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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES**

(HANSARD)

Monday 1 February 2010

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(FORMED BY THE RT. HON. GORDON BROWN, MP, JUNE 2007)

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OFFICIAL REPORT

IN THE FIFTH SESSION OF THE FIFTY-FOURTH PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 11 MAY 2005]

FIFTY-EIGHTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES

VOLUME 505

FIFTH VOLUME OF SESSION 2009-2010

House of Commons

Monday 1 February 2010

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—

Jobcentre Plus

1. **Mr. Eric Illsley** (Barnsley, Central) (Lab): What steps she is taking to improve telephone communications between benefit claimants and Jobcentre Plus. [314101]

The Secretary of State for Work and Pensions (Yvette Cooper): In keeping with the 100th anniversary of the labour exchange, which is today, we are continuing to modernise communications with Jobcentre Plus to make it easier for millions of people to get in touch about their benefit or seeking work. We have been concerned for some time that people calling on mobile phones were being charged a lot for calls to claim benefits which would be free from landlines, so we have recently negotiated a deal with the major mobile phone companies that their customers should also not be charged for calling 0800 numbers, and we are looking at what further steps we can take.

Mr. Illsley: I am grateful to my right hon. Friend for that response, and particularly for her reference to the anniversary of labour exchanges. My constituents and my local citizens advice bureau have complained to me about the use of 0845 numbers in jobcentres. Claimants seem to wait a very long time before their query is dealt with. Although jobcentres offer to call claimants back, by that time they have spent a considerable amount of money dealing with that telephone inquiry. Can the Government move away from 0845 numbers altogether?

Yvette Cooper: My hon. Friend raises an important point. I have asked for all the phone lines to be reviewed now that we have made important progress. I think he would agree that the first step was to get the deal with mobile phone companies so that people were not being charged for the important calls setting up their benefit claims, which can be the longest calls that people make. The 0845 numbers have traditionally been used for shorter calls, and as my hon. Friend rightly says, Jobcentre Plus will call back any customer who is concerned about the cost of calls, but I have asked the Department to look at what further we can do to support all our customers. He will appreciate that cost always has to be taken into account, but we want to make it as easy as possible for people to get the help that they need, particularly to get back into employment.

Andrew Selous (South-West Bedfordshire) (Con): I congratulate the staff of jobcentres on their centenary year and thank them for their very hard work. At a time when the Government have been closing a jobcentre a week and some 35,000 people are being fed by food banks, it is vital that people can get through to the social fund easily. So why is it that the most vulnerable people often have less than 2 per cent. of their calls answered—a far worse rate than at the Child Support Agency, for example—and what are the Government going to do about it?

Yvette Cooper: The hon. Gentleman is inaccurate in a series of the points that he makes, including on the closure of jobcentres. As he knows, we are investing

more money in supporting jobcentres—money that his party continues to oppose. Despite the recession, it refuses to back the additional investment and the additional staff that we have put into jobcentres to help people get back into work. He makes an important point about the social fund. We have been increasing the support to make sure that it is much easier for people to get through when they need crisis loans. It is important that people should get access to the help that they need. That is why the position on telephone calls has improved significantly.

Meg Munn (Sheffield, Heeley) (Lab/Co-op): The use of the telephone is very convenient for many people, but for some types of claimants it can be difficult. What training is given to staff working on the telephones to help people who have disabilities, such as people on the autistic spectrum, who may find it more difficult to put across their needs and their difficulties?

Yvette Cooper: My hon. Friend makes an important point. We provide additional training to make sure that staff are aware of all the kinds of help that people might need if they have disabilities. Also, where appropriate, we make home visits and personal visits, and offer appointments as well as accepting claims by phone. We want people to have the widest range of access to Jobcentre Plus, in a way that meets their personal needs and circumstances.

Employment and Support Allowance

2. **Miss Anne McIntosh** (Vale of York) (Con): How many employment and support allowance claimants there were in (a) Vale of York constituency and (b) England in each of the last three years. [314102]

The Parliamentary Under-Secretary of State for Work and Pensions (Jonathan Shaw): The employment and support allowance was introduced in October 2008. Information about the number of claimants in each of the past three years is not available. Provisional figures for May 2009 show that the number of claimants of employment and support allowance was 270 in the hon. Lady's constituency and 237,270 in England.

Miss McIntosh: It would have been helpful to have had comparative figures, such as we see in the newspapers today, for the old incapacity benefit compared with the new allowance. I understand that radical reductions have been made. Why did it take the Government so long to analyse the figures and press the changes through? What right of appeal does a claimant who feels aggrieved by the change have?

Jonathan Shaw: On the final point, there is an appeals process. Most of the decisions made by the Department are upheld—more than 60 per cent. The employment and support allowance and the work capability assessment are part of the reform programme that we have instigated over a number of years. As the hon. Lady will remember, between the 1980s and the 1990s the numbers on incapacity benefit doubled. People were out of work and put on sickness benefit. We have arrested that rise since 2003 and we have seen the numbers fall.

Mr. Mark Harper (Forest of Dean) (Con): The Minister will know that the number of people on incapacity benefit and employment and support allowance is higher today than it was when the Government came to office. The work capability assessment is successfully identifying people who should be able to get into work, but since employment and support allowance was introduced in October 2008 how many claimants have been helped to get a job?

Jonathan Shaw: The hon. Gentleman is selective with his points. He does not acknowledge that the number of people on incapacity benefit doubled between the 1980s and 1990s. It rose until 2003, and it has been coming down since then. [Interruption.] It doubled, and we are bringing it down. The pathways to work programme has helped into work 175,000 people who were on incapacity benefit and employment and support allowance, and there has been £1 billion of investment, which is a radical change from what we saw in the 1980s and 1990s.

Jobseeker's Allowance

3. **Mr. David Jones** (Clwyd, West) (Con): What proportion of the population in (a) the UK, (b) Wales and (c) Clwyd, West constituency was claiming jobseeker's allowance on the most recent date for which figures are available. [314103]

The Minister for Employment and Welfare Reform (Jim Knight): In December last year, 4.1 per cent. of the working-age population of Clwyd, West were claiming jobseeker's allowance. The figures for the UK and Wales were 4.1 per cent. and 4.3 per cent. respectively. Current figures for the UK are 450,000 lower than was predicted at the Budget.

Mr. Jones: Two of the most noticeable recent cases of large-scale redundancies in Wales—Indesit in Bodelwyddan and Bosch in the Vale of Glamorgan—were a consequence of the employer deciding that it was no longer cost-effective to manufacture in this country. That is particularly sad, given Wales's track record in attracting inward investment. What are the Government doing to help ensure that the United Kingdom generally and Wales in particular are cost-effective and attractive places in which to set up businesses and employ people?

Jim Knight: My right hon. Friend the Secretary of State for Business, Innovation and Skills, through the "New Industry, New Jobs" and growth strategies that have been published in the past six months, has set out where the jobs of the future are coming from and how they will be realised. The hon. Gentleman will have noted, as I did, that the number of manufacturing jobs increased in the most recent set of statistics, and that the manufacturing economy grew in the figures that were announced last week for the final quarter of last year. He will have noted also that last year employment rose in his constituency, which I am sure he welcomes. I hope that he, unlike his Front-Bench team, welcomes also the future jobs fund jobs in his area and, for example, the Rhyl City Strategy Community Interest Company, which is creating 322 jobs throughout Conwy and Denbighshire. Not only are the number

of manufacturing jobs rising; we are ensuring that we create jobs for young people, in particular, in his area.

Rob Marris (Wolverhampton, South-West) (Lab): My right hon. Friend mentioned the number of people on jobseeker's allowance in the United Kingdom, and, although those figures are very disappointing, they are much lower than the figures during previous recessions in this country. Will he indicate the comparative figures for other leading industrial economies, such as Spain, the USA or Germany?

Jim Knight: I am grateful to my hon. Friend for his question, because some people—most notably the Opposition—try to pretend that we have historically high figures compared with our international competitors. However, in October 2009 the youth unemployment rate—for 15 to 24-year-olds—for example, was 19.8 per cent. in the United Kingdom, 21.1 per cent. in the European Union, 26.6 per cent. in Italy, 42.8 per cent. in Spain and 25.2 per cent. in France. A range of different international competitors have not been able to respond as effectively as we have, and that is a tribute to the many workers throughout the country who have helped businesses to survive by being willing to work shorter hours and take pay cuts. Part of the story of this recession has been those heroes throughout the country who have helped Britain through the downturn.

Hywel Williams (Caernarfon) (PC): Given the wide variation in unemployment and poverty figures from area to area, does the Minister agree that regionalising the rates of benefit payments would be impractical and unfair?

Jim Knight: I think that the hon. Gentleman is probably commenting on the Opposition's policies. For our part, we have been proud not only to sustain decent levels of support for people who are unemployed, but, importantly, to make work pay through the tax credit system and the minimum wage. We are also pleased to see that, despite the recession, the inactivity rate is moving in the right direction, which is unprecedented. In previous recessions, as we heard, inactivity soared; in this recession it has remained broadly constant. In 1985 in Wales, the inactivity rate was 28.2 per cent.; in 1993, it was 26.1 per cent., and it is now 24.2 per cent.

