but that is exactly the position as I see it too. I cannot see how rehoming can be confused with illicit dog sales. They are simply not compatible.

To continue the list of organisations, it also includes IFAW—the International Fund for Animal Welfare—Cats Protection, as was mentioned, Mayhew, the Humane Society International, the National Animal Welfare Trust, All Dogs Matter, Pup Aid, CARIAD, or Care and Respect Includes All Dogs, Canine Action UK, the Karlton Index and so on. Lucy's law is pretty widely supported by just about every relevant organisation.

**Caroline Lucas** (Brighton, Pavilion) (Green): I congratulate the hon. Gentleman on the debate and everyone on their work in getting all those signatures. Does he agree that one reason for the policy's popularity is that it not only makes good sense from an animal protection point of view, but it is much easier to enforce than the existing situation? In other words, far more people would be there to enforce a ban—not just the local councils, but the RSPCA, the police and trading standards—so it would be much easier to do so.

**Martyn Day:** I agree with the hon. Lady. She makes a good point, which I shall come on to in my speech. It seems so obvious that enforcing a ban is far easier and cheaper than a licensing system with more bureaucracy.

[*Martyn Day*]

**Chris Davies** (Brecon and Radnorshire) (Con): I thank the hon. Gentleman for introducing the debate. In addition to the worthy organisations that he has just read out, a group of MPs came to the same conclusion back in 2016, when the Select Committee on Environment, Food and Rural Affairs unanimously supported a report—

**Angela Smith** (Penistone and Stocksbridge) (Lab): Not everyone agreed.

**Chris Davies:** I am sure that the hon. Lady agrees that we should have reached a conclusion, and I am sure she has changed her mind since.

**Martyn Day:** Yes, I was intrigued to see the EFRA Committee report. We are covering a lot of old ground, but progress has been made and I welcome the work of the Committee in the early stages.

**Alex Chalk** (Cheltenham) (Con): The hon. Gentleman is being extremely generous with his time. I support the ban, but does he agree that the objection that is sometimes made to it—that the trade would go underground—is wholly bogus? The idea that prospective loving pet owners would suddenly start trawling the dark web is wholly far-fetched and a specious objection.

**Martyn Day:** Indeed. I shall make a similar point later. We cannot compare the seeking out and purchasing of a puppy or any family pet to love with the purchasing of arms, ammunition or drugs on the dark net, as some do. It is a completely different ball game.

A ban was in fact recommended to the Government in a 2014 e-petition debate, by the EFRA Committee in 2016, as we heard, and more recently by the manifesto of the Conservative Animal Welfare Foundation. Sadly, the Department for Environment, Food and Rural Affairs ignored all three calls and favoured a licensing regime instead. Notably, however, a Lucy's law is also supported by the Institute of Licensing.

**Angela Smith:** For the record, about four or five members of the EFRA Committee voted against those particular recommendations of the 2016 report. As everyone knows, we need an ethical marketplace for the breeding and sale of puppies. Demand far outstrips supply in the UK. Surely, if any such measure were to work—it would be a dramatic measure—it would need to be underpinned by the proper regulation of rehoming organisations and by fully transparent registration and licensing of all organisations that breed or sell dogs. That is not what we have at the moment.

**Martyn Day:** I thank the hon. Lady for her clarification. I shall come on to many of those points as my speech develops, addressing them in turn.

**Zac Goldsmith** (Richmond Park) (Con): One of the reasons why a number of people on the EFRA Committee chose not to back the overall recommendations of the 2016 report was the position that was then taken by the RSPCA, one of the country's great animal welfare organisations. It has, however, since changed its position, and it now supports Lucy's law, largely as a consequence of campaigning by people such as Marc Abraham and his team. I want to put that on the record—the reasons

for the rejection have since gone, and the RSPCA is now very much on board, as I understand it.

**Martyn Day:** That point is not included in my speech, so I am grateful for the additional clarification.

Lucy's law calls for an immediate ban on all commercial third-party sales of dogs. Commercial means sales as part of a business—for profit, not rescue. Third-party sellers are dealers; they have not bred the dogs themselves and they operate as middlemen between breeders and the buying public. Currently, the Pet Animals Act 1951 requires third-party sellers to be licensed as a pet shop, irrespective of the type of trading premises they sell from.

**Patricia Gibson** (North Ayrshire and Arran) (SNP): Does my hon. Friend agree that the problem with third-party sellers is that they create a fog around transparency and accountability? Does he also agree that banning third-party sellers would increase the financial gain for legitimate breeders and reassure dog owners of the legitimate provenance of their pets?

**Martyn Day:** Indeed, it would. What is the problem with third-party sales? The sale of puppies through commercial third-party dealers both sustains and is dependent upon the existence of puppy farms, where puppies are bred for maximum profit and with minimal regard for animal welfare. Currently, around 74 pet shop licences permit the sale of puppies in the UK, although very few high street pet shops sell puppies. But the third-party trade remains significant, with dealers operating from a diverse array of premises including private homes and puppy superstores. It is estimated that some 80,000 puppies may be sold by licensed third-party sellers each year. That legal, licensed puppy trade depends upon a fast transition through the point of sale. The incentives for a rapid turnover encourage purchasers to make impulsive decisions based upon an emotional response.

Puppies are sourced from breeding establishments in the UK and Europe—commonly, Wales, Ireland, Lithuania and Hungary—where output volume is often prioritised over welfare. That has a hugely detrimental impact upon the physical and mental wellbeing of the breeding dogs and their puppies, which are destined to become people's family pets. The absence of any contract between breeders and the final owner helps to eliminate accountability, results in a dereliction of responsibility and provides no incentive for improvement.

The legitimate market for puppies bred in situations where welfare is a minor consideration contributes to the existence of establishments that fail to meet even the basic needs of abused breeding dogs such as Lucy. Overwhelming scientific research, together with evidence obtained from owners, conclusively demonstrates that this activity seriously harms animal welfare, through the trauma of transportation, the increased risk of exposure to disease, behavioural problems resulting from premature separation from the mother and lack of appropriate socialisation.

Puppies may be born with debilitating inherited diseases that are life limiting or require lifelong medication, and are at a high risk of catching life-threatening canine diseases, such as parvovirus. That often costs buyers hundreds of thousands of pounds in veterinary treatment. It is not uncommon for puppies to die within days or weeks. A sad litany of such examples was highlighted

in the personal experiences of those who responded to and commented on Parliament's digital engagement before this debate.

There are alternatives. My sister purchased her dog 14 years ago through a reputable breeder who had connections with the Kennel Club, and saw the mother in situation. The dog is very happy; it was at the Sunday family dinner last night and is doing well. Everybody needs that kind of family commitment.

**Jim Shannon** (Strangford) (DUP): Was it at the table?

**Martyn Day:** No, but it is trained, which the breeder does not necessarily do and owners have to do themselves.

Poor hygiene standards throughout the chain frequently mean that many puppies are infected with bacteria, viruses and parasites that in some cases can be transmitted to humans, for example rabies in inappropriately vaccinated imported pups. Puppies may exhibit significant behavioural issues such as separation anxiety, house soiling and nervous aggression. It is not known how many puppies die before they are even sold.

The puppy market is very lucrative, which means there are big financial incentives for breeders and sellers to minimise costs to maximise profits. Incredibly, and despite all that, the number of links in the chain means that often it is impossible to determine where the specific problem originated, and therefore extremely rare for any formal action to be taken against breeders or sellers.

The third-party trade via dealers and pet shops is regarded worldwide as a significant welfare issue, with an impact on breeding dogs, puppies and their new owners. Consumers are universally advised to see a puppy interacting with its mother in the place the puppy was born as the most fundamental step towards responsible pet ownership. This advice—rightly promoted by the current Government—is clearly in direct conflict with the ongoing legality of motherless third-party sales.

Today's main question is, why is a ban necessary? Quite simply, a ban on third-party puppy selling removes the legitimacy of a source where adequate welfare cannot be ensured. That is imperative to assist purchasers to make an informed choice and to encourage responsible buying decisions. As mentioned, it ensures consistency with the Government's own advice that purchasers should always see puppies with their mother; it aligns with the Government's objective of improving dog breeding welfare; and it helps to tackle puppy dealing and trafficking.

A ban is vital to incentivise welfare improvements in high-risk commercial dog breeding establishments, through ensuring transparency, accountability and even increased financial gain for breeders. A ban will prevent the sale of puppies who have not been bred to welfare standards recognised by the national and devolved Administrations, and will remove the legitimate market for puppies who are bred in European countries where dog breeding welfare may be inadequately regulated. Ultimately, that will improve consumer confidence in the industry, and transactions would benefit the UK rather than breeders based abroad.

A ban removes the need for transportation from the breeding establishment, eliminates risks posed by exposure to pathogens in vehicles and the sale environment and prevents the transmission of disease between animals originating from different sources. A ban will improve

the overall health of the UK dog population, by compelling and incentivising all UK breeders to adopt more responsible breeding practices and by reducing the risk of outbreaks of disease. There may also be a reduction in incidents of dog aggression arising from poor breeding and inadequate socialisation. A ban would reduce the regulatory burden on local authorities.

**Laura Smith** (Crewe and Nantwich) (Lab): The hon. Gentleman is making an excellent speech. Does he agree that, in addition to discussing the merits of banning third-party sales, the Government should also place a statutory duty on local authorities to enforce the Animal Welfare Act 2006 and give councils sufficient resources to enforce the regulations under it?

**Martyn Day:** I have no problem in supporting that call. It is about a measure of packages; the Lucy's law ban is the single biggest step towards animal welfare, but other things have to be done, too.

Enforcement action against illegal sellers can be undertaken and shared by various agencies. Illegal activity can be more efficiently tackled at a regional and national level.

What are the consequences? We have discussed many of the positive outcomes for animal welfare that a ban would achieve, so I hope hon. Members will find it helpful for me to address some of the concerns about potential consequences. First, let us deal with enforcement, which has been mentioned a few times. Enforcement is demonstrably more effective against illegal traders. Illegal trading is easier to prove and enables a more definitive and conclusive result, as evidenced by successful past prosecutions against illegal puppy dealers.

A partial ban on third-party puppy sales already exists, because the activity is illegal unless the seller holds a pet shop licence. If a seller is operating illegally, enforcement agencies have a mandate to investigate and prosecute. Licensing, on the other hand, effectively protects sellers if they appear to meet licence conditions, which are basic minimum standards, irrespective of additional welfare issues.

**Angela Smith:** Does the hon. Gentleman not acknowledge that the recently reviewed licensing regulations represent a really serious attempt to significantly improve sale licensing standards? The sector has been grappling for years with enforcement problems by local authorities and the police. Resources are at the heart of the matter. Without resources, any new law will be meaningless.

**Martyn Day:** The hon. Lady makes a good point about resources. I am not disputing all the good work that has been put into licensing. However, a ban is simply much more effective and more cost-effective to introduce and police.

One of the points raised was about driving the trade underground. Trade can survive underground only if it has a sufficient market. But, unlike sellers of drugs and guns, commercial third-party sales of puppies are wholly dependent upon advertising to attract its customers. Although we commonly see and hear images and videos of puppies being smuggled and trafficked illegally, their route to market must be easily detectable if the ordinary member of the public is able to obtain the product overground, and it must be legal for them to be sold.

[*Martyn Day*]

If third-party sellers are unable to utilise mainstream advertising channels, puppy buyers would continue to purchase from the most obvious and accessible sources, rather than deliberately seeking out illegal suppliers. The easier it becomes for people to buy puppies responsibly, the more likely they are to follow that path. Research has shown that prospective purchasers almost always aspire to making ethical and responsible choices. As they would have access to puppies from legitimate breeders, they would have no need to seek out illegally operating dealers. By comparison, if third-party sellers continued to be legitimate and licensed, there may be no means for buyers to discriminate between adverts placed by breeders and those placed by dealers. The continued existence of a legal third-party sector would also mask and provide a framework for the illegal trade.

It is worth noting that, if a ban were in place, online purchases from puppy sellers would always have to involve a final transaction, at which the pup must be seen with its mum in the place it was born. True online sales involve a delivery—that is, a third-party sale. As I mentioned, selling animals as a business is already illegal without a pet shop licence, so there is no “gaping loophole” through which a dealer could pose as a rehoming or rescue centre. Under a ban or a licensing regime, concealing commercial activity would be fraud and tax evasion as well as an animal welfare concern, so it would be far easier to police.

It has been suggested that there are too few responsible breeders in the UK to meet the demand for puppies. One of the primary requirements of a good breeder is that they enable puppies to be seen with their mother. There is no evidence to suggest that too few breeders meet that basic requirement. Furthermore, the suggestion that any deficit in supply would inevitably be met by unscrupulous breeders and sellers—either legal or illegal—is not pragmatic. That is a defeatist approach and an acceptance that the law cannot protect dogs in the commercial trade. I do not think we want to see that.

What owners really demand is a physically and mentally healthy puppy, not just any puppy. Banning the third-party sale of dogs may be a catalyst for changing expectations, so that buyers are able to buy a responsibly bred puppy from a legitimate breeder rather than having a huge range of puppies available to purchase immediately from indiscriminate sources.

The apparently inflated demand for certain fashionable breeds, such as the French bulldog, may be artificial. Puppies are being purchased simply because they are available for sale. A market that is saturated with cheap, readily available puppies by third-party dealers is likely to encourage impulse purchasing and significantly reduce demand for more responsibly bred puppies. Removing competition from irresponsible breeders and sellers would increase the market for responsible breeders, so a ban most likely would increase the number of responsibly bred puppies. Even breeders who previously sold through third parties would meet the baseline criterion for a responsible breeder—that puppies can be seen with their mum in the place they were born. I have said that a few times, and it is fundamental to the debate.

Requiring all dog breeders to sell their puppies directly would result in more responsible breeding and purchasing behaviour, as there would be no chain to confuse or cloud the process. Third-party sellers are only a distribution

channel, which prevents buyers from witnessing breeding dogs and their conditions, so a ban would not need to affect the number of puppies that are bred. Lucy’s law is vital to any attempt to reform dog breeding and improve welfare. It is clear that if no attempt is made to restrict the legal market for puppies to responsible breeders, measures to improve dog welfare—those to do with genetic and breed-related health, breeding, rearing and selling practices—are unlikely to succeed.

That brings me to the question of why robust licensing is not an alternative. It is impossible to ensure the welfare of puppies sold through third parties by imposing robust licensing that still permits the activity to take place. As I explained, the process of puppies being sold by third parties is inherently damaging, so the aim of protecting animals from harm by licensing could not be met even if licence conditions were adhered to. If the welfare of animals sold under the licensing regime were little better than those sold illegally, regulation of the trade would not offer any real benefits.

Licensing third-party sellers would also fail to tackle welfare problems prior to sale, including in breeding establishments. A sufficiently robust regime of licensing and inspection would probably deter unscrupulous sellers from applying for a licence, so it would not prevent that part of the trade from going underground. It is considered possible that third-party dealers may attempt to masquerade as rescue centres under a ban. That would be equally possible under a robust licensing regime.

There is no evidence to suggest that a robust regime of licensing and inspection would be any easier or cheaper to implement than a ban. Enforcement of a ban would involve only detecting illegal activity and implementing sanctions against those engaged in it. Enforcement of a robust licensing regime would in addition involve monitoring businesses’ compliance, which would require highly trained inspectors and multiple site visits. The Government’s objective is to reduce rather than increase the regulatory burden for small businesses and local authorities. That does not fit comfortably with imposing and enforcing detailed, mandatory model conditions.

**Lyn Brown (West Ham) (Lab):** Does the hon. Gentleman agree that it is completely and utterly unrealistic to expect cash-strapped and time-stretched councils to tackle businesses with full-time staff who will do their best to hide any criminality and frustrate any enforcement action that is taken?

**Martyn Day:** I thank the hon. Lady for making that point, which has been made a few times already and cannot be stressed enough. That is another reason why a ban would be far easier and more cost-effective.

The well-documented suffering that arises during puppy dealing by third parties demonstrates that those engaged in the trade have little regard for the wellbeing of the animals in their care. Without consistent monitoring and severe penalties for breaches, it is unlikely that demanding licence regulations would be complied with. The resources that would be needed to exert any sort of control are disproportionate to the small welfare improvements that may result from the process. There is no evidence that third-party sellers would be less likely to comply with a ban than with a licensing requirement, or that the number of illegal third-party sellers would increase if a ban were introduced.

Let me finish by considering the implications of a ban not being introduced immediately. Continuing to license the third-party puppy trade would legitimise and endorse animal suffering and leave consumers vulnerable to significant emotional and financial consequences. As long as third-party sellers create demand for a large number of cheap, intensively bred puppies, welfare problems will remain in high-risk breeding establishments. The regulation of breeding establishments cannot be improved where the incentives for substandard practice exceed the penalties.

Permitting the sale of puppies bred in Europe, both legally and illegally, under low welfare conditions and with little thought for genetic and physical health may deter breeders in England and the rest of the UK from having regard to those things. Continued competitive pressure from sellers who supply cheaper puppies without the constraint of having to adhere to demanding regulatory requirements may result in some responsible UK breeders reducing or even ceasing breeding activity. It may even reduce demand for responsibly bred puppies and increase the market for irresponsible dealers and third-party traders.

An immediate ban on the sale of puppies by pet shops and other third-party commercial dealers would be a major step forward in putting an end to unnecessary animal cruelty and would help to eradicate irresponsible forms of dog breeding and selling such as puppy farming, smuggling and trafficking. There can be no doubt that Lucy's law would help to protect breeding dogs, puppies and owners by making all breeders accountable and transparent, and ensuring consistent adherence to the Government's advice that purchasers should see the puppies they intend to buy interacting with their mother in the place they were born. A ban on dealing puppies for profit could only raise welfare standards, and one is needed now.

4.58 pm

**Andrea Jenkyns** (Morley and Outwood) (Con): It is a pleasure to serve under your chairmanship, Mr Austin. I thank the hon. Member for Linlithgow and East Falkirk (Martyn Day) for introducing the debate following the fantastic public response to the e-petition. I will keep my speech as short as possible, because several Members want to speak about this important issue.

It must be said that the leadership on animal welfare by the Secretary of State for Environment, Food and Rural Affairs has been nothing short of remarkable. The Government are doing great things to tackle the scourge of plastic, deliver cleaner air and water, impose one of the toughest ivory bans in the world, and raise animal welfare standards by introducing mandatory CCTV in slaughterhouses. I congratulate the Secretary of State and the Government on their commitment to animal welfare and the environment, and I hope that they lead the way on this issue, too.

As an animal rights campaigner, a vegetarian and a passionate dog lover and owner, I was proud to see that 229 of my constituents had added their names to the petition. I am pleased that so many of them feel so strongly about the important issue of puppy farming, which I first became aware of back in 2015, a few months after I was elected. That year, I co-hosted an event in Parliament with Marc Abraham of Pup Aid, at which we screened a film about the horrors of the industry.

**Justin Tomlinson** (North Swindon) (Con): Will my hon. Friend join me in paying tribute to Marc Abraham—Marc the vet—who has done so much to get a united voice on what needs to be done and to encourage our residents to engage positively to support us in pushing the Government in this important area?

**Andrea Jenkyns**: My hon. Friend stole what I was going to say. I am sure every Member in the Chamber pays tribute to Marc. His passion has been second to none, so I thank him for all of his hard work.

After an initial meeting with Pup Aid, I discovered to my horror that my own dog, Godiva, was probably born on a puppy farm in Lincolnshire. The pet outlet in Lincolnshire where I purchased her looked clean and sanitary, and everything seemed in order. However, who knows what conditions Godiva's mother was kept in? That is the problem with the current legislation. Many of us have an idea of what constitutes animal cruelty—beatings, abuse and dog fighting—and we now see that as wrong. We have, correctly, legislated to stop such inhumane practices, to protect dogs and other animals from being abused by their owners. Without a doubt, we as a society have come far on animal welfare. However, there is still much more to be done.

**Giles Watling** (Clacton) (Con): Does my hon. Friend agree that by animal cruelty we mean not just beatings, thumpings and all the other terrible things that go on, but pure ignorance? People sometimes get hold of dogs, horses or animals generally and do not know how to look after them. Not long ago, I visited many residences with the RSPCA and saw people who were unable to look after their animals.

**Andrea Jenkyns**: I agree. I, too, have been out on the beat, so to speak, with our local RSPCA and have seen the conditions in which some poor animals live. My hon. Friend is right: education can do a lot to help tackle that.

Lucy, the Cavalier King Charles spaniel, endured a miserable start to her life. Her poor body had been ravaged after cruel puppy farmers, eager to sell as many young as they could in the pursuit of profit and greed, forced her to go through an obscene number of pregnancies. Vets advise that dogs should have only four litters in their lifetime and reproduce no more than once every year, but by the time Lucy had become useless to her breeders at the age of five, she would have had up to 10 litters, with her puppies ripped from her at four weeks—half the time recommended by vets. After having spent so much time pregnant in a tiny cage, Lucy could barely walk. Her hair was missing in patches and matted beyond repair, while her balding skin was raw from the ammonia burns she suffered from living continuously in her own urine and faeces.

Lucy's law seeks a ban on the sale of puppies by pet shops and all third-party dealers, and states that all puppies should be seen with their mum when they are bought, in order for the transaction to be legal. It also seeks a ban on third-party or commercial sellers who remove puppies from their mother before they are sold, and transparency in the system to protect puppies from illegal farming and prevent mothers from being overbred. I fully support all of those measures, as some puppy breeders and dealers clearly do not have the dog's welfare at heart.

**Kerry McCarthy** (Bristol East) (Lab): I believe that Godiva has previously won Westminster dog of the year, along with her friend, so it is good to have an update on her. Does the hon. Lady agree that one particular problem is that people are not aware of where popular dogs, such as French bulldogs, are coming from? They are paying huge amounts of money, assuming—because of the cost—that their dog will have been well treated. People going for those popular, fashionable dogs need to be particularly vigilant.

**Andrea Jenkyns**: I wholeheartedly agree. As I said, when I bought Godiva, I made that mistake: having paid £550 for her, I thought she would have been from a decent, legitimate organisation, but clearly that was not the case.

Lucy died in December 2016, and I am happy to say that her later years were happier than her beginnings. We must do more to save countless other animals from suffering similar horrors to Lucy. Pup Aid has been campaigning on overbreeding of females since 2009, and I would like to take this opportunity to again congratulate Marc Abraham on his hard work on the campaign, as well as Lisa Garner, who is present and who rescued Lucy and ensured that she had a good end to her life.

As the hon. Lady has said, the public clearly remain naive to the horrors of the puppy farming trade, and that is why legislation is necessary to protect not just the puppies but their mothers as well as the public from facilitating this abhorrent trade.

**Lyn Brown**: A number of people have talked to me about how they were taken in by the sob stories of families in a flat who could no longer take a puppy so they had to give it away, with children roped into a farce and deception. We all need to be aware of the lengths to which people will go to exploit not only the animal but the person they are selling to, but the Government really need to legislate to give us the teeth so that we can keep them all safe.

**Andrea Jenkyns**: I thank the hon. Lady for that intervention. I remind everyone that, as my hon. Friend the Member for Clacton (Giles Watling) has said, education is key to moving forward and ensuring that we save as many animals as possible.

5.5 pm

**Ann Clwyd** (Cynon Valley) (Lab): I am pleased to be here under your chairmanship, Mr Austin. I congratulate the hon. Member for Linlithgow and East Falkirk (Martyn Day), who presented the situation clearly, including the various options and actions already being taken as well as those that are promised. I am pleased to say that the three Members of Parliament for my local authority, Rhondda Cynon Taf—my hon. Friends the Members for Pontypridd (Owen Smith) and for Rhondda (Chris Bryant), and me—have all signed the early-day motion.

My local authority has done something that I am very pleased about. At the end of February, a motion was put before the whole council to back Lucy's law and support a ban on the third-party selling of dogs, and it was passed unanimously. There are not many Conservatives on my local authority, but various other parties are represented and everyone supported it. That is good news, because it is one of the largest local authorities in

Wales. We have every hope that the Welsh Assembly—this is a devolved matter—will also support Lucy's law.

**Chris Davies**: As a fellow Welsh MP, albeit from a different party—our constituencies nigh-on border—does the right hon. Lady agree that puppy farming has been a stain on animal welfare in Wales and that, sadly, certain parts of Wales are known for puppy farming, which is a great embarrassment to both of us, to all parties and to Wales?

**Ann Clwyd**: That is a good point. I was the Member of the European Parliament for the hon. Gentleman's area at one time, so I am aware of the issues.

I think that Rhondda Cynon Taf is the first council not just in Wales but in the whole of the UK to stand up and be counted. We are proud of that locally. As I said, I have had support from my hon. Friends the Members for Rhondda and for Pontypridd.

There are brilliant local campaigners in every area. Mine is called Eileen Jones, who sets up and co-ordinates rescue and action for Friends of Animals Wales. She sent me a message explaining how she feels. She says that in 14 years of the organisation's work of taking in ex-puppy farm breeding stock that are no longer profitable because of age or illness, and sick, damaged puppies that cannot be sold, the people of Cynon Taf have provided emotional and physical support by volunteering, as well as financial support through donations and support for events and appeals. Many of the dogs have found local homes where, following rehabilitation and veterinary care, they have gone on to have wonderful lives; without the support provided by the local people, hundreds would have died in squalor.

Eileen describes how many sick puppies have been handed in, when the puppy farmers could not palm them off on dealers. Thousands of pounds raised by volunteers are spent on surgery. She gives the examples of Trigger, born with no anus or penis, who underwent two operations in a Bristol specialist hospital, but sadly died, and Rodney, a Westie pup with no back paws; £10,000 was raised to have him fitted with prosthetic feet. One little one, handed in two weeks ago, was diagnosed with a liver disorder, but after four days' intensive care he died. That is a small example of the heart-breaking cases of puppies handed in by puppy farmers.