Pensioners (Financial Assistance)

4. **Sir Nicholas Winterton** (Macclesfield) (Con): Whether she plans to provide additional financial assistance for pensioners this winter. [314104]

The Minister for Pensions and the Ageing Society (Angela Eagle): This winter older people have again received an additional payment on top of the winter fuel payment, and the poorest continue to receive increased cold weather payments in periods of exceptionally cold weather.

Sir Nicholas Winterton: I am grateful to the Minister for that reply. However, is she aware that Help the Aged, a charity which I support and whose work I greatly admire, estimates that nearly 3 million pensioners are living in fuel poverty and that many of them are forced

to choose between heating or eating? As we are likely to get further cold weather, what further action are the Government prepared to take to help this very vulnerable group?

Angela Eagle: I know that the hon. Gentleman is a fair Member of the House, and I hope that he acknowledges that the tripling of cold weather payments this year has helped enormously. We have made more than 10 million payments, costing £271 million, to the most vulnerable, as well as to pensioners. In his own constituency, there have been four triggers of cold weather payments, which means that people in the group that he is obviously concerned about—I share his concern—have already had an extra £100 in four cold weather payments to help them through this exceptionally cold winter. We will consider doing more. However, I merely say that when we came into government, £60 million was spent on helping pensioners with their fuel bills, whereas we are now spending £2.7 billion on winter fuel payments alone. We have a record to be proud of.

Miss Anne Begg (Aberdeen, South) (Lab): While welcoming the tripling of the cold weather payments, which has made a huge difference—I am sure that this weekend there will be another trigger in my constituency because we have had another 3 or 4 inches of snow—the problem for pensioners is that they do not know that they are going to get the payment because they do not know that it has been triggered. As a result of the scare stories that they are seeing in the media, they are not heating their houses sufficiently because they do not know that they are going to get the money. What would my hon. Friend say to the people out there who are very concerned about their fuel bills to give them the assurance that they should be turning the heating up, that they will get the money, and that that money will help them to pay their bills?

Angela Eagle: I do not want any older person to worry about turning up the heating in periods of cold weather. Cold weather payments are automatically paid to those who are on pension credit, who also have the winter fuel payments and, in many cases, benefit from social tariffs. It is important that my hon. Friend's constituents know, and have confidence, that they can and should turn up the heating if the weather gets cold.

Steve Webb (Northavon) (LD): The £25 cold weather payment is indeed welcome. However, does the Minister accept that the way in which it is treated can seem very arbitrary because it is based on weather stations, some of which can be many miles away from where people live, creating strange boundary effects such as dividing one side of a road from the other? Does she plan to review the way that these payments are triggered so that they more accurately reflect the actual temperatures where people live?

Angela Eagle: The cold weather payment triggers are reviewed every year. While I accept that no system is perfect, I hope that the hon. Gentleman will admit that all but three weather stations have been triggered this year, and that there have been millions of cold weather payments as a result. My right hon. Friend the Chancellor has tripled the level of the cold weather payment.

Steve Webb: Can I raise with the Minister the issue of vulnerable people, including many pensioners, who are being exploited by having their benefits paid on to prepayment credit cards, which make a charge when money goes on and a charge when money goes off? Is she concerned that vulnerable people, including pensioners, are being exploited, and does she have any advice for people who are approached to take their benefits in this way?

Angela Eagle: My advice would be for people to treat with extreme caution anyone who comes to the door and offers them something for nothing. We are working with the energy companies on social tariffs. The Energy Bill that is going through this House will introduce a new form of mandatory social tariff that includes those on prepayment meters and ensures lower levels of charges for those who are poorest—something that I hope the hon. Gentleman will support.

Mr. Lindsay Hoyle (Chorley) (Lab): I am sure my hon. Friend agrees that in this heated—at times overheated—Chamber, it is important to consider taking away the worry that our constituents, unlike ourselves, suffer. Is it possible to increase the number of weather stations that collect the data to ensure that those pensioners get the payments oftener than they get them at the moment, and thus take away the worry that has been expressed?

Angela Eagle: There are 85 weather stations in the system at the moment. There is always a balance to strike; too many measurement points make the system more complex. All but three of the weather stations have been triggered this year and we have paid more than 10 million cold weather payments, which have supported people through the unusual spells of very cold weather.

Mr. Nigel Waterson (Eastbourne) (Con): While we can agree that older people have been well advised to keep their heating on during the recent bitter weather, does the Minister accept that they are dreading the bills arriving on their doormats? Many have had to choose between heating and eating—a decision that will prove fatal for tens of thousands. Why cannot the Government adopt our policies, including ensuring that poorer pensioners are on cheaper social tariffs, and energy efficiency improvements in every home?

Angela Eagle: We are doing that. We spent more than £20 billion on energy efficiency treatments in the Warm Front process since we came into government. I will not take lectures from Conservative Members, from whom we inherited soaring pensioner poverty, and who spent just £60 million on helping pensioners with the costs of their fuel payments when we came into government. We are spending £2.7 billion on winter fuel payments alone. We will not take lectures, given our record, from the Conservative party, given its pathetic attempts when it was in government.

Ms Sally Keeble (Northampton, North) (Lab): Is my hon. Friend aware that many of my older constituents have raised with me the impact of continuing low interest rates on their income from savings? What are the Government doing more widely to support pensioner incomes?

Angela Eagle: Most pensioners' savings income comprises a relatively small proportion of their overall income: 70 per cent. of pensioners receive less than £10 a week or no income from investments. However, I hope that my hon. Friend will welcome the fact that, for those who have such income, my right hon. Friend the Chancellor increased the capital disregard in pension credit and pensioner-related housing and council tax benefit from £6,000 to £10,000 last November. That benefited a further 500,000 pensioners.

Incapacity Benefit

5. **Mrs. Jacqui Lait** (Beckenham) (Con): What assistance her Department makes available to existing long-term incapacity benefit claimants to help them move into employment. [314105]

The Parliamentary Under-Secretary of State for Work and Pensions (Jonathan Shaw): We have invested heavily to support existing incapacity benefit customers into work. Since October 2003, pathways to work has helped 180,000 people into work. We are conducting a review into the employment support that we provide to disabled customers and we will bring forward proposals in the spring.

Mrs. Lait: I thank the Minister for that information. I am surprised that he did not mention that today's papers include an element of congratulation on the reduction in the number of people on incapacity benefit.

In inviting the Minister to give me the figures for the number of people with mental health problems who have moved from incapacity benefit to jobseeker's allowance or jobs, I also ask him to tell me what special training has been put in place for Jobcentre Plus staff to help people with mental health problems rather than reinforce their difficulties.

Jonathan Shaw: I very much welcome the hon. Lady's question. We recently published our mental health employment strategy, part of which will ensure that each district has a specialist mental health employment adviser. In our strategy, we recognise that mental health multidisciplinary teams do not often include employment as part of the prescription to help people get better. We know that work is good for people; we have seen models of good practice around the country on which we based our strategy. We believe that the strategy and other measures, such as access to work, will ensure—as the hon. Lady and all of us hope—that people with mental health conditions experience far more increases in their employment opportunities.

Mr. James Clappison (Hertsmere) (Con): Is it not likely that those who have been on employment and support allowance for many years and are looking to move into work, such as those with mental health problems, will need a great deal of individual help and support to get back into work? That is precisely what we propose, with specialist support in our work programme.

Will the Minister answer the question that my hon. Friend the Member for Forest of Dean (Mr. Harper) posed a moment ago? How many of those who have been reclassified from the ESA to jobseeker's allowance have actually found a job? May we have the figure, please?

Jonathan Shaw: The ESA has been in operation for only one year. I am sure the hon. Gentleman will welcome our employment strategy for mental health people. We have set out in that policy when people will be able to get, for example, better access to work, which the review suggested and we accepted. We have specialist staff in our jobcentres and we expect to see people with mental health conditions, which could mean a range of conditions. We have developed specialist help. The access to work scheme is helping people—£15 million was spent when the Opposition were in government, but that has risen to £137 million. We have done that in partnership with Mind, which has welcomed the arrangements, and a range of disability organisations in that sector has helped us. We have seen jobs for disabled people increase by 10 per cent. since this Government have been in office.

Young Person's Guarantee

6. **Mr. Stephen Crabb** (Preseli Pembrokeshire) (Con): What assessment she has made of the likely effects of the young person's guarantee on the level of youth unemployment. [314106]

11. **Chloe Smith** (Norwich, North) (Con): What assessment she has made of the likely effects of the young person's guarantee on the level of youth unemployment. [314111]

The Secretary of State for Work and Pensions (Yvette Cooper): The youth guarantee will provide more than 450,000 youth opportunities, supported by more than £1 billion of additional investment, and aims to help to get youth unemployment falling in the second half of this year.

Mr. Crabb: I am grateful to the Secretary of State for that reply, but is it not the case that any positive effect of the young person's guarantee will be far outweighed by the tens of thousands of young people who will find that they are unable to take up their degree courses later this year as a result of the £1 billion cuts to the higher education budget announced today by her colleagues?

Yvette Cooper: That is simply untrue. We are already funding a significant increase in those in full-time education. In fact, in the past 12 months alone, the labour force survey shows an increase in those in full-time education of 200,000 compared with last year. We continue to support increases of those in higher education; the hon. Gentleman's party wants to cut the numbers because it wants to make it more elitist.

Chloe Smith: I am sure the Secretary of State will join me in congratulating Conservative-run Norfolk county council, which today announced the creation of a further 300 jobs across Norfolk by April this year, but the future jobs fund is open to any organisation from the public, third or private sectors, so why has she got no other takers locally in Norwich, North?

Yvette Cooper: I am glad that the hon. Lady welcomes the additional future jobs fund jobs that Norfolk county council is signing up to. I think she should have a word with the county council about where those jobs should be located, but she may also want to have a word with

Conservative Front Benchers, because they have opposed the future jobs fund and said they would abolish it. That would mean that huge numbers of people in Norfolk and Norwich would lose the job opportunities for which they have been working for so long.

Mr. Frank Field (Birkenhead) (Lab): I thank the Government for that scheme. Given its importance to our constituencies, will the Secretary of State consider, as each month goes past, publishing details in the Library of the numbers of guarantees that are delivered in each constituency? Is she also aware that there is a difference in the rake-off—the fees charged by those providing the guarantees? The local authority charges £15, but one private company takes a third of the Government money just to administer the scheme.

Yvette Cooper: I am very happy to look into the case that my right hon. Friend has in mind. Certainly, we will be producing official figures in due course—they will be produced by the Office for National Statistics in the normal way, to ensure that they are properly done.

Andrew Miller (Ellesmere Port and Neston) (Lab): I have been discussing the pluses and minuses of the changes that have taken place in Ellesmere Port with my right hon. Friend the Minister for Employment and Welfare Reform. One very big positive change has been a partnership between Jobcentre Plus and the local further education college. Jobcentre Plus is now located in the FE college, in very difficult circumstances—it is a big building site, thanks to this Government. Will the Secretary of State look at examples such as that one as a way of getting closer to young people, and working with them and their education providers to help to produce opportunities for work?

Yvette Cooper: I know that my hon. Friend has been working very closely with employers—certainly in the retail sector—and jobcentres in his area to make more job opportunities available, including for young people. He will know that overall youth unemployment fell by 16,000 in the most recent figures and the claimant count fell by 7,000. It is worth noting that youth unemployment in the 1990s rose for a year and a half after the recession finished, and that in the '80s, it rose for four years after the recession finished. We are determined not to let that happen this time.

Mrs. Theresa May (Maidenhead) (Con): It cannot have escaped the Secretary of State's notice that youth unemployment has been rising for eight years under this Government, and today 927,000 young people are unemployed. The Government announced the young person's guarantee in April last year, but it will not be fully up and running until April this year. With one in five young people unable to find a job, why has it taken the Government two years since the start of the recession to give extra help to the young unemployed?

Yvette Cooper: I am sorry that the right hon. Lady chose not to welcome the drop in youth unemployment in the most recent figures. We need to keep working to help the young unemployed. She mentioned the figures, so let me tell her the latest figures for the claimant count. We have 484,000 young people on the claimant count looking for work. In the early 1990s recession,

that was 871,000 and in the mid-1980s it was more than 1 million. So the figure is half that of the mid-1980s, as a result of the additional investment that we have put in to help young people through the recession.

Mrs. May: Youth unemployment on the International Labour Organisation count has gone up by more than 300,000 since Labour came into power in 1997. The young person's guarantee is virtually identical to the new deal for young people, which for many was a revolving door on to benefits. Indeed, the right hon. Member for Birkenhead (Mr. Field) described the performance of the new deal for young people as derisory. Last year, fewer than one in four young people on the new deal found a job. Unlike our work programme, the young person's guarantee is not aimed at getting young people into sustainable work. Is not the only conclusion that Ministers are only interested in saving their own jobs, not in giving real help to young people?

Yvette Cooper: Again, the right hon. Lady talks nonsense. The ILO figures include people who are in full-time education but may also be looking for a part-time job, perhaps bar work. If we exclude the number in full-time education—which has rightly increased as a result of the action that this Government have taken—the figures today are 658,000 unemployed, compared with 832,000 in 1993 and again more than 1 million in 1985.

The right hon. Lady asks about the future jobs fund and the youth guarantee, which are providing 470,000 opportunities across the country. The future jobs fund is providing a range of quality career opportunities for young people to get on the first step of the ladder. It is tragic that she wants to oppose that. She says that she wants her own work programme instead, but she could not fund it, because her party would cut £5 billion that we are putting in to support the unemployed.

Digital Inclusion

8. **Alun Michael** (Cardiff, South and Penarth) (Lab/Co-op): What recent assessment she has made of the potential of StartHere in meeting her Department's objectives in respect of digital inclusion. [314108]

The Minister for Employment and Welfare Reform (Jim Knight): Tackling digital exclusion is of fundamental importance to the Department. Inclusion improves employment prospects and helps people to save money, and levels of exclusion are relatively high among our customers. The Department routinely signposts sources of online access, skills and support, such as UK online centres' online basics course, and is looking for ways to do more. StartHere is an interesting service that has the potential to work together with directgov to provide a very simple starting point to accessing Government services online, with a clear focus on local support and helping digital inclusion, and we watch its progress with interest.

Alun Michael: I greatly welcome my right hon. Friend's positive response. Given that the recent evaluation report shows that StartHere is highly cost-effective in getting information to those who are on the wrong side of the digital divide, and that NHS Choices has chosen to use StartHere as a vehicle, is it not time for the DWP and others to use it too? Will he meet me to discuss how we might achieve that?

Jim Knight: I am always happy to meet my right hon. Friend, and would be pleased to do so in respect of the case that he makes for StartHere, which certainly has a good champion in the Minister with responsibility for digital Britain, the Under-Secretary of State for Business, Innovation and Skills, my right hon. Friend the Member for East Ham (Mr. Timms), who spends much of his time in the Treasury. He has been writing to many of us in government to stir up support for StartHere, which is something that I am looking at in the context of my responsibilities.

Public Sector Pension Deficit

9. **Mr. David Heathcoat-Amory** (Wells) (Con): If she will estimate the total pension deficit liability in the public sector. [314109]

The Minister for Pensions and the Ageing Society (Angela Eagle): We have been told that this question has been transferred to Her Majesty's Treasury. [*Interruption.*]

Mr. Heathcoat-Amory *rose*—

Mr. Speaker: Order. Let me say to the hon. Lady that the House was certainly not aware of that. I was not aware of it, the question is on the Order Paper, and I know that she will offer us an answer.

Angela Eagle: I am happy to offer an answer. The total pension deficit liability in the public sector is, off the top of my head, close to £600-odd billion, but this has to be seen in context. The pension liabilities are calculated over the next 80 years. In that context, it has to be borne in mind that the average size of a public sector pension is £4,000 to £5,000.

Mr. Speaker: So there is time for an update.

Mr. Heathcoat-Amory: It is obvious that the Government do not have a clue. They cannot even find a Department to answer the question, so let me provide the answer. Outside agencies estimate that the public sector deficit liability is about £1 trillion, which is £1,000 billion. In the pre-Budget report, the Government were going to get that down by only £1 billion, which is one tenth of 1 per cent. Is it not obvious that in this area of policy and many others we need a change of Government to get the answers?

Angela Eagle: The right hon. Gentleman persists in scaremongering about the provision of public sector pensions for millions of low-paid public sector workers. As I have said, the average pension payment is £5,000 a year. Those liabilities are perfectly sustainable and comprise between 1.5 and 2 per cent. of GDP. If the right hon. Gentleman is telling the House that the Opposition do not think that that is sustainable, what he is saying to the electorate in the forthcoming election is that they will take away the public sector pension provision of millions of public sector workers who are out there working hard to keep our public services going in difficult times—and that, Mr. Speaker, is an absolute disgrace.

Independent Medical Assessments

10. **John Mason** (Glasgow, East) (SNP): What mechanisms her Department has to ensure that independent medical assessments for work capability are consistent, accurate and fair. [314110]

The Parliamentary Under-Secretary of State for Work and Pensions (Jonathan Shaw): The work capability assessment is carried out by specifically trained health care professionals who are able to provide independent and robust advice to decision makers regarding customers' functional capabilities. Recruitment standards, training and stringent quality checks ensure that assessments are consistent, accurate and fair.

John Mason: I thank the Minister for that answer, but given that assessing mental health problems is particularly difficult, why does Atos Healthcare regularly ignore the patient's own GP?

Jonathan Shaw: Atos takes account of representations made by GPs and other professionals. I recognise that there are competing demands on a number of hon. Members, whereby we want the number of people on sickness benefit to be reduced, but there are examples of cases in our constituency surgeries that raise concern—indeed, I might find myself writing to myself where I have a concern. In order to try to allay those concerns, the Secretary of State has asked me to arrange a seminar with Atos and Department for Work and Pensions staff, so that we can set out in detail how those medical assessments are made, and obviously I would welcome the hon. Gentleman's contribution to that. In addition, we will place in the Library the quality control reports for when we supervise Atos staff.