As the hon. Member for Linlithgow and East Falkirk mentioned, ex-breeding bitches and dogs are given up when they can no longer produce puppies. Eileen says that many are very sick and some are just worn out from producing litter after litter, and that basic treatment for each one, including spaying, dental treatment and attention to their ears and coat, is expected to cost an average of £2,500; and if they need specialist care the cost rockets. The financial burden is huge and a recent intake from one farmer has already cost more than £6,000.

The hardest part, Eileen says, is the emotional toll from caring for sick and traumatised dogs. Sometimes it takes months, and on occasion it takes over a year, to gain their trust and for them to be well enough to go to a home. She gives the example of four Bichons that had to be shaved to the skin; two had huge tumours that were removed. Another dog, Erica, is dying. Eileen says that she had kidney failure so advanced when she was

given to Friends of Animals a month ago that they have been able only to keep her comfortable and free of pain for whatever time she has. An end to third-party puppy dealing would shut down the ability to sell to dealers who come to Wales to buy litters to sell on in England, which leads to families buying sick pups and facing heartbreak and financial distress trying to find the money to pay vet bills.

Eileen added:

“Whilst we carry on talking, debating and procrastinating dogs are suffering every minute of every day. How much longer must they wait for us to end this barbaric third party puppy dealing? Every single day is one too many. I support #Lucyslaw and if you really care you will too.”

I must say that I am a cat owner. I have a very old cat called Alfie, who has several offspring, I am sorry to say. He was in the finals of the Westminster cat of the year and always thinks he was robbed, so he will be putting in for it next time round. He is 14, and I know how much animals mean to people and comfort them, and what companions they are. I have always been an animal lover, and I think that the proposal is a sensible way to proceed.

5.14 pm

**Giles Watling** (Clacton) (Con): It is an honour to serve under your chairmanship, Mr Austin. I congratulate the hon. Member for Linlithgow and East Falkirk (Martyn Day) on bringing this important debate to us today.

I grew up with animals of all sorts, in an old farmhouse, and am the proud owner of three fairly noisy but lovely dogs. I was involved in various television series in the 1990s, and because of that I got involved in breaking up a puppy farming ring in Wales. It is a shame we had to do that, but it taught me a lesson. I went with a journalist and we posed as a youngish couple looking for a puppy. We insisted on seeing the dam. We wanted to see the mother of the puppies. A Cavalier King Charles was brought out—and not in the best of health. The little puppy that came along, which ultimately we named Pixie, was pretty poorly as well. We went through the process of buying the puppy because we wanted to tell the story to the world, and expose it. The atmosphere at the farm up in the hills of Wales was intimidating. The people in question wanted us to meet at a petrol station on the M4 and exchange the puppies there. They did not really want us to come to the farm, but we insisted and they wanted to do the deal, so we went to the farm. We were not allowed to see much of the farm, apart from the entrance and the room in which we were locked while they went to get the puppy and her dam.

The good news is that the coverage we got from that visit to the Welsh hill farm was enough to close down the operation in question. Because of that experience, I know something about the dreadful conditions into which puppies can be born. Those conditions should shame us all. It is wrong that unscrupulous dealers are breeding for profit and selling on through third parties with little regard for the animals' welfare. It is about profit, and we should recognise that the practice has a serious impact on the animals themselves, through their lives. They have behavioural and physical difficulties. As we have heard, some are born without paws, and so on, and they have shorter lifespans. We need to do something about that. One of my dogs is an 18-year-old Jack

Russell—bless her cotton socks. She had three litters very early on, and we managed to rescue her. She has had a happy life and continues to do so. We call her Hopalong Minnie. I shall of course support Lucy's law, and we must move towards the objective of freeing the animals in question from terrible conditions.

The Government introduced a raft of measures to crack down on unscrupulous puppy breeders, which I support and welcome. I also fully support the Government's call for evidence on a possible ban on third-party sales. The sooner we get the ban, the better. Otherwise, as the right hon. Member for Cynon Valley (Ann Clwyd) said, every day is a wasted day. We must get on top of the problem. A ban on third-party sales is the only response to the situation, and it would, as we have heard, be warmly welcomed by the RSPCA, the Kennel Club and many other important organisations in the sector. It would, of course, delight the people who signed the petition. I gather that the number of signatures went up extremely quickly—from zero to suddenly more than 100,000. It is fantastic to hear that. I ask the Minister to bear in mind the view of the RSPCA that the ban must be introduced alongside the measures the Government have already introduced. As its deputy chief executive Chris Wainwright put it:

“Together, these moves will offer better protection to puppies and their parents and reduce the number of families duped by rogue traders in this illegal multi-million-pound trade.”

Experts are clear that if we are to deal effectively with the issue, we need to ban third-party sales while implementing the measures to crack down on unscrupulous puppy breeders. Those two things cannot be separated. I ask that Lucy's law be introduced without delay.

I believe we should recognise that many people who pick up a dog do not understand or appreciate what it means to own a dog. I raised the point about education and ignorance earlier; it is not deliberate cruelty. That was demonstrated effectively to me recently, when I was out with a fantastic local RSPCA chief inspector, Samantha Garvey, who deserves all the plaudits we could give her. We went from dwelling to dwelling, visiting several sites where dogs and some other animals were in awful conditions, and in the end we ended up rescuing a German Shepherd that was close to death. She had sores all over her body and could hardly walk. As the law stands in this country animals cannot just be seized; the owners have to be told: “This animal will die unless something is done about it now.” The people who work for the RSPCA and go into those terrible conditions are amazing. We persuaded the owners to let us have the dog, and I am pleased to report that Tee is now doing rather well and has recovered.

To conclude, I ask the Minister to bear in mind the strength of public feeling. The Government must consider their response to the call for evidence. Let us get Lucy's law enacted as soon as we possibly can.

5.20 pm

**Christine Jardine** (Edinburgh West) (LD): It is an honour to serve under your chairmanship, Mr Austin, and a great pleasure to speak in the debate. That might sound like an odd word to use in this context; I do not mean that I take any pleasure in the subject, but we are often called a nation of animal lovers, and anyone who came in and listened to the debate would be in no doubt that that is true. It is an important debate, not least

[Christine Jardine]

because this issue has created a vast amount of correspondence to my office since I was elected a year ago. That is reflected in the number of constituents from Edinburgh West, 177, who have signed the petition. We can be in no doubt that the public not only care about this subject, but care that we are taking the time to speak about it today, so I thank the hon. Member for Linlithgow and East Falkirk (Martyn Day) for doing so.

Sales from legally reared and licensed puppies in this country are an enormous market; the latest figures I have show them in the tens of millions of pounds, which is why the demand for puppies opens a gateway to unscrupulous dealers. Last year, sales from illegal sources of puppies are estimated to have topped £13 million. That is an enormous amount of money, but also an enormous amount of misery, and not just for the animals that are the victims in this—the puppies born with horrible deformities, as we have heard.

Imagine for a moment the small child who is told they are going to get their first pet, the puppy they have nagged their parents for incessantly—believe me, I have been there. They go, they fall in love with that puppy and they take it home, only to discover that it might not survive, and if it does survive, it has been so horribly abused that it may never be sociable or properly house-trained and they may never be able to enjoy it. That child has fallen in love with that puppy and will do anything they can to protect it. While we all agree that we must do something to protect the animals, we must also think about the customers, the children and their parents, who often shell out a lot of cash, and the torment and pain they go through over having purchased a puppy that has been abused.

As the hon. Member for Linlithgow and East Falkirk said, it can be so different. This weekend, my own puppy celebrated his 13th birthday. He is not a highly bred Labrador or one of the new fashionable breeds; he is a Labrador-collie cross. When we bought him we drove all the way to the borders, to just outside Peebles, where a chap with a farm had decided to breed gun dogs from his gun dog bitch. She was probably not the best behaved gun dog bitch in some senses, since she escaped in the night and, before he knew it, she had a litter of puppies crossed with his shepherd's border collie.

When we went to see those puppies, the care they had been treated with was obvious. The mother was with her puppies and came out to greet us with the puppies. My daughter, who was then—I do not want to do the arithmetic—about eight, got to play with the puppies, interact with them and see how they behaved. I remember as a child being taken by my parents to get our first dog and doing the same thing. Part of what we must do is to ensure that parents know, before they give in to the pressure or indulge their child in the sort of pleasure they had with a pet, what they should be looking for. Education, as some hon. Members have said, will be vital.

**John Howell** (Henley) (Con): The hon. Lady has spoken passionately about the consumer, but there is one group that she might have missed out: vulnerable people, particularly the elderly, who take those dogs in for companionship and are so badly let down. Does she agree that that is something we must also tackle?

**Christine Jardine:** Absolutely; that is a good point. We hear all the time that pets are not just a pleasure, but can be therapeutic. Increasingly, they say that teenagers suffering from stress should be around happy dogs, puppies or cats. As the hon. Gentleman says, people who are vulnerable need protection as well.

I do not think any of us would disagree that Lucy's law must be enacted, and enacted fully. We need better enforcement of existing animal welfare laws. It is intolerable that any animal should be born and live in poor or unsanitary conditions, particularly for profit. We need mandatory licences for dog breeding to ensure that when a breeder is found to be mistreating animals, their licence is removed. I know that some people will say, "What about the hobby, or the person who has a dog and thinks it would be nice to have a puppy?" We have to ensure that is controlled as well, and that that puppy is entitled to the same protection.

We will need legal identification for all sales, to crack down on unlicensed sellers. When people go to buy a pet, it is a huge investment—several hundreds of pounds—and often that price tag reassures people that they are buying a puppy that has been brought up well, but no. We need proper licensing and standards, so that we know they are being enforced. Legislation must be updated to include online sales. Buying a puppy advertised in a newspaper has been established over years, although we must be careful that they, too, are licensed, but online is different. It is difficult if a child sees a puppy online and wants to buy it. We need protection there.

Protection is the key word in all this: protection for the animals that will be victims of the puppy farmers who will use them to have litters, protection for the puppies that will be born in horrible conditions and be maimed all their lives, and protection for the children, the families, the elderly and the vulnerable who will buy those puppies, hoping to give them a happy life, only to find from the beginning that they cannot. All those things must be done.

I leave hon. Members with one thought. The person who sells us the puppy, or sells us on the idea of the puppy, is not always the person we expect. We had a dog who died when she was about six and my daughter was four. My daughter started school and the headmistress said to her, "Ah, Mhairi Macdonald, I see you out with your mum every day walking the dog. I haven't seen you for a wee while." Mhairi looked at the headmistress and said, "The dog died," and quick as a flash the headmistress responded, "Well, don't worry, mummy and daddy will buy you a new one." And we did. Sometimes we need protection from all sorts of sources.

5.28 pm

**Ross Thomson** (Aberdeen South) (Con): It is a pleasure to serve under your chairmanship, Mr Austin. I congratulate the hon. Member for Linlithgow and East Falkirk (Martyn Day) on securing this important debate, and the members of the audience who have turned out today—members such as Marc Abraham, Beverley Cuddy and Lisa Garner—on having run and raised awareness of the campaign, and on having taken the issue up the public agenda; all power to your elbow. Although I cannot wear my rosette, I hope my tie is suitable for the debate.

Lucy, a gorgeous, beautiful Cavalier King Charles spaniel, was a victim of the third-party selling of puppies.

Raised on a puppy farm, she had a horrific and miserable life. Thankfully, Lucy was rescued by Lisa Garner in 2013 and became part of the loving home that she should always have been a part of. Sadly, Lucy died prematurely in 2016 as a result of her start on that very puppy farm. However, she has become a symbol of the movement towards greater animal welfare standards.

It will be no surprise to Members to hear that, having campaigned for a ban on electric shock dog collars, I fully support the introduction of Lucy's law and a ban on the third-party sale of puppies. There are heartbreaking stories of puppies and kittens being separated from their mothers, kept in awful conditions and often transported for long distances before being sold. This practice is abhorrent, and I want to do all that I can to eradicate it, both in Scotland and across the rest of the UK.

The Department for Environment, Food and Rural Affairs has estimated that there is a demand for 700,000 puppies per year, which is significant. As the hon. Member for Edinburgh West (Christine Jardine) said, the third-party selling of puppies flows from that huge demand. Someone acts as a middleman between a puppy breeder and a buyer. Commercial third-party dealers who buy their stock from puppy farms—both here at home as well as abroad—are often the route to market for puppies from puppy farmers, who simply look for a quick profit with no regard whatsoever for the welfare of the animal.

Third-party traders operate in an environment that depends on low welfare standards and high-volume dog breeding, treating puppies like a conveyor belt factory product. Scientific research and evidence is conclusive: puppies sold by third parties experience a hugely detrimental impact on their physical and mental wellbeing. That can result in chronic medical problems, as well as severe behavioural problems, such as anxiety and aggression.

It could not be clearer that this practice is wrong, and it must stop. I wholeheartedly and warmly welcome the UK Government's openness towards a ban on the sale of puppies by commercial third-party dealers. I welcome the consultation launched on 8 February calling for evidence on a ban in England. Introducing a ban would be consistent with the Government's current advice—that purchasers should see puppies with their mother. A ban would remove the legitimate market for puppies bred in eastern Europe, from where vanloads of sickly puppies from puppy farms arrive in the UK. A ban would incentivise welfare improvements and would increase transparency. A ban could potentially improve the overall health of the UK dog population and reduce the incidence of dog aggression arising from poor breeding and inadequate socialisation. A ban would end the abhorrent practice of puppies being sold in high street pet shops, garden centres and pet superstores.