Michael Connarty (Linlithgow and East Falkirk) (Lab): I am sure that this is not just a Scottish problem, although concern about the behaviour of Atos in Scotland is shared across the House. As the Minister will know from his postbag, I have written many times about the complete lack of confidence in the quality of people being sent to carry out these assessments. An example was a doctor who had been retired for almost 10 years taking away the benefits from a young man who had had serious Asperger's syndrome recorded on his medical records for almost 20 years. Can we not put a better system in place, so that people can have confidence that the people who come to see them know what they are talking about?

Jonathan Shaw: We complete more than 30,000 assessments every month. With the new regime, we will see fewer people on employment and support allowance than on incapacity benefit. We are clear that that is the right way forward. I understand that hon. Members have constituency concerns, however, which is why I have arranged a seminar in which we can set out in detail how these assessments are meant to be performed. When there is a complaint or a concern about a particular individual, that individual is looked into and properly checked. If my hon. Friend is able to come along to the seminar and provide us with information, of course we will look at it. As I have said, there will be fewer people on ESA than on incapacity benefit. This is about looking at what people can do.

People Trafficking (Employment)

12. **Mr. Anthony Steen** (Totnes) (Con): What training her Department's officials receive to enable them effectively to assist victims of human trafficking, migrants and refugees to find work. [314112]

The Parliamentary Under-Secretary of State for Work and Pensions (Helen Goodman): Jobcentre Plus advisers have comprehensive training to equip them with the range of knowledge and skills that they need to support all customers. The training includes modules on how to help the most vulnerable customers and, where appropriate, how to signpost them to other relevant sources of help.

Mr. Steen: Does the Minister agree that, if the many thousands of human trafficking victims who come forward every year in this country were treated more generously, as they are in other countries, and given work permits for, say, a year, while waiting for prosecutions to be brought against their traffickers, they would be more likely to give evidence, which would lead to more successful prosecutions? Has she thought about granting a year's permit to those who come forward after being trafficked?

Helen Goodman: We always listen most carefully to the views of the hon. Gentleman, because, as chair of the all-party group on the trafficking of women and children, he knows a lot about this issue. I should like to bring him up to date. In 2009, a joint communiqué was issued by the Refugee Council and Jobcentre Plus. The operational framework is now being reviewed, and there will be further meetings in February and March. In addition, I think that the hon. Gentleman will be particularly satisfied to hear that the DWP and the Home Office have agreed that victims of trafficking may bypass the residency test.

Child Maintenance and Enforcement Commission

13. **Mr. Graham Allen** (Nottingham, North) (Lab): What recent discussions she has had with the Child Maintenance and Enforcement Commission on measures to increase the amount of maintenance paid by young absent fathers. [314113]

The Parliamentary Under-Secretary of State for Work and Pensions (Helen Goodman): Under the current rules, non-resident parents are obliged to pay £5 a week when they are on benefit and, as they enter work, their child maintenance calculation increases correspondingly as a proportion of their income. From 2011, when the new child maintenance scheme will be introduced, the payment for those on benefit will increase to £7. Furthermore, we have instructed commission officials working on detailed policy development for the new child maintenance scheme to review the maintenance status of full-time students. Although students are not currently required to pay child maintenance, we want to promote responsibility among all parents to support their children.

Mr. Allen: Does the Minister agree that teenage pregnancy, which the Nottinghamshire teenage pregnancy taskforce is urgently looking into, is just as much a problem for young fathers and young men as it is for young mothers and young women? Will she ensure that a balance is struck between the two and kept in

perspective, and commend the work being done by the taskforce to ensure that young fathers take on their responsibilities?

Helen Goodman: I certainly will. I congratulate my hon. Friend on his work as chair of the One Nottingham board, which met CMEC staff recently and agreed to develop new local initiatives, including preparing 45-minute lesson plans entitled "Do you want to be in my position?" These teaching packs for sex and relationship education are being piloted particularly in Nottingham.

Child Poverty

15. **Simon Hughes** (North Southwark and Bermondsey) (LD): What recent estimate she has made of the proportion of children living in poverty in (a) the UK, (b) Greater London and (c) North Southwark and Bermondsey constituency. [314115]

The Parliamentary Under-Secretary of State for Work and Pensions (Helen Goodman): The proportion of children in relative poverty in the UK for the period 2007-08 was 23 per cent. For the period 2005-06 to 2007-08 the figure for London as a whole was also 23 per cent. The figures for inner London and outer London were 27 per cent. and 20 per cent. respectively.

Simon Hughes: Given that London is the sixth richest city in the world, can the Minister tell the House why child poverty levels, which mean that one in every two children in inner London are in poverty according to Government official figures, have remained similar for the past 10 years of the Labour Government?

Helen Goodman: I thought that I had just explained that the figure was closer to one in four, but I agree with the hon. Gentleman's basic point that this is a major problem in London. A major reason for it is that parental employment is 8 per cent. lower than it is in the rest of the country. The London child poverty delivery group, which I chaired in the summer, is driving forward programmes on three key things: increasing the supply of part-time vacancies, increasing the take-up of tax credits and increasing the use of formal child care.

Mrs. Joan Humble (Blackpool, North and Fleetwood) (Lab): The Minister will be aware that a high percentage of children living in poverty are those with disability. She mentioned child care. Will she liaise with ministerial colleagues to ensure that there is appropriate child care for children with disabilities, so that their parents feel confident, in going out to work, that they are leaving their child in good quality child care?

Helen Goodman: Of course my hon. Friend is absolutely right. Families in which either a child or an adult is disabled are more likely to suffer. In order to deal with that, we have an extra element in the child tax credit system so that people can pay for child care for disabled children, which is often more expensive.

Topical Questions

T1. [314126] **Mr. Laurence Robertson** (Tewkesbury) (Con): If she will make a statement on her departmental responsibilities.

The Secretary of State for Work and Pensions (Yvette Cooper): Today marks the centenary of the first labour exchange in this country, which was opened by Winston Churchill in 1910. At that time labour exchanges had separate entrances for men and women and separate rooms for skilled and unskilled workmen, and apparently were often difficult to find, as Winston Churchill himself got lost trying to open the Whitechapel road exchange. This is an opportunity, however, for us to pay tribute to the work of the staff of Jobcentre Plus. The service has modernised substantially and is offering a very good service, and people have worked extremely hard in what has been a very difficult year as a result of the recession. I urge hon. Members to take the opportunity to do as my right hon. Friend the Minister for Employment and Welfare Reform and I have done and visit local jobcentres to thank the staff for all their hard work.

Mr. Robertson: The Secretary of State says that Jobcentre Plus has modernised, but benefit claimants in my constituency have their claims assessed in Cornwall. Would it not be better if they were assessed locally, and preferably face to face?

Yvette Cooper: The hon. Gentleman will be aware that we try to streamline services as much as possible in order to provide a fast turnaround and provide people with the information and support that they need as rapidly as possible. That means that we provide local services, but we also provide help through helplines and contact centres, in order to both be efficient and provide a local service. It is right that we get that balance, and that the hon. Gentleman knows that his constituents can go into a Jobcentre Plus and get help directly in their local area if they need to and if their personal circumstances mean that they have difficulties using the telephone.

T9. [314135] **Natascha Engel** (North-East Derbyshire) (Lab): My hon. Friend the Minister is aware of the case of Zoey Smith, who, when she was pregnant, worked as a volunteer in a welfare rights office. She wrongly had her benefits stopped, and as a result gave birth two months prematurely. She could not cope, and she has disappeared off the face of the earth. The child has gone into care and the whole sorry story has been a disaster from beginning to end. Does my hon. Friend agree that the benefits regime for pregnant women is incompatible with meeting our child poverty targets?

The Parliamentary Under-Secretary of State for Work and Pensions (Helen Goodman): I am aware of the unhappy experience of my hon. Friend's constituent, which in essence came down to poor administration in her local benefit office. The existing rules for income support are consistent, however, with the rules for maternity leave. Both begin at the 11th week before the expected due date, which strikes a fair balance between the interests of the pregnant woman and the interests of the taxpayer. To pull the date forward would privilege the position of pregnant women over that of women in work.

T2. [314127] **Mr. Graham Stuart** (Beverley and Holderness) (Con): Ministers have been asked twice how many of those on employment support allowance who have gone on to jobseeker's allowance have actually found

work. Is the failure to answer because Ministers are embarrassed by the situation or is it because they simply do not know?

The Parliamentary Under-Secretary of State for Work and Pensions (Jonathan Shaw): The hon. Gentleman will be aware that people who are eligible for employment support allowance then go on to the pathways to work programme, which has assisted 180,000 people through incapacity benefit and employment support allowance.

David Cairns (Inverclyde) (Lab): May I tell the Secretary of State that Inverclyde council's future jobs fund has been assessed by her Department as the second-best performing scheme in the whole of the UK? Will she give me an assurance that the focus of the scheme will continue to be on real jobs in the real economy in sectors such as construction, which will enable Inverclyde to see unemployment continuing to fall as it has been falling every month for the past five months?

The Minister for Employment and Welfare Reform (Jim Knight): I am happy to give my hon. Friend that reassurance. The future jobs fund sets us apart from the Tories with their work programme in that we are offering real jobs for at least six months on at least the minimum wage while providing a community benefit. What my hon. Friend says about construction is hugely important because at least 10 per cent. are apprenticeship jobs and if it were not for the fiscal stimulus provided by this Government over the last year—building schools, building hospitals, building roads, building the infrastructure this country needs—our construction industry would be on its knees by now.

T4. [314129] **James Duddridge (Rochford and Southend, East) (Con):** What is going to be done about the £1 million incorrectly paid out to 10 claimants? Have we got the money back yet?

Helen Goodman: The hon. Gentleman might be interested to know that six of the 10 debts occurred because of frauds or errors made by customers before 1995. The rate of error has now fallen to 0.6 per cent. and the work to recover the debt has had significant success. The recent report from the National Audit Office noted that the Department has improved its performance; the Comptroller and Auditor General said that there had been significant performance improvements.

Andrew Mackinlay (Thurrock) (Lab): In a period of joined-up Government, will the Secretary of State tell us whether or not the Department of Health consulted her about the decision arbitrarily to tear up the reciprocal health agreement between the Isle of Man and the United Kingdom, given the ramifications it has for the chronically sick and disabled and the elderly who want to travel to and from the island?

Yvette Cooper: I will write to my hon. Friend about that.

T5. [314130] **Chloe Smith (Norwich, North) (Con):** The number of cases handled clerically by the Child Support Agency or the Child Maintenance and Enforcement Commission has increased from 19,000 to 75,000 over the last three years at a cost of £3.7 million

a month. Does the Department really have no plans to stem this staggering administrative failure before 2014?

Helen Goodman: I do not agree with the hon. Lady that there is a staggering administrative failure. On the contrary, record numbers of children are now receiving maintenance through the system, and the improvements we have implemented have lifted 100,000 children out of poverty.

Mr. Michael Clapham (Barnsley, West and Penistone) (Lab): Last week, I met a group of members of a miners' support group to discuss the application of industrial injuries disablement benefit for osteoarthritis of the knee, and they complained of wide variations between assessments given throughout the regions. Will my Ministers ask their medical advisers to look at the medical process to ensure that it is applied uniformly at centres throughout the country?

Jonathan Shaw: I am grateful to my hon. Friend for raising this important point. The whole House would acknowledge what he has done to champion the cause of former miners across the country, including in my own area of Kent. It is important that there is confidence in the system, so we need continuity within the assessment process. I will most certainly look further at this issue and write to him accordingly.

T6. [314131] **Miss Anne McIntosh (Vale of York) (Con):** I join the Secretary of State in congratulating Winston Churchill all those years ago on opening the first ever labour exchange and I also welcome the modernisation that has clearly taken place over the last 20 years. Does the Secretary of State agree that those living in rural areas face particular problems accessing job centres—in the Vale of York, for example, there is simply no jobcentre—and that this sometimes increases the frustrations that claimants experience? What are the Government proposing to do to make them more accessible?

Yvette Cooper: We want to do everything possible to make it easy for people in rural as well as urban areas to obtain the help that they need in order to find work. That is why, as well as providing jobcentres, we are making more information available online and by telephone, and using new technology to make it as accessible as possible. This is a question not just of the support that jobcentres can provide directly, but of our ensuring that we continue to invest in the economy, that jobs are created and that the economy grows, and that means sustaining investment and support for the economy rather than reducing it.

Alun Michael (Cardiff, South and Penarth) (Lab/Co-op): In view of this afternoon's outrageous attempt by the political scavengers on the Conservative Front Bench to affect an interest in young people, will my right hon. Friend remind them of the full generation of young people who were abandoned without hope and opportunity by the last Conservative Government?

Yvette Cooper: My right hon. Friend is correct. The level of claimant unemployment in the 1980s was twice as high as it is today, and young people were abandoned

for many years without support and help. We must never abandon a generation in that way again. We should bear in mind that unemployment kept increasing after the recession had ended. That is why investment to support the recovery this year is so important now.

T7. [314132] **Mr. David Heathcoat-Amory** (Wells) (Con): In earlier exchanges about the size of the public sector deficit liability, the Minister—apart from not knowing which Department was responsible—gave an inaccurate figure. Even the Office for National Statistics believes that the figure is £810 billion. Then she said that it did not matter. Does she really believe that a deficit liability of that scale, in addition to the projected national debt of £1.5 trillion, is of no concern to this Government? If so, we need a change of Government.

The Minister for Pensions and the Ageing Society (Angela Eagle): What I really object to is the right hon. Gentleman's pretence that the problems caused to the global financial system by the greed and excess of a very small number of people should be paid for by our taking from public sector workers their modest pension support, which amounts to an average of £5,000 a year. That is the difference between our values and those of the Conservative party. We will protect such support, whereas they cannot wait to rip up the public sector pension contract for all public sector workers.

Mr. Lindsay Hoyle (Chorley) (Lab): People with skills within the construction sector have just been made redundant and unemployed and have signed on at my jobcentre. They want to work on the railways, but they need certification in order to do so, and the jobcentre will not pay for it. There is therefore a void, leaving people on the unemployment register when jobs are available. All that is needed is someone to help with funding. What does the Minister think?

Jim Knight: I am sure that my hon. Friend has studied carefully the White Paper that we published last month. One of the things that we seek to do is increase our personal advisers' flexibility so that they can give people more personalised support in the circumstances that he has described. We particularly want to increase flexibility in their use of the new single skills fund that we have created, along with the skills accounts, so that when there is a real prospect of a job at the end of the process we can deploy funds to help people.

T8. [314133] **Mr. Hugo Swire** (East Devon) (Con): More than 1.7 million pensioners are currently missing out on their cold weather payments because they do not claim pension credit. What are the Government doing to ensure that pensioners do not have to do without those payments during the current spell of particularly cold weather?

Angela Eagle: We devote a great deal of time and effort to trying to ensure that pension credit is claimed by those who are eligible for it. We have partnerships with 200 local authorities, we organise regional advertising, and we arrange 13,000 visits a week to vulnerable pensioners. Only last week I spoke to a pensioner who had just been told that she was eligible for an extra £32 a week, and that she would not have to pay her council tax.

Pension credit makes a real difference to pensioners' quality of life. We want them to claim, and we are reaching out to them. If there is anything that the hon. Gentleman can do in his own constituency, such as talking to local pensioners, we shall be more than grateful.

Rob Marris (Wolverhampton, South-West) (Lab): Will the Minister explain why the Government are not encouraging the Child Support Agency to get on with it and transfer people from the old system to the new, fairer, percentage-based one?

Helen Goodman: I am sure my hon. Friend realises that it takes time to build the new computer system for the new system. We do not want a repeat of the sort of shambles and collapse that we have seen in the past. We therefore think that this is a case of more haste, less speed.

Mr. Rob Wilson (Reading, East) (Con): Unemployment in my constituency is now significantly higher than it was in 1997. Despite the initiatives of the past 13 years, were not young people better off in work in 1997 than out of work in 2010?

Yvette Cooper: As I pointed out earlier, the claimant count for young people is, in fact, about half what it was in the '80s. It is a major concern that young people have been affected by the recession, however, and that is exactly why this party and this Government are funding the youth guarantee, providing hundreds of thousands of additional opportunities for young people, but the hon. Gentleman's party opposes that and wants to cut it. [*Interruption.*] If he really cares about young people, he should have a word with his own Front-Bench team.

Mr. Speaker: Order. I recognise that the House is eagerly awaiting the Foreign Secretary's statement, but, even so, far too many private conversations are taking place in the Chamber. That is very unfair on both the Member asking the question and the Minister answering it.

Miss Anne Begg (Aberdeen, South) (Lab): Although most people agree with the principles of the employment and support allowance, there is a group of people who pass the work capability assessment, but who may still have health issues that are acting as a barrier to work. Will Ministers ensure that they are given proper advice, instead of being put on to jobseeker's allowance and then being ignored so that they do not get the specialist help to make it easier for them to find work?

Yvette Cooper: My hon. Friend makes an extremely important point. We know that some people who undertake the work capability assessment and are found to be able to work may still have a health condition that makes things difficult for them in some form or another, or that may affect their attitude to work. It is important that they get appropriate help and support. That is exactly why we are looking again at the pathways programme—at how it works and to whom it applies—and at what kind of support people should have, regardless of what kind of benefit they are on.

Greg Mulholland (Leeds, North-West) (LD): It is striking that Shelter and landlord associations both agree that the eight-week limit for the local housing allowance trigger to kick in, and for that to be looked at when someone has gone into arrears, is causing a problem. It is causing people to get into debt and landlords not to get their money and to be put off taking on social tenants. Are the Government reviewing that?

Helen Goodman: The hon. Gentleman is obviously unaware of the fact that 200,000 more people than in 2008 are currently in the private rented sector. Of course we believe that housing benefit can be improved; that is why we have just published a consultation document setting out our proposals.

Mr. Paul Burstow (Sutton and Cheam) (LD): Given that the Office for National Statistics has just revealed that 2 million pensioners in this country are still living below the breadline, will the Government look again at their policy and their commitment to means testing by revisiting Margaret Thatcher's decision to breach the link with earnings, and instead reintroducing that valuable earnings link?