Animal welfare is devolved to Scotland, and recent investigations have found that puppies are being mistreated by unscrupulous dealers north of the border too. For example, in Aberdeenshire, around 900 animals were taken from a puppy farm near Fyvie after a Scottish SPCA raid, as part of Operation Dolphin. The current UK Government action does not apply in Scotland. However, the Scottish Government are thus far supporting a Scottish SPCA initiative to regulate third-party commercial dog dealers, but not outlaw them entirely. I welcome that. It is important that the Scottish Government

act to keep Scotland's puppy welfare protections up to speed with the rest of the UK. Scotland must not fall behind.

To date, I welcome all the numerous actions the Government have taken to improve animal welfare. I know that the Minister cares about this and that it is high on his agenda. A failure to bring forward a ban would be a serious setback to improving the standard of animal welfare in the UK. We must take action to stamp out this barbaric practice. Lucy's law can become the most transformational and significant change to animal welfare that we can make, so let us do it. We owe it to Lucy, and we owe it to all puppies trapped on these horrific farms.

5.34 pm

**Jim Shannon** (Strangford) (DUP): It is a pleasure to participate in this debate. I thank the hon. Member for Linlithgow and East Falkirk (Martyn Day) for introducing it and for presenting his case so well. Like other right hon. and hon. Members, I obviously support Lucy's law. I will comment on the situation in Northern Ireland, because some stats that have come through today will be helpful in backing up the debate.

I believe that the debate being secured through the petition mechanism demonstrates the will of the people. The people out there have clearly said that the issue should be debated in Westminster and that we should raise awareness of it. It means that we in this place can determine how better we can safeguard animals—dogs, in this instance—during the sale process. More than that, we are morally obliged to address it.

I do not remember ever not having a dog. I had one from the very early years of my life, whether Pomeranians, corgis, collies or Jack Russell terriers. They say that no one ever actually owns a Jack Russell terrier—it owns them. That is probably true. We now have springer spaniels, because we use them for hunting. I have never not had a dog.

When my wife and I first got married, I was not keen on cats, to be truthful, but she was, and therefore my life changed. That was the way it was. We now have four cats in the house, and one dog. The cats gather around the dinner table when we have our Sunday lunch and they all sit and look at us as if they are ravenous for whatever is on the menu. Every one of those cats was a stray that came to stay with us and never left, because they were well looked after.

The dog that Sandra had was badly abused and badly beaten. She became passionate about it and brought it home. It is now clearly over its fears—it does not run when we speak to it. It was probably a hunting dog at one time, and my wife lets me take it hunting now and again. She says it is not a hunting dog, but if I am free on a Saturday afternoon I usually take it over the fields for a run. It does not always listen, but that is just the way some dogs are. The point I am trying to make is that people can take dogs and the dog will always show them affection and love. All they have to do is show the same to it. When our dog is shown affection and love, it all of a sudden responds very positively.

Back home, I have heard on too many occasions of heartbroken children having their animals removed because they did not fulfil the injection and visa requirements for pets brought into Northern Ireland. The parents are left out of pocket and the children are devastated,

[Jim Shannon]

but the person whose responsibility it was that those requirements were met often gets away scot-free. They do not care. They are just about making money. This scenario must stop.

With the surge in designer dog breeds, more and more people are trying their hand at breeding and selling. The conditions that these animals live in is not always healthy, and at times is simply inhumane. Many of us will know of examples of just that. With the rise of sales from houses, it is clear that we must regulate for the sake of the dog and her puppies, but also for the family who pay big money for what is probably their dream dog, only to have the dog be ill or aggressive as a result of bad treatment.

Last week I met a member of the Dogs Trust team to discuss this debate and what they felt was needed. My wife Sandra volunteers at the local Assisi Animal Sanctuary, looking after cats and dogs; it is something she has always loved and wanted to do. That is where our cats came from, and ultimately they took over. She has also made it very clear that Assisi—in the charity sector—thinks that things need to change, and quickly.

The Dogs Trust has stated:

“We want to see an end to third party sales and the sale of puppies in pet shops as part of a package of coordinated measures. There are some crucial steps that the government must take to make a ban, and Lucy’s Law, effective and avoid unintended consequences.”

On priorities, it states:

“The licensing and inspection of anyone breeding or selling puppies must be robust and consistent”.

**Giles Watling:** There has been a flurry in my area of dogs being stolen to be used for breeding. It is worth putting on the record that Lucy’s law would deal with that in some way, through its knock-on effects. Does the hon. Gentleman agree?

**Jim Shannon:** I do. Too often, a dog is stolen or goes missing. We see the adverts in our local papers back home when a springer spaniel, corgi, Jack Russell or whatever has gone missing. It is a family pet, but also much more than a pet. That is true for all of us as well as for those outside the Chamber. I agree with the hon. Gentleman. The hope is that Lucy’s law could tighten up the legislation and make it much more effective.

The quotation from the Dogs Trust continues:

“Before this can happen, inspectors must have the full support of both the government and their local authority to enforce the right standards.”

I wholeheartedly support that as a basic measure—as a start. If a person is prepared to allow people into their home to buy a dog, it follows that they would allow someone into their home to assess whether the dogs are healthy and happy while being bred and, indeed, afterwards.

The Assisi charity group for which my wife works, the Ulster Society for the Prevention of Cruelty to Animals, the RSPCA and many other charities have now adopted a new criterion, which is that before they will rehome a dog, they visit the home—my wife does this for cats as well, by the way—and it is only right that they should do so, because the home of the person who wants the dog or cat should really want the dog or cat; taking it into their home should be their full intention. I believe that home visits are one method of making progress.

The Minister, who we know is very responsive to the debate on this issue, will probably take that on board. I would like to hear his thoughts on introducing Lucy’s law as well.

The Dogs Trust has further said:

“We want governments across the UK to regulate rehoming organisations and sanctuaries and we will continue to campaign against this gaping loophole...If a ban was introduced, the options for getting a dog would either be directly from the breeder or from a rehoming organisation.”

That would be with the criteria that those charitable organisations have set down. They are good, strict criteria that work. If a person wants to give a home to a dog or cat—this debate is specifically about dogs—we should ensure that that is being done for the right reason.

The Dogs Trust continues:

“As rehoming organisations are not regulated, and anyone can set themselves up as one, we are deeply concerned this would be exploited by puppy traders.”

Again, I believe that the point made is sensible and that what is advocated is only right and proper. Although we must not prevent those who have a heart to care for animals from being able to set up as a rehoming organisation, we must be able to stop people abusing that to circumvent the system. There are genuine people out there, and they would not fear regulation.

**Gavin Robinson (Belfast East) (DUP):** My hon. Friend is raising a number of issues that touch on devolution and the cross-jurisdictional nature of the issue; it would be easy for the Minister to say, “We can deal only with England.” I well remember working with the former hon. Member for Dumfries and Galloway, Richard Arkless, in relation to the puppy trades that existed in the Republic of Ireland, came through Northern Ireland and abused the ferry systems going to Scotland and the rest of mainland GB, so may I, through my hon. Friend, encourage the Minister to think not only of the devolution issues that exist in the United Kingdom, but of co-operation and collaboration with those other jurisdictions that feed into a drastic trade that affects our country but starts in or emanates from others?

**Jim Shannon:** My hon. Friend is absolutely right. That point needs to be put to the Minister. We all have concerns about puppy farming in the Republic of Ireland. Puppies can come through Northern Ireland and across on the ferry, but they can also come straight across from the Republic into Wales, so we may need to be doing things at that stage as well. I thank my hon. Friend for his wise words.

I believe that there must be an introduction of registration and licensing for all breeding and rehoming establishments, to create full transparency and traceability in the system. I support the calls that anyone breeding or selling litters of puppies should be registered.

Today’s *Belfast Telegraph* has some statistics on what is happening in Northern Ireland. It states that

“councils in Northern Ireland destroyed more than 300 animals in eight months.”

It says that 166 unclaimed and 144 unwanted animals were destroyed, and cites David Wilson from the USPCA:

“The volume of dogs abandoned to their fate by heartless owners remains a major...welfare concern”.

We need to put this on the record. Mr Wilson went on:

“There are still too many dogs being farmed for profit by callous individuals, many of whom flout the requirement for

breeder registration...The availability of pets via the internet is entirely unregulated and contributes to the problem by encouraging impulse purchasing.”

I ask the Minister also to respond to that point.

The reason Assisi and other charities do home visits is that they want to see whether someone is truly enthusiastic about giving the dog or cat a home; they want to ensure that the enthusiasm has not worn off after a time. The report cites Mr Wilson saying that any would-be owners should

“purchase using their head as well as their heart”.

With lifestyle and financial implications...‘the only guarantee awaiting the unwary is often one of heartache and expense’.”

He urged people to “contact the USPCA”, or RSPCA, “or visit a local shelter to adopt ‘a deserving animal in need of a home, as 1,500 others did in the period covered by these statistics’.

‘By doing so you will have played your part in addressing a problem that shames society,’ he added.”

Time has beaten me. There are many other issues that I would urge the Minister to consider, such as the Government and the animal welfare sector working together to facilitate a marketplace dominated by ethical breeders. The message must be sent loud and clear that prospective owners should always see a puppy interacting with its mum and littermates. The hon. Member for Edinburgh West (Christine Jardine) illustrated that with the example of a Labrador: the mother and littermates were there; the family were very closely associated and playing a part. If that happened in every place, that would be the place to be.

There must be a co-ordinated package of measures to ensure that a ban on third-party sales is successful, and we must carefully consider the implications of legislation to prevent it from being exploited as other attempts thus far have been. There is much to be done. I urge the Minister to work with knowledgeable charities—the Dogs Trust, among others—to ensure that the legislation passed is the best that it can be and that it stops bad treatment of dogs as well as the heartbreak of children.

5.46 pm

**Bill Grant** (Ayr, Carrick and Cumnock) (Con): It is a pleasure to serve under your chairmanship, Mr Austin. I congratulate the hon. Member for Linlithgow and East Falkirk (Martyn Day) on introducing the debate. Let me give some background about myself. I am from a family of dog lovers. Our first pet was from the Scottish SPCA. We had that little fellow for 17 years; he grew up with my daughters. He was much loved by the neighbours, but he was a romantic wee dog and at certain times of the season he was not very popular with some of the neighbours. But he had a joyous 17 years in our family. When his time came and we lost him, I have to say that despite being a senior fire officer and, as I thought, a robust individual, I cried for 30 or 40 minutes—I really missed him. That is my background as a dog lover, and I am not ashamed at shedding a tear over losing a best friend.

I am pleased that this Government, with the help of my right hon. Friend the Secretary of State for Environment, Food and Rural Affairs, have made animal welfare one of their top priorities, and the issue of commercial puppy breeding and sales is no exception. All pet owners would wish their dog to have the best possible start in life. That is especially important when thousands of animals are being bred every year by irresponsible breeders—the money makers—who separate

them from their litters far too early and place them in wholly inappropriate and often traumatising conditions. As I am sure others will agree, that practice must end, to protect the puppy and the parents.

I welcome this petition and the common-sense approach that the Government are taking to ensure that our high standards of animal welfare apply to puppy breeders. The UK Government’s proposals are entirely sensible and necessary, and I hope they will satisfy the almost 150,000 signatories to the petition across the United Kingdom.

It is right that we ban the sale of puppies under the age of eight weeks and that we require licensed breeders to show a puppy alongside its mother before a sale is agreed or concluded. Those steps will help to ensure that puppies are not separated from their mothers or sold at an inappropriately early stage. In this world of internet shopping, it is vital that we clamp down on online sales where the buyer has not actually seen the puppy that they are buying. To ignore that expanding sales area would create an unacceptable loophole that unscrupulous breeders would surely exploit. I am pleased that the Government are working to ensure that that risk is addressed. It is also important that we have compulsory licensing for anyone in the business of breeding and selling dogs, and require that licensed breeders only sell puppies that they themselves have bred.

Those tighter restrictions on the industry will help to establish the clear accountability that we must have if we are to maintain the best possible standards of canine welfare. I am sure that trusted breeders will support those actions. I understand that the Government are currently examining evidence relating to the possibility of a ban on third-party sales of both puppies and kittens in England, and that a call for evidence closed earlier this month. I would welcome a ban as the outcome.

Much of the law relating to animal welfare in Scotland is devolved and it falls to the Scottish Parliament to protect puppies from unscrupulous breeders. I am sure they will do so, given the opportunity. We need action in Scotland. An investigation by OneKind, the animal welfare charity, recently revealed that some puppies in Scottish puppy farms are being kept in horrendous conditions. Although I welcome the Say No to Puppy Dealers campaign, it is clear that more must be done to clamp down on unscrupulous breeders throughout the United Kingdom.