Angela Eagle: The House has legislated to ensure that pensions will be linked to earnings within the lifetime of the next Parliament, and I also hope the hon. Gentleman will acknowledge that the ONS pointed out that we had broken the link between old age and poverty for the first time in our history. We inherited soaring levels of pensioner poverty from the Conservative party. We have reversed that trend, but we know that there is still more to do.

Afghanistan and Yemen

3.33 pm

The Secretary of State for Foreign and Commonwealth Affairs (David Miliband): Mr Speaker, with your permission I will make a statement on the Afghanistan conference that took place on 28 January and the Yemen meeting the previous day.

It is a grim but important feature of all discussion on Afghanistan that we remember the loss of life—coalition and Afghan—in the last eight years. As I saw for myself again two weeks ago in Kandahar, Lashkar Gah and Kabul, British troops are showing fortitude beyond measure, and their families support beyond compare, both of which deserve the recognition of the whole nation. The stakes are high not only for those serving in Afghanistan but for all the Afghan people, for the south Asian region, for the credibility of the NATO alliance, and, ultimately, for our national security.

As I explained when I spoke in this House on 14 January, 2010 will be a decisive year for Afghanistan. With a new Government, a refreshed counter-insurgency strategy, and a commitment to increase international troop numbers by some 60,000, the Afghans and their allies now have the chance to reverse the momentum of the insurgency, if the military and civilian effort is directed towards a durable political settlement in Afghanistan.

That was the impetus behind my right hon. Friend the Prime Minister's decision to convene the London conference.

Mr. Bernard Jenkin (North Essex) (Con): Where is he?

David Miliband: He is in Northern Ireland, actually.

Our aim was to mobilise international resources—military and civilian—behind a clear political strategy to help to deliver the ambitious agenda that President Karzai set out at his inauguration last November. Our goals are threefold: first, to win over the active support of more of the Afghan population; secondly, to split the insurgency; and, thirdly, to encourage Afghanistan's neighbours to become part of the solution. Following my consultations in Pakistan, Afghanistan, Washington, Istanbul and Brussels, representatives from more than 70 countries and international organisations travelled to London to attend the conference. The communiqué, which was agreed among all conference participants, provides the detail of what was agreed.

First, in respect of security, the focus was on the Afghan national security forces. The growth and development of the indigenous security forces are intended to give the Afghan population the confidence to resist Taliban intimidation and bribery. Afghanistan now has almost 200,000 soldiers and police, and they are already assuming greater responsibility for military operations, but the London conference agreed new, more ambitious targets to increase the Afghan national security forces by more than 50 per cent. by October 2011 by training 70,000 additional members of the Afghan national army and 38,000 more police.

The conference also marked the beginning of the transition process, by agreeing the necessary conditions under which we can begin, district by district and province by province, the process of transferring responsibility for security from international forces to Afghan forces.

The intention is for some provinces to transition by late 2010 or early 2011, on the road to meeting President Karzai's target that within three years Afghans should have taken the lead and be conducting the majority of operations in insecure areas. The additional troops—Afghan and international—will mean that the insurgency will come under increasing military pressure. President Karzai is launching a peace and reintegration programme for those who can be persuaded to switch sides; the rest will face growing military danger. It is essential that all the ethnic groups of Afghanistan are given a route back into Afghan society, as long as they respect the Afghan constitution and break links with al-Qaeda—we support all effort towards this goal. The Peace and Reintegration Trust Fund announced last Thursday is the vehicle through which the international community will provide financial assistance, and some \$140 million has already been pledged for the first year.

Governance and development was the second priority for the London conference. Local and provincial government in Afghanistan is chronically weak; less than a quarter of Afghanistan's 364 governors have electricity in their offices and some receive only \$6 a month in expenses. That is why the conference agreed to provide additional support to train, over the next two years, 12,000 sub-national civil servants in core administrative functions vital to the exercise of local and provincial power. However, if the Afghan Government are to win the support of more of the population, they need to govern in the population's interests, so the commitments that the Government made at the conference to take steps to end the culture of impunity are important. They have promised to do the following: first, to strengthen the independent High Office of Oversight in order to investigate and sanction corrupt officials; secondly, to bring their laws in line with the UN convention against corruption; and thirdly, to invite a group of Afghan and international experts to develop benchmarks for progress and report regularly against those benchmarks—their first visit will take place within the next three months.

Those promises must be translated into rapid action. The international community again pledged its support on Thursday, and for the first time it said that, once key conditions are met, it will increase the proportion of development assistance channelled through the Afghan Government, and will support the Government to meet those conditions.

Development assistance is important in its own right in Afghanistan, which is the fourth poorest country in the world, but it will also help to draw people away from the insurgency and the drugs trade. That is the significance of Thursday's announcement that Afghanistan will receive up to \$1.6 billion extra in debt relief from major creditors and that there will be a new International Monetary Fund programme from June 2010. The legal economy—notably agriculture—needs substantial support, and progress in reducing drug production is important in that respect, as well as in its own right.

The third element is relations between the countries of the region. The situation in Afghanistan threatens to destabilise the whole of south Asia: crime, drugs, terrorism and migration spill across borders. There is a growing awareness within the region that the status quo in Afghanistan benefits nobody. Afghanistan's neighbours also increasingly accept that no country within the region, let alone the international community, will allow Afghanistan to become a client state.

In these twin changes—a recognition that a client state is out of reach for all and that an unstable state is damaging for all—is the seed of a shared interest. That shared interest should be the basis of greater regional co-operation. Each neighbour needs to know that their restraint and co-operation will be reciprocated so they need reassurances about each other's behaviour and intentions. That is why last Tuesday I attended the regional summit in Istanbul to discuss how Afghanistan's neighbours can support stability in Afghanistan and enhance regional co-operation. At the London conference the Afghan Government requested that the relevant regional bodies develop a co-ordinated plan for Afghanistan's regional engagement as soon as possible. The prize of regional co-operation is immense: Afghanistan's neighbours will cut off the lines of funding, support and shelter that stretch across Afghanistan's borders.

This political strategy and the agreements reached on Thursday need to be pursued with drive, determination and without delay. The Afghan Government will host a further conference in Kabul later this spring. By then, President Karzai will need to have made real progress on security, governance and development.

The international community also has an important role to play in ensuring effective implementation. That is why three new international appointments are being made: at the UN, where there is an upgraded Senior Representative; in NATO, where the NATO Secretary-General has created a new NATO Senior Civilian Representative to strengthen the co-ordination of development and governance work with the military effort—our ambassador in Kabul, Mark Sedwill, took up this role on Thursday—and in the EU to create greater unity of civilian command.

Afghanistan and Yemen are 2,000 miles apart. They have diverse histories, different cultures and are fighting different enemies, but there are common themes. In both cases the lack of development, weak governance and absence of security provide a vacuum for extremists who threaten our shores. In both cases, these underlying long-term causes must be addressed.

The purpose of the London meeting on Yemen on 27 January, as agreed with President Saleh of Yemen, was threefold: first, to forge international consensus about the challenges the country faces; secondly, to build impetus behind the economic and political reform agenda; and thirdly, to improve international co-ordination of support for the Yemeni people and Government.

The Government of Yemen were represented by Prime Minister Mujawar. The Foreign Ministers from the Gulf Co-operation Council countries and the key regional and international partner nations all participated alongside representatives of the EU, the UN, the International Monetary Fund, the World Bank and other international institutions. Prime Minister Mujawar gave an honest appraisal of the challenges his country faces—“brutally honest”, in the words of the US Secretary of State. The threat from al-Qaeda has put Yemen in the headlines but it has long been the poorest country in the Arab world, with a rapidly growing population, fast dwindling oil and water reserves, an armed conflict in the north and increasing civil instability in the south.

All present were clear that responsibility for tackling those challenges lay first and foremost with the Yemeni Government, but decisions were taken to upgrade international support in five important respects. First,

all present committed to support the Government of Yemen in the fight against al-Qaeda. The meeting welcomed the recent UN sanctions committee decisions on designation and called on all states to enforce the terms of the designation under UN Security Council resolution 1267.

Secondly, the meeting agreed to engage in further helping Yemen to address its broader security challenges, including through increased international support for the Yemen coastguard. Thirdly, Prime Minister Mujawar confirmed that his Government would continue to pursue their reform agenda, notably on economic reform, and start discussion of an IMF programme. The director of the IMF made a compelling case for the way in which economic reform could be supported by the IMF. Fourthly, participants agreed concrete actions to improve the disbursement of aid, an issue that was raised when we discussed this matter in the House two weeks ago. The GCC Secretary-General called a meeting of Gulf and other international donors to share analysis of the barriers to effective aid disbursement and establish a joint dialogue with the Government of Yemen on their reform priorities. The meeting will take place in Riyadh on 27 and 28 February.

Finally, the 25 countries and organisations represented also agreed to establish a Friends of Yemen group to help the Government implement their national reform agenda. Two working groups on economy and governance and justice and law enforcement will report at the first Friends of Yemen meeting.

Conferences and meetings can seem—and are—a long way from the daily danger of improvised explosive devices in Lashkar Gah or the 40 per cent. unemployment rate in Yemen, but neither problem will be resolved without coherent plans confidently advanced by sovereign Governments with huge support from the international community. As a result of last week's efforts, there is a new confidence and clarity. The test is to turn these words into deeds. That is what we are now committed to doing.