I congratulate the Government on the work they are doing. I hope that the Scottish and UK Governments, and the devolved institutions, will work together—the movement throughout these islands was mentioned—and bring an end to unscrupulous puppy breeding and sales in the United Kingdom. Regardless of any changes made by Governments, I ask prospective purchasers to give due consideration to who they purchase their puppy from. Happy and healthy puppies should be our objective. We owe it to our best friends.

5.50 pm

**Dr Lisa Cameron** (East Kilbride, Strathaven and Lesmahagow) (SNP): It is a pleasure to serve under your chairmanship, Mr Austin. I thank my hon. Friend the Member for Linlithgow and East Falkirk (Martyn Day) for bringing the e-petition to Parliament and speaking in such a detailed manner. He outlined the

[Dr Lisa Cameron]

case for Lucy's law in a thorough way, with best practice and evidence at the forefront of everything he said.

Lucy's law was launched in December 2017 at a House of Commons reception hosted by myself with vet and campaigner Marc Abraham of Pup Aid, who is here today. It was supported by the all-party parliamentary dog advisory welfare group, which I chair. It is a pleasure to chair that group, which is entirely cross-party. Animal welfare—dog welfare in particular—knows no party lines. There are animal and dog lovers right across the House of Commons, our countries and the United Kingdom. We speak together on our love for animals, dogs and animal welfare issues.

The voices against Lucy's law have gone—they have paled into insignificance. We are speaking with one voice today and I hope that the Minister heeds that. Across party lines, there is universal support for Lucy's law. Now is the time to prevent further suffering. Now is the time for Lucy's law. To those organisations that say, "We'd like a ban, but not now," I say, "Why not now?" As the right hon. Member for Cynon Valley (Ann Clwyd) said, if we wait a minute longer, more dogs like Lucy will suffer absolutely appalling consequences.

**Tommy Sheppard** (Edinburgh East) (SNP): I am glad that my hon. Friend is putting on record the Scottish National party's support for Lucy's law. We will have to work with our colleagues in the Scottish Government to ensure that happens there, too. Given that this is a devolved matter, there is a golden opportunity in this debate for England to show leadership in the UK and take the initiative. If the Minister went further and faster, he would create a situation whereby the devolved Administrations would swiftly fall into line. Does my hon. Friend agree that it would be good if the Minister gave an unequivocal statement in his summation?

**Dr Cameron:** I agree with my hon. Friend. Of course, we do not want to start a competition in relation to Lucy's law, but if the Minister could make an unequivocal statement, that would be fantastic. I would be reduced to tears of joy if that happened. If the Minister wants to make an SNP MP cry, he should tell us that Lucy's law will happen now.

I do want change in the Scottish Parliament. The matter is out to consultation, and it is extremely important to me. The First Minister and the Scottish Government are absolutely aware of my perspective. I am particularly dogmatic—forgive the pun!—when it comes to Lucy's law.

Lucy was a beautiful Cavalier King Charles spaniel. She was a casualty of the legal, licensed third-party puppy trade, and was exploited within an inch of her life with absolutely no regard to her health or welfare. Lucy was rescued and adopted by Lisa Garner—who is here—in 2013. Despite Lucy's horrific and miserable past as a breeding slave, she still had it in her enormous heart to love people. She made so many people think about all the other poor mums, the invisible victims living their lonely, loveless lives to produce litter after litter. Lucy has become a mascot for all the abused breeding dogs. Lucy sadly died all too soon in December 2016 and Lucy's law is named in her honour.

As my hon. Friend the Member for Linlithgow and East Falkirk stated in his opening speech, the concept

of Lucy's law has resonated with our constituents and with parliamentarians. A recent survey of nearly 2,000 readers of *Dogs Today* Magazine showed that 96% wanted a ban on pet shops and third parties selling pups. Lucy's law continues to receive support from celebrities, the media and Members of Parliament. In Scotland, Lucy's law has gained support from our own dog celebrity, the Wee Ginger Dug, as we fondly call him. In a newspaper only the other week, he gave his support for Lucy's law. I believe that the Wee Ginger Dug was himself a rescued, abandoned dog, so he and his owner know only too well why it is so important to have Lucy's law.

Lucy's law calls for the immediate ban on puppies sold by commercial third parties, for example pet shops, but does third-party selling of pups always give rise to harm? It simply does and here are some reasons. Young puppies are transported huge distances, making them stressed and sickly, giving rise to behavioural issues from the anxiety of early separation and poor socialisation. Transportation invites premature exposure to disease. Exploited breeding bitches like Lucy live in terrible conditions and are hidden from sellers. Their stressed pups are at an increased risk of deadly diseases when transported legally or illegally. Commercial dealers facilitate impulse purchases, which is a common cause of pet abandonment, and rarely offer after-sales advice. In essence, puppies and their mothers are often irreversibly damaged before they reach the seller, whether the seller is licensed or not.

Other hon. Members have mentioned their dogs. My dog Rossi is a French bulldog and was, I believe, puppy farmed. We went to get Rossi from the local dog centre. He is an integral part of our family. He was also a contestant in Westminster Dog of the Year, alongside the dog of the hon. Member for Morley and Outwood (Andrea Jenkyns). Rossi was runner-up on that occasion, but he is never runner-up in our home—he is always a winner.

There are not many high street pet shops, so why are dealers an even bigger problem? The sale of puppies by dealers without a shop is increasing. Most of them are selling out of normal houses in busy residential areas. Most pet buyers would know to be concerned about the provenance of pet-shop pups. The new breed of licensed dealers, using exactly the same pet-shop licence, to buy and sell pups, is not so obviously commercial and must be stopped to ensure protection of puppies, their mothers and our public.

Would Lucy's law prohibit ghastly eastern European puppy trafficking? We believe it would. Van loads of sickly, puppy-farmed pups are currently arriving and can legally be sold only if the seller holds a pet shop licence. Lucy's law would remove the legal reason for importing all these poor puppies, so all those vans could be turned back. Production in these despicable puppy farms would drastically reduce if the UK stopped being such a lucrative market for immoral traders. In the future, the condition of all puppies would be regulated by the UK standards of animal welfare, importantly removing the legal trade for smuggled pups, which would also help to remove the framework for illegal activity.

If Lucy's law is so simple, why do we not already have a ban on third-party puppy sales? In the last few years, there have been many significant attempts in Parliament to end them. In September 2014, there was an e-petition; in November 2016, the Environment, Food and Rural Affairs Committee recommended a ban, as we have

heard; and in 2016, I led a debate on puppy farming. Another significant call for Lucy's law has come from the Conservative Animal Welfare Foundation's manifesto, which has not yet been mentioned by other hon. Members, but I will mention it.

**Jim Shannon:** You are their conscience.

**Dr Cameron:** I am their conscience, indeed.

Its patron, the hon. Member for North Thanet (Sir Roger Gale), is present. All calls for a ban in the last few years have been ignored, so it is unsurprising that worrying levels of unscrupulous breeding and selling activities, such as puppy farming, dealing and smuggling, which are all facilitated by third-party sales, do not show any sign of decreasing.

[SIR ROGER GALE *in the Chair*]

The arguments against Lucy's law are dead in the water. On the first—that licensing commercial sales would be better and easier to enforce—we know that that cannot be the case. A licence takes much more policing and enforcement compared with an outright ban. We only have to look at what happened with banning smoking cigarettes in pubs, and the issues that would have arisen if it could have happened in some situations and not others—it would have only confused the public. Regulating something that is licensed would also obviously require more resources than a ban. If there is a ban, the public can alert the authorities very quickly, so there will be no dubiety.

Dubiety is regularly seen in action with the alcohol licensing regime. The public will report underage sales, but it is difficult for the police to determine where underage drinking is happening, if it is in a place where both underage and overage drinking are happening. It is much more difficult to regulate and to respond to.

If some third-party puppy sales are licensed and legitimate and some are not, the participating members of the public are unlikely to whistleblow, but it is important that we enable the public to do that. As we have heard, people do not want to go to the black market to buy a puppy—that is just not something people do. They are good people who want to give a puppy a loving home, so let us make it as straightforward as possible.

Current Government advice contradicts itself: third-party breeding can be licensed, but they also want people to see the puppy with the mum. Let us get it all in line by ensuring that we have Lucy's law and a ban, so that everyone sees the puppy with the mum because that is how puppies are purchased in the UK.

I finish by thanking all hon. Members who have taken part. All the speeches have shown how important this issue is, not just to constituents but to hon. Members. We are all here for the same reason: we want Lucy's law to be enacted now. To prevent any more suffering, it is clear that the time for Lucy's law is now. Waiting a minute longer would mean another minute of puppy farm cruelty endured by thousands of dogs and their pups. I and every dog lover in the UK look forward to the Minister's response.

6.3 pm

**Dr David Drew (Stroud) (Lab/Co-op):** I am delighted to serve under your chairing, Sir Roger, even though you would rather be on this side of the room talking in

the debate. I know you feel passionately about it, as does Mr Austin, who was in the Chair before you. I congratulate the hon. Member for Linlithgow and East Falkirk (Martyn Day), who carefully introduced the debate. We have also heard contributions from the hon. Member for Morley and Outwood (Andrea Jenkyns), my right hon. Friend the Member for Cynon Valley (Ann Clwyd), and the hon. Members for Clacton (Giles Watling), for Edinburgh West (Christine Jardine), for Aberdeen South (Ross Thomson), for Strangford (Jim Shannon) and for Ayr, Carrick and Cumnock (Bill Grant), and the SNP spokesperson—I will try and get her constituency name right—the hon. Member for East Kilbride, Strathaven and Lesmahagow (Dr Cameron). I am pleased to see the Minister in his place.

This is a debate in which we largely agree, so I will not take up time agreeing with hon. Members who made passionate contributions on what is—let us be honest—heinous animal cruelty, and one of the worst, because it is about making money. It is in no way about trying to provide a supply of animals for which there is a demand.

I was shocked by the figure of how many registered providers there are—only 12%, and about 70% of what is provided—so the vast majority of people get their pets through fairly dodgy provision, and the simple fact is that, unless the Minister can tell us, we do not know how many people are out there operating. That is an awful thing to say, and it is because many of them do not operate in this country at all. As has been said, they operate through the south of Ireland and eastern Europe, so the animals get here after the most perilous of journeys. One presumes that many do not get here at all because they suffer in transit.

I agree with what has been said. I will not go through some of the more gory stories, but we have to recognise that they are there and take them up. I hope the Minister will take away from the debate the need for action. Most of us agree on the need for a ban. Regulation is always called for, but a complete ban seems to be the way forward in this case. Labour would support that as part of an animal welfare Act, which could likewise deal with other evils out there. As always, I am aware that it could become a Christmas tree Bill, which we stick on things to ban—we all have our favourites—but that would be appropriate in this case because people feel passionately about it.

I thank those who introduced the petition and who support Lucy's law. The message is that the Government need to act quickly and comprehensively, because this is a trade that should not be allowed to continue in the way that it has. Puppy smuggling is one of those animal welfare issues about which one thinks, "Why does anyone do it?" As I say, they do it purely because they want to make money. There is no other reason why the trade continues.

The Animal and Plant Health Agency has done some sterling work, alongside the Dog's Trust. I thank the Dog's Trust, Battersea Dogs Home, Cats Protection, various other organisations and other private contributors, who have given me lots of information, which I do not intend to impart. We all know that this is a well-trailed area. It is known exactly what is going on and what should be going on.

Sadly, where the Government have acted—for instance, with the pet travel scheme—there is evidence that it has not helped, because people have perhaps used that as a

[Dr David Drew]

device to bring in animals where other means would not have been allowed. Of course, we would strongly argue that we need additional border guards. Whatever one's view on Brexit—no doubt the Minister and I will debate Brexit again—we need to patrol and maintain our borders, because this unacceptable trade goes on daily. Whatever we feel about a ban, we could do more to crack down on what is coming through, because it is clearly unacceptable. I hope the Minister will say something about that. Surely we must have a means to deal with that, notwithstanding the need for a ban on the third-party provision of puppies, as well as cats and other animals, as has been said. It is not just puppies; we could get into rabbits, guinea pigs and so on. Sadly, these animals are being abused, because they are being bred purely for the worst of reasons.

International studies have shown that puppies obtained from pet shops have, as has been said, a lower life expectancy than other puppies and suffer much more from disease. That is made worse if they come here from other parts of the world, as they have already faced the problems of transit. Labour would support banning third-party sales, and we hope we can get on with it. It is no good just promising it; people now expect us to take action through Parliament, so we cannot allow a delay, and obviously this is also about welfare standards, traceability, transparency and accountability.

**Alex Sobel** (Leeds North West) (Lab/Co-op): What does my hon. Friend think would be the right sanction for those who broke a ban? Does he feel that they should face a custodial sentence or a fine? I want to ask the Minister the same question when he speaks, but I would like to hear from the shadow Minister first.

**Dr Drew:** I could have done with advance warning. That is a bit unfair; we are supposed to be on the same side. I think we should have strong sanctions in this area. It is not just a question of banning people from taking part in this trade; we should have the toughest sanctions. This is about animal cruelty. This is as bad as dogfighting or some of the cruelties inflicted on horses left in the worst possible conditions through the winter. It is awful and, as a nation of animal lovers, we should feel strongly about it, so I hope there will be the possibility of criminal sanctions, because these people are acting criminally. This is not some minor trade; people make serious money out of it, so they should be dealt with by the full force of the law, because of how these animals are bred and how they are kept, in the worst of conditions.

The sad thing is that these are often the animals that are bought as pets but end up in the shelters or rescue centres because of their health problems and other problems. Many of the wonderful voluntary organisations in this sector are full to bursting, because of these animals that have been discarded. Again, it would seem sensible to investigate further where those animals come from before they arrive in our shelters, because that is a serious worry. Whenever staff from the Battersea Dogs and Cats Home come here and talk to us, they say that they cannot take any more animals. They are forever having to make difficult decisions about how many animals they can keep, because they are inundated with people who think it is fun to have a pet for three or four

months, but then realise that they cannot look after it and so dispose of it. Hon. Members have said this, but we need to think about the education process—“A dog isn't just for Christmas, it's for life”. People need to understand that it is a lifetime commitment.

This is also about resources, and I totally agree with my hon. Friend the Member for Penistone and Stocksbridge (Angela Smith), who asked where the resources are. It is no good having a ban if we do not enforce it or follow it up with prosecutions and so on.

I will make a final couple of points. As for this idea that people should take an animal only if it is with its mother and has clearly been bred through that particular animal, it is difficult to tell that, but registered and properly run breeders would pride themselves on providing that information, and they would be able to prove it. In a sense, they would have to be able to license themselves, by showing that a puppy was the offspring of the mother. That is where the care and the proper breeding process could be seen in its entirety.

As I have said, we are not talking about Brexit today, but it would be interesting to know whether we could go ahead and introduce a ban without having to go through all the EU regulations, because clearly elements of this are subject to EU oversight.

To conclude, I hope the Minister will say that this is something we all agree on. There is a consultation, but one hopes that everyone is saying that a ban is appropriate and can be progressed, and so we just need to get on with this, rather than waiting. We would prefer a ban as part of an overall animal welfare Bill, but it might be something we could introduce because of the level of agreement that exists, because of the harm being done and because of the duplicity involved. People end up with these pets, thinking they are doing something good for themselves and their children, when all they are really doing is fuelling this terrible trade. If we could get some clarity on where the Government are going on this, we will give our support in terms of any time that is necessary, but a ban is right, a ban is appropriate and a ban is needed.

6.16 pm

**The Minister for Agriculture, Fisheries and Food (George Eustice):** I am sure that even if this had been a contentious and divisive debate, you would have been impeccably neutral, Sir Roger, but may I take this opportunity to acknowledge the work that you have done in this area? You will be pleased to know that there was a strong degree of consensus throughout the discussion of this issue.

In addition, I congratulate the hon. Member for Linlithgow and East Falkirk (Martyn Day) on the way that he introduced the debate and on being so generous with the number of interventions that he took from some Members who were obviously unable to stay for the full duration of the debate.

Finally, I congratulate the supporters of this e-petition, which has secured so many signatures in such a short time and attracted so many Members to Westminster Hall today to speak passionately on this important issue.

As several hon. Members will know, I have championed improved animal welfare when it comes to puppies and dog-breeding establishments for a number of years; in fact, since I was a Back Bencher. I advocated a reduction in the threshold before puppy breeders required a licence.

The background to this debate, as a number of hon. Members have pointed out, is that the way that we treat puppies in the first few months of their life is, just as it is with a human child, incredibly important to their development.

The welfare charities in this sector can give many tragic examples of young dogs or puppies that come into their care and that they are simply unable to rehome because it is not safe to place them with a family. That is due to the abusive and neglectful way that they were raised in the first few months of their life. For me, therefore, tackling the way that we regulate and license dog breeders is particularly important.

The second issue that has long needed addressing is the introduction of new regulations to tackle the growth of internet or online trading. Some very good work has been done by the Pet Advertising Advisory Group and I commend all those organisations that have signed up to the group's code. It is a robust code and the group has done well to draw it up.

One of the things we have done, which I will come on to, is strengthen the rules around online trading and the way that we license those who trade online, because there had been some doubt regarding the previous pets legislation, which dated back to the 1950s, about whether online traders were caught or covered by it. However, we have now clarified that matter.

The culmination of this process, during which I and others raised several points over a number of years, was a consultation on these matters to strengthen the pet licensing regime. I am very pleased to say that the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 passed on to the statute book earlier this year, and those regulations provide statutory minimum welfare standards that all licensed dog breeders and vendors of pet animals must meet. This is the first time that licensed breeders and sellers of dogs will be required to meet statutory minimum welfare standards.

Previously, those statutory standards were set out only in guidance but now they are a requirement before a licence can be obtained, which brings greater consistency. We have developed the new standards with the welcome involvement of the Canine and Feline Sector Group, which represents a broad range of vets, local authorities, the pet industry and welfare charities.

The new regulations and the new statutory code that goes with them achieve a number of things. First, there are clear regulatory requirements for licensed breeders and sellers to protect the welfare of the animals. Secondly, we have lowered the threshold for the number of puppy litters that someone is allowed to breed in a year so that more breeders can be brought into a licensing regime. That means that anyone in the business of both breeding and selling dogs will need a licence and, irrespective of whether they claim to be in the business of breeding, they will need a licence if they breed three or more litters a year. Thirdly, anyone selling pets commercially will need a licence, whether they are trading online or they are a pet shop. That addresses the point that the hon. Member for Edinburgh East (Tommy Sheppard) raised. Licensed breeders must show puppies alongside their mother before a sale is made and they can sell only their own puppies.

In addition, pet advertisements will now require the seller's licence number and country of origin and the

residence of the pet to be included. The sale of puppies and kittens under the age of eight weeks is now banned, which closes a loophole that existed for some pet shops regarding some pets. Licensed sellers must also show puppies to the purchaser before a sale is completed, an intervention we have made to try to curtail the growth of online trading and, finally, a new licence condition applies to dog breeders to prevent the breeding of dogs with harmful genetic disorders, which addresses the point raised by the right hon. Member for Cynon Valley (Ann Clwyd) about the tragedy of pets often having defects and health problems because they have not been properly bred or cared for.

The 2018 regulations come into force on 1 October and, taken together, represent a significant improvement in pet animal welfare legislation in this country.

**Kerry McCarthy:** What the Minister has outlined is very good as far as it goes, but it deals only with the more respectable end of the market, tightening up regulation there. Does he have any figures on how many puppies are bought and sold on the streets of the UK through the illegal trade—illegally imported, trafficked—as opposed to coming through breeders who are likely to abide by the regulations?

**George Eustice:** I was going to come on to that point and to the specific issue of the debate. The measures in the new regulations substantially tighten up areas where there were weaknesses in the law. In particular, bringing greater clarity to the fact that online traders must have a licence, and lowering the threshold of the number of puppies someone can breed before they require a licence, are significant steps forward. However, I am aware that for some years now several people have been calling for third-party sales to be dealt with and for there to be a ban on such sales—for puppies in particular and, called for by a number of others, for kittens.

It is fair to say that although the petition was launched only on 1 March, the public reaction has been rapid. It has already attracted more than 140,000 signatures, which shows the strength of feeling people in this country have for the welfare of dogs. However, as a number of hon. Members have pointed out, even before that, the Government had made it clear that it was their intention to consider the issue. On 8 February, we announced a call for evidence to consider a ban on third-party sales of puppies and kittens. Such a ban means that pet shops, pet dealers and other outlets and licensed sellers of puppies and kittens would be unable to sell them unless they themselves had bred them. The implication is that anyone seeking to acquire a puppy or kitten would have to look to either an authorised breeder or an animal rescue or rehoming organisation.

It has been suggested to us that a ban could achieve several things. First, it could ensure consistency with Government advice that purchasers should seek to see puppies or kittens with their mother, which goes beyond the new regulations for licensed breeders and applies the condition to everyone. It could also assist purchasers to make informed choices based on seeing a puppy or kitten with its mother, and encourage responsible buying decisions. It could incentivise welfare improvements in high-risk commercial dog-breeding establishments by ensuring transparency, accountability and appropriate remuneration for breeders. Finally, and perhaps most

[George Eustice]

importantly, it could prevent the sale of puppies that had not been bred to recognised standards of welfare in this country. The Government, therefore, consider there to be merit in exploring that further. I am aware that there are consistent, though difficult-to-quantify, concerns about puppies that are bred overseas, smuggled illegally into the UK and then sold out of the boots of cars at service stations, as highlighted by my hon. Friend the Member for Clacton (Giles Watling).

At the Department for Environment, Food and Rural Affairs we have been involved since 2015 in an operation to tackle the scourge of underage puppies being smuggled into the UK, something I feel strongly about. When I was responsible for this part of the brief in 2015, although we were doing work to strengthen regulations, I was concerned about the reports of large numbers of puppies being smuggled, particularly from the Irish Republic and east European countries, to be sold in the UK. Since 2015, our vets from the Animal and Plant Health Agency have been stationed at a number of ports and in just three years we have seized more than 700 puppies that were considered to be under 12 weeks old, the minimum before which they are able to be transported. That evidence of underage puppies being smuggled into the country suggests there could be a problem there that we ought to address, which is why we have run a call for evidence.

The call for evidence ran from 8 February to 2 May and we received about 350 responses, which we are currently analysing. The next step would, of course, be to consult on specific options. The hon. Member for East Kilbride, Strathaven and Lesmahagow (Dr Cameron) invited me to make her cry by making an announcement today. I will not be doing so today; I will stop just short of it, but hon. Members will be pleased to know that we anticipate being likely to introduce a consultation based on the early feedback from the call for evidence. They will, however, have to wait a little longer to see further details.

I want now to address a few wider issues, in particular regarding sentencing, because the pet licensing measures are only part of our work. We are also taking action to improve animal welfare in other areas. My right hon. Friend the Secretary of State announced last September that we will increase the maximum penalty for animal cruelty offences from six months to five years in prison. There was an intervention earlier on the shadow Minister regarding likely sentences. That would obviously be a matter for the consultation, but any such step would be likely to be taken within the framework of the Animal Welfare Act 2006. The current sentencing guidelines refer to an unlimited fine or a maximum custodial sentence of six months and, as I say, we have made it clear that we want to raise that maximum sentence. It will always be important for an individual judge on an individual case to be able to reach an appropriate sentence based on the particular circumstances.

**Kerry McCarthy:** The Minister mentioned that 90 puppies, I think, had been seized while being illegally imported. What happened to the people who were responsible for that illegal trafficking? Were they fined or jailed? Do we have any idea what happened to them?

**George Eustice:** There were prosecutions. Actually, some 700 puppies were seized in the course of three

years for being under the age of 12 weeks. When we were looking at the issue around a year ago, I asked officials whether there was a pattern of it being a small number of individuals, but generally speaking it was a diverse range of individuals often doing one-off trades rather than high-velocity trades. Others are using different people to bring animals in. It is difficult to discern a pattern of it being, for example, a small number of people who are very difficult to challenge. There have been prosecutions in the past, including through Operation Bloodhound a couple of years ago. I understand there have also been prosecutions related to some of the interventions.

**Emma Little Pengelly (Belfast South) (DUP):** The Minister might be aware that we increased the sentencing powers for judges two to three years ago in Northern Ireland. Will he undertake to examine the roll-out and the effectiveness of that change in Northern Ireland and so consider whether he should increase sentences across the UK?

**George Eustice:** We have made it clear that our intention is to raise the maximum penalty for animal cruelty offences—the most sickening offences that take place—to five years. As part of our work on that, we will of course want to look at the approach taken by other parts of the UK and any lessons we might be able to learn from that.

We published a draft Bill in December. It will allow the courts to set realistic sentences for the extreme cases of animal cruelty that I know sicken all right-minded people, including every Member participating in this debate. We will seek an appropriate opportunity to bring forward the legislation to make that change.

I want to touch briefly on another contentious issue, which is the use of electronic training collars for dogs and cats. This is another area where we have been doing some work. We have recently completed a public consultation on a proposal to ban the use of such devices. It closed on 27 April, and we received around 7,500 responses, which we are analysing. There was a very high response rate, and the consultation sparked passionate views on both sides of the containment fence. We will consider those representations and announce further steps in due course.

**Dr Drew:** A number of Members talked about education. Will DEFRA launch an education programme to explain to the public that they should buy puppies only through licensed breeders? I know it is a very small part of the overall supply of puppies, but that would be a simple thing for DEFRA to do, although it may cost money. Will the Minister say whether that is something it will do?

**George Eustice:** We publicise any way we can the existing regulations, including the guidance that people should see puppies with their mother before purchasing them. That is long-standing DEFRA guidance. About two years ago, I had a discussion with some of the pet food manufacturers to try to persuade them that they should add this guidance to some of their packaging so that people who were considering buying pets would be reminded of it. I could not get the manufacturers to take up my suggestion, but it was worth a try. The hon. Gentleman makes a good point. If we introduced a change in the law, we would ensure we did everything we could to publicise that.

Finally on enforcement—a number of Members raised the issue—we have provided in our new licensing conditions for local authorities to be able to go for full cost recovery to fund their work in this area. While the internet provides many challenges, it also provides a relatively easy way to identify people selling pets in the UK who are not legally entitled to do so.