Mr. William Hague (Richmond, Yorks) (Con): I thank the Foreign Secretary for his statement. Before turning to Afghanistan, may I ask a couple of questions about the meeting on Yemen? We welcome both that meeting and the creation of a Friends of Yemen group, but is he confident that the Government of Yemen will take the urgent and concrete action on political and economic reform that they pledged to take when they were at the meeting? Did he detect a willingness from our European and other international allies to devote resources to the sort of specific initiatives that Britain and the United States have started in Yemen to buttress those efforts?

I join the Foreign Secretary in paying tribute to the men and women who are serving in Afghanistan, whose work I have also seen for myself in recent weeks. I also pay tribute to their families here in Britain and to the 251 service personnel who have given their lives. I agree with his description of 2010 as a “decisive year” for Afghanistan. We welcome the hosting of the conference in London, and we support its conclusions. Like the Government, we are committed to ensuring that there is sufficient stability in Afghanistan for Afghans to look after their own security without presenting a danger to the rest of the world. To that end, the strategy that has been adopted in recent months must be given time and support to succeed, and must be accompanied by a viable political process alongside our military efforts.

[Mr. William Hague]

I want to ask about three main areas: the military strategy, the political strategy and the transition to Afghan control. On the military strategy, we welcome the decisions taken by other countries to commit additional manpower. Can the Foreign Secretary say how many of the 9,000 additional non-US forces that have been announced will be stationed in the south, where the heaviest fighting is? Will every effort be made to ensure that the use of those forces will not be hampered by restrictive rules of engagement? One new benchmark is the achievement of a total of 300,000 Afghan security forces by October next year. Can he tell us the projected cost of that expansion? Is he satisfied that the Afghan state will be able to meet the cost that that will entail over the long term? Can he assure the House that NATO trainers and mentors will be in place in sufficient numbers to achieve that target? The conference communiqué urges countries to provide more support for the reform of the Afghan national police. Can he say when the detail of that support will be fleshed out? Can he confirm that there is still no agreed national strategy for the reform of the police? When does he expect that finally to be in place? On the civilian aspects of the strategy, we welcome the appointment of a new NATO Civilian Representative and a new UN special representative. As it is also intended that there will be a new EU special representative with strengthened powers, what mechanism is being put in place to co-ordinate the work of those three officials to avoid the duplication that has happened in the past?

On the political strategy, does the Foreign Secretary agree that the fairness and credibility of the elections that are now scheduled for September are of huge importance, given what happened in the presidential elections? Does he think it is the true intention of the Afghan authorities to run a seriously improved electoral process? How will confidence be given to opposition parties that they will be given a fair chance to compete in those elections? Corruption is one of the key problems that needs to be addressed by the Karzai Government. The communiqué talks about

“empowering an independent High Office of Oversight”,

Can he shed some light on the composition and powers that are intended for that office?

As the Foreign Secretary has said, at the conference there was a major focus on the new Peace and Reintegration Trust Fund. Can he provide more detail about how the expenditure of that huge amount of money will be overseen? Who will be responsible for the distribution of the funds at a regional level, and how will oversight be ensured? Is he confident that the scheme will be designed to avoid creating perverse incentives for non-combatants to join the insurgency in order to benefit from the fund later?

In his evidence to the US Senate Foreign Relations Committee last week, the Foreign Secretary proposed “relocation and deradicalisation programmes” for former Taliban members. Can he say whether such programmes have now been agreed and, if so, where they will take place and whether any lead nation will take responsibility for them? It is well known that Taliban elements operate in Pakistan’s border area, posing a threat to both Afghanistan and Pakistan. Does he therefore envisage any of those funds being channelled

to the Pakistani Government for the same purposes, or will we encourage that Government to make their own arrangements?

On the final issue—the handover—the conference said that a number of provinces, but an unspecified number, would be transferred to Afghan control by the end of this year or by the start of 2011. Can the Foreign Secretary say whether that timetable has slipped, given the Prime Minister’s specific commitment in November that five Afghan provinces needed to be transferred by the end of 2010? The communiqué says that the goal is that Afghan forces take responsibility for physical security within five years, but President Karzai says that the training and equipping of Afghan security forces may take up to 10 years and that they will need outside assistance for up to 15 years. Does the Foreign Secretary share those assessments?

The goals set at the London conference are important and worth while in our view, but we must remember that many of the commitments made at the last London conference on Afghanistan in 2006 have never been met. Does the Foreign Secretary agree that this time around, as the British public wait to see whether progress can really be made and whether our military effort can succeed, delivery on the commitments that have been made is absolutely indispensable?

David Miliband: I am grateful to the right hon. Gentleman for his broad welcome for the strategies that have been developed in respect of Yemen and Afghanistan.

On confidence about the implementation of the plans agreed by the Government of Yemen, such confidence should be born of the deeds rather than the words that have been used. It is obviously better for words to be used than not to be used; but in the end, one learns to look for actions, rather than words, to give real confidence. However, the depth of the problems that Yemen faces and the remarkable document that the Government of Yemen produced about those problems suggest that no one can accuse them of being in denial.

On the devotion of resources, notably by European countries, the right hon. Gentleman allowed, unusually for him, a degree of scepticism to emerge about what he thought other European countries might be doing. That would come rather amiss to the German and Dutch contributors to the development effort in Yemen. After all, their contributions are on a par with ours, and that commitment is welcome. So I am sorry to disappoint him, but there is no division in Europe on this issue or on its importance.

On Afghanistan, the right hon. Gentleman rightly raised the need for additional manpower and for caveats to be lifted. I therefore think that it is worth putting on record the fact that the German Government announced last week not only an extra 500 troops—rising, I think, to 900 for the elections—but the removal of their caveats. That is the sort of decision that we welcome and want to be taken much more widely.

The right hon. Gentleman is right to point out that there is no way in the immediate future that the budget of the Government of Afghanistan will be able to support a security force of some 200,000, never mind 300,000. In that context, the answer to his question about the Afghan budget is that, no, its Government will not be able to cover it. It will need to be covered

from outside, but, obviously, the twin track of a military strategy and a civilian strategy, including an economic one, is very important. Certainly, current estimates are that we—at least, the international community—will have to support the Afghan security effort for some time to come.

In respect of NATO mentors and trainers, the most recent concern has been for Afghan troops to be delivered, mentored and trained. I am pleased about the way in which the NATO training effort is now working. The mentoring and partnering strategy takes us a long way forward.

In respect of the police, I will send the right hon. Gentleman the national strategy that was recently published by the Interior Ministry of the Government of Afghanistan. I commend the national strategy to him. He may have met Interior Minister Atmar—perhaps he has not—who has been responsible for the Afghan national police force for a year or 18 months and is doing an excellent job.

On EU representation, the proposal to replace two EU representatives, representing the Commission and the Council, with one is definitely a step forward of itself. On the relationship with the NATO and UN command, the right hon. Gentleman will know that the UN is superordinate in its role in any country—it is the apex of the international effort—but it will have a different role from that of the NATO Senior Civilian Representative, whose job is to combine military and civilian efforts.

On the elections, it is clear that, for reasons of both security and electoral reform, it was hard to see those elections taking place on 22 May, which was the first date suggested. The need for reform in the intervening months to September is essential. The Opposition parties want elections but those can take place only if progress is made on reform, and we are working on that.

On the peace and reintegration council, the right hon. Gentleman is right to point out that the detailed implementation of this policy will be critical to its effectiveness. The purposes of the fund, which are to provide employment, to provide security and to force the pace on the deradicalisation agenda, are the right outcomes. He asked who was the lead nation. The lead nation must be Afghanistan. The concept of lead nationhood was applied to G8 nations after the 2003 Bonn conference, but I think we have a much clearer method now of putting the Afghans in the lead and of ensuring the right balance between international and Afghan responsibility.

The right hon. Gentleman asked questions about the number of provinces that will be under Afghan security leadership. The timetable has not slipped. As the Prime Minister said in his speech on Thursday, he thinks that more progress will be made than people realise, but it is important that we do this on a conditions basis. The figure of five years that the right hon. Gentleman raised is President Karzai's figure from his inauguration speech. It is he who said that within five years the whole of Afghanistan, every province, should have Afghan security leadership. That does not mean the end of an international support role, but it is a very different role.

Finally, it is clear that the efforts that were made in 2006 at the London conference need to be supplemented. The Kabul conference will be able to renew the London compact, but it will do so on the basis of a strategy that

has not only far greater clarity and coherence, but far greater international support. That is something that we have to build on in this decisive year.

Mr. Edward Davey (Kingston and Surbiton) (LD): I thank the Foreign Secretary for his statement, and for his courtesy in providing an advance copy. He was right to begin with a tribute to our British troops and their families. The whole House stands together in admiration and gratitude for their courage and sacrifice.

Although the true success of the London conference on Afghanistan can be known only a few years hence, may I begin by welcoming the communiqué wholeheartedly? Liberal Democrats have long argued for a coherent political strategy to sit alongside the military strategy, and the conference appeared to mark the first internationally agreed attempt to define that political strategy in detail. Does the Foreign Secretary recognise that for many people, success for Britain's involvement in this important mission rests crucially on deepening and strengthening this new political strategy as the only realistic way forward?