**Jim Shannon:** I thank the Minister for his response to the debate. A great many charities do excellent work on animal welfare. We know who they are; they have been mentioned. Is it his intention to correspond with those charitable organisations to gauge their opinion on how animal welfare laws can move forward? I think it is important we have their input in the process. Have they been part of it?

**George Eustice:** We work very closely with all the animal welfare charities. As was pointed out earlier, a number of the charities had some reservations about going for a third-party ban. They felt there were other more significant things we could do to tackle the problem of online trading. Now we have done those things, there is a growing consensus that extending the ban might be worth considering. I do not think we should hold it against those animal charities that had some concerns

about the measure, but just to reassure the hon. Gentleman, we regularly engage with a whole range of animal welfare charities on that and other issues, and they have all contributed considerably to the consultations we have run.

6.35 pm

**Martyn Day:** It was a privilege to open today's e-petition debate. I am grateful to all the Back-Bench and Front-Bench Members who have taken part in what has been a consensual debate. I was happy with many of the Minister's comments, particularly that there was merit in exploring the issue further. I look forward to the consultation in due course. I genuinely feel that Lucy's law would be the single biggest step towards ending unnecessary animal cruelty and reforming dog breeding welfare.

*Question put and agreed to.*

*Resolved,*

That this House has considered e-petition 213451 relating to the sale of puppies by pet shops and commercial third-party dealers.

6.35 pm

*Sitting adjourned.*



# Written Statements

Monday 21 May 2018

## DEFENCE

### Call-Out Order (Mali)

**The Minister for the Armed Forces (Mark Lancaster):**

A new call-out order has been made under section 56(1B) of the Reserve Forces Act 1996 to enable reservists to be called out into service to support operations in Mali.

Currently, we plan on calling out only willing and available reservists who have the support of their employer.

The order took effect from 18 May 2018 and ceases to have effect on 17 May 2019.

[HCWS696]

## DIGITAL, CULTURE, MEDIA AND SPORT

### Media Matters

**The Secretary of State for Digital, Culture, Media and Sport (Matt Hancock):** On 7 May 2018, Comcast Corporation formally notified the European Commission of its intention to acquire the entire issued share capital of Sky plc.

Under section 58 of the Enterprise Act 2002 (“the Act”), the Secretary of State has the powers to intervene in certain media mergers on public interest grounds.

Having reviewed the relevant evidence available, I can confirm that I have today written to the parties to inform them that I am minded not to issue an EIN on the basis that the proposed merger does not raise concerns in relation to public interest considerations which would meet the threshold for intervention.

This is a quasi-judicial decision and I am required to make my decision independently, following a process that is scrupulously fair and impartial, and as quickly as possible.

I will now allow until 5pm on Thursday 24 May for interested parties to submit written representations, and I aim to come to a final decision on whether to intervene in the merger shortly.

[HCWS701]

### Education, Youth, Culture and Sport Council

**The Secretary of State for Digital, Culture, Media and Sport (Matt Hancock):** The Education, Youth, Culture and Sport (EYCS) Council will take place in Brussels on 22 and 23 May 2018. Lord Ashton of Hyde will represent the UK at the Youth session of this Council (on 22 May). The UK’s Deputy Permanent Representative to the EU will represent the UK on 23 May for the meetings on culture & audio-visual and sport.

#### Youth

This session of the Council will begin with the adoption of Council conclusions on the role of young people in building a secure, cohesive and harmonious society in Europe. The Council will then seek to adopt Council conclusions on the role of youth in addressing the demographic challenges within the European Union.

Also tabled for this session is a policy debate on the future priorities for EU youth policy.

In addition, there will be information from the Commission on European Youth Together, followed by information from the Belgian and French delegations on the Franco-Belgian declaration of Ministers responsible for youth on the prevention of violent radicalisation.

#### Culture/Audio-visual

This meeting will begin with the adoption of Council conclusions on the need to bring cultural heritage to the fore across policies in the EU.

There will be also be a policy debate on the long term vision for the contribution of culture to the EU after 2020, in particular looking forward to the next multiannual financial framework (2021-2027).

Additionally, there will be a public deliberation of current legislative proposals. For this, the Council will first welcome information from the German delegation on the directive amending directive (2006/112/EC) as regards rates of value added tax-actively engaging in negotiations from a cultural policy perspective. In extension to this, there will be information from the French delegation on the regulation on the import of cultural goods. No legislative decisions will be made in these debates, so there are no implications for the parliamentary scrutiny reservation.

Information will be provided by the Lithuanian and Luxembourg delegations, on their respective hosting of the European capitals of culture 2022.

#### Sport

The sport session of EYCS will begin with the adoption of Council conclusions on promoting the common values of the EU through sport. This will be followed by a policy debate on the commercialisation of elite sports and the sustainability of the European Model of Sport.

The EU member states representative in the World Anti-Doping Agency Foundation Board, will present information on the foundation board meeting on 16-17 May. The French delegation will present information on the informal meeting of the EU Minister for Sport (Paris, 31 May 2018) signing of a declaration for a Europe of Sport on the horizon of the 2024 Paris Olympic and Paralympic games.

#### Other

There will be information from the Austrian delegation, setting out their work programmes as the incoming presidency, for the second half of 2018.

[HCWS702]

## FOREIGN AND COMMONWEALTH OFFICE

### Early Recovery Assistance: Overseas Territories

**The Secretary of State for Foreign and Commonwealth Affairs (Boris Johnson):** The United Kingdom is strongly committed to supporting the recovery of the British overseas territories of Anguilla, the British Virgin Islands and the Turks and Caicos Islands following the devastation caused by Hurricanes Irma and Maria last September. Through the conflict, stability and security fund we

committed £72 million to support the immediate needs of the affected territories from September 2017, of which £15 million was approved on top of the initial commitment of £57 million to support early recovery needs. This allocation was first brought to Parliament's attention in the written ministerial statement made on 14 December 2017; *Official Report*, Vol.633, columns 30-31WS [HCWS355] following the Joint Ministerial Council on Tuesday 28 and Wednesday 29 November. This funding, supplemented by Foreign and Commonwealth Office programme funds, supported overseas territory Governments in meeting their immediate needs.

The overseas territories directorate has led on disbursing this funding in consultation with overseas territory Governments, to achieve the following early recovery deliverables each worth over £100,000:

#### *Anguilla*

- 1) Repairs to educational infrastructure in Anguilla, with a value of up to £344,000 for phase 1, ensuring there is sufficient space for examinations, language tuition and theatre productions. This work is still ongoing.
- 2) Orders worth £1,170,000 that provided Anguilla with a temporary air traffic control tower, fencing and ground lighting which contributed to the recertification of the territory's airport.
- 3) Reimbursement to the Government of Anguilla for £2,740,000 of invoices for island-wide waste clean up, interim infrastructure repairs and generator/electrical works for school buildings, and buildings costs on the Anguilla fire and rescue services building.
- 4) Repairs and safety equipment for Her Majesty's prison, totalling £211,000.

#### *British Virgin Islands*

- 5) Promotion of employment in the construction sector in the British Virgin Islands, worth £363,000. This project is supporting the reform of the labour market and laws, as well as vocational training (construction and maritime) to prepare for the recovery and to promote more resilient building practices.
- 6) Immediate repairs to housing for vulnerable families with inadequate insurance coverage, worth at least £1,260,000. This project is working with the British Virgin Islands Government plan to repair 70 to 100 homes and provide technical advice to use the repairs to spearhead the BVIG US\$15 million housing recovery programme.
- 7) A temporary magistrate's court, worth up to £320,000. This will provide secure premises for tackling the backlog of criminal cases, increasing public confidence in visible and effective rule of law while longer-term criminal justice infrastructure is addressed.
- 8) Ongoing prison infrastructure repairs worth up to £676,000 to restore perimeter and internal fencing, roofing and locking systems, so that prisoners and staff have secure and decent living and working conditions.
- 9) The repair of seven reservoirs on the British Virgin Islands, worth up to £1 million, that will restore the potable water network and enable basic water access for the majority of the population.
- 10) Repairs to the sewage and waterworks infrastructure and the procurement of maintenance vehicles to prevent it falling back into a state of disrepair, worth up to £1.1 million.
- 11) The deployment of UK police personnel at a cost of £1,008,000 to provide surge support for law enforcement and support the Royal Virgin Islands police force to sustain public order.
- 12) A programme of further support to meet the immediate capacity building needs of the Royal Virgin Islands police force, currently worth £1,349,000 with plans for continuation of training and leadership development support during the coming year.

#### *Turks and Caicos Islands*

- 13) Ongoing and planned prison infrastructure repairs worth up to £580,000 to repair perimeter lighting and install internal zonal fencing, improving movement and management of prisoners, and enabling the temporary restricted regime in place since the hurricanes to be lifted.

- 14) Restoration of the radar system on the Turks and Caicos Islands, worth up to £350,000, enhancing border control and contributing to the security required for long-term recovery.

#### *Cross-Territory Support*

- 15) An order worth £5,296,000 that supported the electricity authorities in Anguilla and the British Virgin Islands to restore power to both territories.
- 16) Orders worth £522,000 to provide uniforms and equipment for the police forces in all three affected territories.
- 17) The deployment of security personnel to TCI, BVI and Anguilla to fill staffing and capability gaps and support prison leadership and management. Support delivered in TCI up to the end of March 2018 (at a value of £475,000) has been extended (at a further cost of £119,000) to ensure basic safety, security and leadership development while repair work proceeds and TCI Government recruits additional staff. Additional personnel support to Anguilla from the same organisation (£217,000) has provided enhanced leadership planning and capability following the impact of the hurricanes. Support to BVI at a value of £194,000 has provided interim support until the arrival of the Scottish Prison Service in April 2018 to assist with enhanced security and management measures.
- 18) The provision of technical assistance and advisory support on recovery worth £547,000.
- 19) An order worth up to £1.2 million to provide equipment for the tackling of the spread of vector-borne diseases across the affected OTs, which will be funded from the FY 2018-19 OT CSSF programme.

The provision of this assistance was in line with the Government's hurricane recovery objectives for the overseas territories. Foreign and Commonwealth Office officials, along with UK Government advisers oversaw the procurement and delivery process. Where applicable, memoranda of understanding have been agreed with the Anguilla, Turks and Caicos Islands and British Virgin Islands Governments to cover their responsibilities once ownership has been transferred.

In November 2017 the Prime Minister confirmed a further £70 million package of recovery and reconstruction support. £10 million of this has been allocated to the British Virgin Islands and £60 million to Anguilla. In the British Virgin Islands it will be supplemented by up to £300 million of UK loan guarantees. The British Virgin Islands House of Assembly has passed legislation to establish a recovery and development agency that will take this programme forward.

In Anguilla funds have been released for six priority projects, which the Government of Anguilla have estimated at approximately £10 million. The release of further funding by UK Ministers is conditional on agreement of a medium-term economic and fiscal reform plan to put Anguilla's public finances on a stable footing for the long term.

[HCWS699]

## HEALTH AND SOCIAL CARE

### Human Medicines Regulations 2012 Advisory Bodies: Annual Report 2017

**The Parliamentary Under-Secretary of State for Health and Social Care (Jackie Doyle-Price):** My hon. Friend the Parliamentary Under-Secretary of State for Health (Lord O'Shaughnessy) has made the following statement:

I have received the annual reports of the Human Medicines Regulations Advisory Bodies for 2017, which has been laid before Parliament today in accordance with the requirements of Part 2 Section 12 (4) of the Human Medicines Regulations 2012.

I am glad to acknowledge the valuable work done by the distinguished members of the Human Medicines Regulations Advisory Bodies and thank them for the time and effort dedicated in the public interest to this important work. I attach a copy of the report.

*Attachments:*

Annual Report 2017 (Human Medicines Regulations 2012 Advisory Bodies Annual Report 2017.pdf)

*Attachments can be viewed online at* <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2018-05-21/HCWS703/>

[HCWS703]

## INTERNATIONAL TRADE

### Comprehensive Economic and Trade Agreement

**The Secretary of State for International Trade and President of the Board of Trade (Dr Liam Fox):** My Department has today laid the European Union (Definition of Treaties) (Canada Trade Agreement) Order 2017 to designate the EU-Canada Comprehensive Economic and Trade Agreement as a treaty in accordance with the European Communities Act 1972.

The European Union and Canada have concluded negotiation and signature of this agreement, which was provisionally applied on 21 September 2017 and requires ratification by the EU member states to come fully into effect.

We have laid this order which will be followed shortly by the laying of the text of the agreement as a Command Paper under the Constitutional Reform and Governance Act for scrutiny. This is, in effect, the start of the formal process of ratification of the agreement in the UK.

This agreement will boost the economies of the UK, Canada, and the EU, promoting bilateral trade and economic growth. It removed 98.2% of Canadian tariff lines with provisional application on 21 September 2017. This will rise to almost 99% over the next seven years. The agreement also reduces non-tariff measures that businesses face when trading goods and services and when investing in Canada.

The Government remain committed to supporting the EU's ambitious trade agenda including the free trade agreements it is putting in place. We see UK ratification of CETA, while the UK is still an EU member state, as a sound demonstration of this commitment.

The Government have been clear that they will seek to ensure continuity in their existing EU trade agreements and other preferential arrangements as we leave the EU, including CETA. The Prime Minister and the Canadian Prime Minister have confirmed that both countries remain committed to a seamless transition of the trade preferences between the UK and Canada brought into effect with this agreement.

We have also laid before the House an explanatory memorandum to this order. This explains the background and rationale of the agreement and ratification. At the same time, we are publishing our economic impact assessment of this agreement and the external study on which it is based. Copies of these documents are being placed in the Libraries of both Houses.

[HCWS700]

## TRANSPORT

### Road Haulage Update

**The Parliamentary Under-Secretary of State for Transport (Jesse Norman):** The Department for Transport is today updating the house on our work to improve on the current Operation Stack arrangements and ensure that traffic can keep flowing on the M20 even in the event of serious disruption to cross-channel transport.

At the same time, we are announcing a package of measures to tackle the blight of fly-parking across the south-east and other parts of the country, including plans to increase overnight lorry parking capacity which could potentially add an additional 1,500 spaces.

Further to the Secretary of State's statement of 15 November 2017, Highways England will soon be starting the consultation process on a permanent solution for holding lorries in the event of cross-channel disruption, with a full public information exercise launching in June. The consultation will consider the broad solutions rather than specific sites. It will also seek views on the potential use of any future lorry park or parks for "business as usual" overnight lorry parking; while remaining sensitive to the Government's desire not to deter any planned private investment.

In his November announcement, the Secretary of State also asked Highways England to develop an improved interim arrangement for holding lorries on the M20, while allowing traffic to continue to flow in both directions and keeping junctions open. The Department has now agreed with Highways England that this arrangement should take the form of a contraflow system which would see lorries for the port of Dover and Eurotunnel held on the coast-bound carriageway between junctions 8 and 9 of the M20, while other traffic will use a contraflow to continue their journey on the other side of the motorway. Highways England is starting the preparatory works for the scheme now and it will be available from early 2019.

As well as improving the contingency arrangements as to lorry parking, the Government are also focused on improving the situation for "business as usual" lorry parking. We have published the results of an in-depth survey carried out on the national picture of overnight lorry parking in England.

The detailed information in the report will help local planning authorities to understand the nature of the issue better, at both a regional and local level. However, it is important to note that developers are already responding to what is currently a mismatch between supply and demand. There are planning applications in the pipeline which it is estimated would, if delivered, equate to over 1,000 additional spaces across the country.

Given the evident need for further parking spaces, the Government will be taking three steps on their side:

First, Highways England has begun to analyse its landholdings in order to identify sites with the potential to be developed into lorry parks. Initial work suggests that this might facilitate a total of around 1,500 additional parking spaces nationwide. Detailed feasibility work will be undertaken in the next six months.

More generally, Highways England's intend in future to give increased priority to the provision of lorry parking across the strategic road network. In its initial

report for the second road investment strategy period (2020-2025) Highways England proposes funding to support the provision of better roadside facilities, which would include lorry parking. The department has consulted on this proposal and is carefully considering the responses received.

Secondly, I have written with the Minister for Housing, my hon. Friend the Member for Esher and Walton (Dominic Raab), who has responsibility for planning to local planning authorities to draw their attention to the survey results, which show a strategic national need for more lorry parking and highlight shortages in specific areas.

In addition, I am asking Highways England to develop its existing role as a statutory consultee on all proposed developments that are on or that directly affect the strategic road network. In future, Highways England will seek to use its unique network-wide perspective to assist local authorities in actively identifying areas of lorry parking need and potential solutions, including in the context of specific planning applications where these might help alleviate the situation.

Thirdly, the Department will consider further steps to make it easier for local authorities to take enforcement action against hauliers who park inappropriately. In Kent the trial on a stretch of the A20 of innovative enforcement approaches has had considerable success in its first six months of operation, with a significant fall in the number of vehicles parked overnight, and increased use of commercial parking facilities in the area, especially at weekends. Subject to the findings of this 18-month trial, we will be looking to promote the wider application of such measures elsewhere.

[HCWS698]

## WORK AND PENSIONS

### Jobseeker's Allowance Trial

**The Minister for Employment (Alok Sharma):** It has been a long-standing policy of successive Governments that claimants on work-related benefits are generally expected to undertake certain activities in return for financial support through the benefit system. This system of "conditionality" can lead to sanctions, which deduct benefit from claimants when they fail, without good reason, to meet a conditionality requirement, such as failing to attend a jobcentre interview or failing to search for work. This ensures a fair, proportionate and effective use of public money, in support of employment and wider outcomes for society.

Today, we are publishing the jobseeker's allowance (JSA) sanctions early warning trial's final evaluation report ("JSA Sanctions Early Warning Trial Evaluation - Final report") and qualitative research ("Jobseekers Allowance: Sanctions Early Warning Trial").

In October 2015, the Department for Work and Pensions announced that it would be trialling a new process for JSA sanctions in response to the Work and Pensions Select Committee's recommendations to review the JSA sanction process.

The trial was delivered between April and September 2016 and involved 6,500 claimants. It tested an approach of adding an additional step into the sanction decision-making process, by informing claimants through a "sanction warning letter" that, on the basis of information available, the decision maker intended to apply a sanction. Claimants were then given a further 14 days (on top of the standard seven days they already receive before the decision is initially considered) to submit evidence of good reason for not meeting their conditionality.

The aim of the trial was to consider whether such an approach would have an effect on:

The volume of claimants that provide reasons for not meeting their conditionality requirements.

The volume of claimants sanctioned who request a mandatory reconsideration of the initial sanction decision.

The service received by the claimant and whether this represented value for money.

The effectiveness of the process as perceived by decision makers.

The key findings of the trial were:

13% of those receiving a "sanction warning letter" responded to it during the additional 14 days and provided evidence. In around half of these cases the evidence provided did not contain a good reason for the labour market decision maker to change their decision and the sanction was applied.

There were some indications that the trial had an impact on reducing the proportion of cases where a decision review or mandatory reconsideration was carried out. However, as these findings are based on low volumes, they are indicative only.

The qualitative evaluation concluded that given the additional burden placed on the departmental resources and marginal gains achieved, the trial did not appear to be an effective use of the Department's resource.

Results from the qualitative evaluation showed that there was support from staff for the intentions underpinning the trial, however evidence from interviews with staff suggested that in practice the trial appeared to make little difference to the outcomes of claimants.

Given the low proportion of cases in which claimants provided further evidence and the even lower proportion of cases where decision outcomes were changed, we do not consider that the benefits of the approach are sufficient to justify the extra time and cost it adds to the process.

We are now exploring the feasibility of an alternative process to give claimants written warnings, instead of a sanction, for a first sanctionable failure to attend a work search review. The aim will be to conduct a small-scale proof of concept to obtain qualitative feedback from staff on this new process, followed by any subsequent tests. More details will be made available once we have progressed with the design work.

[HCWS697]

# Petition

Monday 21 May 2018

## OBSERVATIONS

### HEALTH AND SOCIAL CARE

#### Fibromyalgia as a disability

*The petition of residents of the United Kingdom ,*

Declares that fibromyalgia should be considered a disability; further that individuals with the disease struggle daily and often do not receive the medical help or support that could and should be provided; and further that other nations such as the United States of America, are leading the way in fibromyalgia research, but the United Kingdom is not following suit.

The petitioners therefore request that the House of Commons urges the Government to recognise fibromyalgia as a disability at last.

And the petitioners remain, etc.—[Presented by Toby Perkins, *Official Report*, 25 April 2018; Vol. 639, c. 985.]

[P002141]

*Observations from the Minister for Care, (Caroline Dinéage), received 18 May 2018:*

Fibromyalgia is incurable and debilitating long-term condition that can have a serious impact on an individual's quality of life.

The Equality Act 2010 defines disability as “a physical or mental impairment which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities”, and defines long term as “having lasted, or being likely to last for at least 12 months, or likely to last for the rest of a person’s life”. By this definition fibromyalgia would be considered a disability.

Although there is no cure for fibromyalgia, some treatments can ease symptoms and support improved quality of life for patients. The treatments offered will depend on the severity of a patient’s condition, but may include: pharmacological pain relief; physiotherapy; dietary and exercise advice; counselling or cognitive behavioural therapy; and self-management programmes which aim to give patients the skills and confidence to manage their conditions more effectively. There are also a number of NHS trusts that offer specialist fibromyalgia clinics, such as the Royal National Hospital for Rheumatic Diseases in Bath, which patients can access on referral from the clinician responsible for their care.

Through the National Institute for Health Research (NIHR), we are investing over £1 billion a year in health research. The NIHR welcomes funding applications for research into any aspect of human health, including fibromyalgia. It is not usual practice to ring-fence funds for particular topics or conditions. Applications are subject to peer review and judged in open competition, with awards being made on the basis of the importance of the topic to patients and health and care services, value for money and scientific quality. NIHR support for fibromyalgia research over the last five years includes £1.8 million funding for research projects; £0.6 million funding for clinical trials through the NIHR clinical research network; and the NIHR has managed infrastructure supporting fibromyalgia research.

# ORAL ANSWERS

Monday 21 May 2018

	<i>Col. No.</i>		<i>Col. No.</i>
<b>WORK AND PENSIONS</b> .....	543	<b>WORK AND PENSIONS—continued</b>	
Attendance Allowance: Eligibility Criteria.....	555	Social Mobility .....	551
Automatic Enrolment: Cheadle.....	553	Topical Questions .....	558
Child Tax Credits and Universal Credit: Two-child Limit.....	545	Universal Credit: 2017 Budget Changes.....	543
Disabled People: Financial Support .....	557	Universal Credit: Household Debt.....	547
Pension Schemes: Fees and Charges.....	556	Universal Credit: Private Rented Sector Evictions .	547
PIP Assessors: Mental Health Awareness .....	555	Universal Credit: Victims of Domestic Violence ....	553
PIP: Back-payments.....	548	Young Disabled People: Help into Work.....	550
Private Pensions: Windsor.....	554	Youth Employment.....	545

# WRITTEN STATEMENTS

Monday 21 May 2018

	<i>Col. No.</i>		<i>Col. No.</i>
<b>DEFENCE</b> .....	25WS	<b>HEALTH AND SOCIAL CARE</b> .....	28WS
Call-Out Order (Mali).....	25WS	Human Medicines Regulations 2012 Advisory Bodies: Annual Report 2017 .....	28WS
<b>DIGITAL, CULTURE, MEDIA AND SPORT</b> .....	25WS	<b>INTERNATIONAL TRADE</b> .....	29WS
Education, Youth, Culture and Sport Council .....	25WS	Comprehensive Economic and Trade Agreement...	29WS
Media Matters .....	25WS	<b>TRANSPORT</b> .....	30WS
<b>FOREIGN AND COMMONWEALTH OFFICE</b> .....	26WS	Road Haulage Update.....	30WS
Early Recovery Assistance: Overseas Territories ....	26WS	<b>WORK AND PENSIONS</b> .....	31WS
		Jobseeker's Allowance Trial .....	31WS

# PETITION

Monday 21 May 2018

	<i>Col. No.</i>
<b>HEALTH AND SOCIAL CARE</b> .....	3P
Fibromyalgia as a disability .....	3P

No proofs can be supplied. Corrections that Members suggest for the Bound Volume should be clearly marked on a copy of the daily Hansard - not telephoned - and *must be received in the Editor's Room, House of Commons,*

**not later than  
Monday 28 May 2018**

STRICT ADHERENCE TO THIS ARRANGEMENT GREATLY FACILITATES THE  
PROMPT PUBLICATION OF BOUND VOLUMES

Members may obtain excerpts of their speeches from the Official Report (within one month from the date of publication), by applying to the Editor of the Official Report, House of Commons.

---

## CONTENTS

Monday 21 May 2018

**Oral Answers to Questions [Col. 543] [see index inside back page]**

*Secretary of State for Work and Pensions*

**Tower Block Cladding [Col. 567]**

*Answer to urgent question—(James Brokenshire)*

**Gaza: UN Human Rights Council Vote [Col. 577]**

*Answer to urgent question—(Alistair Burt)*

**Speaker's Statement [Col. 588]**

**Private Members' Bills: Money Resolutions [Col. 589]**

*Emergency debate under Standing Order No. 24*

**Tenant Fees Bill [Col. 641]**

*Motion for Second Reading—(James Brokenshire)—agreed to*

**Health and Social Care (National Data Guardian) Bill (Money) [Col. 674]**

*Motion—(Jackie Doyle-Price)—agreed to*

**Local Government [Col. 680]**

*Motions—(Amanda Milling); Division deferred till Wednesday 23 May*

**Hypothyroidism [Col. 681]**

*Debate on motion for Adjournment*

**Westminster Hall**

**Sale of Puppies [Col. 243WH]**

*General Debate*

**Written Statements [Col. 25WS]**

**Petition [Col. 3P]**

*Observations*

**Written Answers to Questions [The written answers can now be found at <http://www.parliament.uk/writtenanswers>]**

---