Given its significance, can the right hon. Gentleman say a little more about the international dimension of the political strategy, especially the engagement of all Afghanistan's immediate and near neighbours in a comprehensive approach to regional peace? In what forums will this aspect be pursued? Can he say a little more about what was discussed and planned at the regional summit in Istanbul, especially in relation to Saudi Arabia and India/Pakistan relations?

On the national elements of the new political strategy, I welcome the breadth of the proposals to tackle corruption, while sounding a sceptical note on delivery. Was it made clear to President Karzai that neither the international community nor his own people are likely to believe that the Afghan Government are serious about corruption until some of the more powerful warlords and their placemen are ejected from the top table?

I especially welcome the proposals for the Peace and Reintegration Trust Fund. The Foreign Secretary will know that Liberal Democrats were widely criticised for such ideas earlier last year, but I am delighted that he and his colleagues last week did not shy away from the controversy. Does he agree that planning the structure and implementation of any payments to former Taliban fighters is critical, to make sure not only that there are no perverse incentives, but that there is clear financial support for Afghans who did not co-operate with the Taliban? But does he also agree that it must make sense to hold out real prospects of employment and hope to insurgents who are often mercenaries and rarely Taliban ideologues?

Can the Foreign Secretary say what plans there are to provide the necessary security to former Taliban fighters—their families and villages—who decide to defect and switch sides? Given that some NGOs already report an upsurge in the assassination of local leaders whom the Taliban suspect of being ready to defect, does he accept that this is a pressing issue if the counter-insurgency strategy is to work?

On Yemen, I welcome what seems to have been a worthwhile exercise, especially in relation to domestic social, economic and political reform. The right hon. Gentleman reported to the House that the Gulf Co-operation Council is to meet later this month to review

[Mr. Edward Davey]

what aid can be given from countries in the region. Can he say a little more about the help and support that is being offered Yemen from across the Arab world, not just the Gulf, and whether the wealthy members of the Arab League have offered their support?

David Miliband: I find myself in agreement—non-violent, I hasten to say—with the hon. Gentleman about the importance of the political strategy. The right hon. Member for Richmond, Yorks (Mr. Hague) asked about Pakistan and international engagement, however, and I failed to answer him. He inquired about whether the reintegration fund would be available on the Pakistan side of the border, and the answer is no, because the situation involves Afghans who should be in the Afghan political system, not in the Pakistani political system.

The hon. Member for Kingston and Surbiton (Mr. Davey) asked which forums would be used for international engagement, and the region is debating that issue. There are already four or five different regional organisations, including the Shanghai Cooperation Organisation and others, and there is an issue about co-ordination. There is also an issue, which the Afghan Government must address, about whether there should be a specific effort on Afghanistan. I think that there is a strong case for it.

The hon. Gentleman is right that corruption afflicts many levels of the Afghan system. In a recent BBC poll, 95 per cent. of Afghans complained of corruption in local policing and governance. The importance of that was made clear not just to President Karzai but to all his Ministers who were at the conference, and they replied that it was important for them, too. However, implementation will be a key point, as the hon. Gentleman said, and the oversight board and other committees will be important in that respect. On local corruption, local police wages are important, and the way in which security is offered on the routes between major cities is an absolutely key point, so the security effort and the anti-corruption effort go together.

The hon. Gentleman asked about the implementation of the peace and reconciliation effort. The money that is available does not exist as pots of money to be paid to individuals; it exists to provide for jobs, for deradicalisation and for the security of those who return to their communities. He is right to emphasise the importance of security, because the intimidation that the Taliban apply to the local population applies in spades to their former comrades. On that point, the security effort is the key.

On Yemen, the hon. Gentleman will know that the Gulf countries have pledged large sums of money; we do not suffer from an absence of pledges on Yemen. We need them to be turned into reality, because of those made in London in 2006, only 7 per cent. have been delivered, notably those from the Gulf countries. An important part of the Gulf Co-operation Council's engagement will be not only Yemen's road to GCC membership or labour market issues, but aid issues.

Mike Gapes (Ilford, South) (Lab/Co-op): I welcome the Foreign Secretary's statement on Yemen. On Afghanistan, I particularly welcome the appointment of our ambassador, Mark Sedwill, to the important NATO co-ordination post.

My right hon. Friend referred to a proposal whereby, once the relevant conditions are met, the proportion of development assistance that is channelled through the Afghan Government will increase. Will he give the House more information about that proportion? Will it also apply, as a coalition of non-governmental organisations has called for it to apply, to money that is currently disbursed by the military—both through the provincial reconstruction teams and, directly, by the US military in Afghanistan?

David Miliband: The figure that was used in the communiqué was 50 per cent., and that is the aim once the conditions have been met.

I am grateful for what my hon. Friend said about the importance of Mark Sedwill's upgraded role, and a vital part of his role will be to knit together the local counter-insurgency strategy with the local provincial reconstruction team effort. The transition to lead-security responsibility needs to be accompanied by political developments.

Mr. Speaker, I hope that you will permit me, while the hon. Member for North Essex (Mr. Jenkin) is in his place, to correct something that I said earlier. I had been reliably informed that the Prime Minister was on his way to Belfast, but it now transpires that he is not—for various reasons that I shall not go into. I apologise for having got that wrong earlier.

Several hon. Members *rose*—

Mr. Speaker: Order. Fifteen further Members are seeking to catch my eye. I want as always to accommodate everybody, if at all possible, but there is a motion to follow and then the Committee stage of a very important Bill, so brief questions and brief answers are required.

Sir Malcolm Rifkind (Kensington and Chelsea) (Con): The day before the Afghanistan conference, the Russian Foreign Minister said that his Government would consider an additional contribution to help the Afghan Government. Did the Russian Foreign Minister make any such announcement? What reasons did the Iranians give as to why, at the end of the day, they did not attend the conference?

David Miliband: The short answer is no, the Russian Prime Minister did not make such an announcement. He made a positive contribution to the conference about the Russian commitment to help in a range of ways, but he did not make a specific commitment. I am afraid that the Iranian authorities have not given any explanation, clear or otherwise, about their non-attendance. Iran was the only country not to attend, despite repeated invitations and the extension of visas into Tehran, Istanbul and elsewhere. I made clear my regret to the Iranian Foreign Minister when I saw him in Davos on Friday.

Keith Vaz (Leicester, East) (Lab): I declare my interest on Yemen.

I thank the Foreign Secretary for holding the conference with the Prime Minister and for sending the Minister of State, Foreign and Commonwealth Office, my hon. Friend the Member for Bury, South (Mr. Lewis), to Yemen tomorrow. As the Foreign Secretary has told the House, only 7 per cent. of the £3 billion pledged in 2006 has been paid over to Yemen, and that is the problem—promises and no delivery. There would be one easy win

for the Government. We have today announced that body scanners are to be made available at Heathrow and Manchester. If Yemen had just one body scanner at Sana'a airport, it would be able to start its direct flights to London again. Such practical measures, to which I know my right hon. Friend is committed because he is a practical Foreign Secretary, can help that very poor country.

David Miliband: I am grateful to my right hon. Friend. He will know that a comprehensive assessment of the travel needs is taking place at Sana'a airport. Yemeni airlines decided to suspend their flights to London pending the conclusion of the efforts to improve security. I will ensure that the Transport Secretary is aware of his suggestion about body scanners, but I think that a rather more comprehensive approach will be needed at Sana'a airport.

Mr. James Arbuthnot (North-East Hampshire) (Con): I welcome this statement. In the past, Britain has been the lead nation on counter-narcotics in Afghanistan, with the Germans leading on the police and the Italians on the judiciary. That concept has never really worked—was it abandoned last week?

David Miliband: I agree with the right hon. Gentleman that the concept has not worked well. It was not formally buried at the meeting last week, but the emphasis that has been placed over the past two or three years on Afghan leadership and international support reflects a recognition of a different, and better, way of doing things.

Paul Flynn (Newport, West) (Lab): Is it sensible to try to fight bribery with bribery or corruption with corruption, as history proves that paying danegeld means you never get rid of the Dane?

David Miliband: As I said today and last Thursday, comparing the effort that is being made to ensure that there is security and employment for former Taliban who come into the political system in Afghanistan with the rental that is paid by the Taliban to attack their own communities, never mind our forces, is a comparison that I do not recognise. Nor do I recognise my hon. Friend's reference to corruption, certainly not—I am sure that he would not have been suggesting this—in respect of our own efforts. The equivalence that he seeks to suggest is one that I do not think is right.

Sir Menzies Campbell (North-East Fife) (LD): I am sure that I do not have to persuade the Foreign Secretary that if al-Qaeda were to become established in Yemen, that would constitute a threat to the whole region, including some very important allies of this country. Does he therefore agree that if security in Yemen is to be enhanced, it will take something rather more than additional support for the Yemeni coastguard?

David Miliband: Yes. The communiqué issued after the meeting gave a rather wider range of factors. Obviously, the presence of al-Qaeda on the Arabian peninsula in Yemen is a recent sign that it is willing to launch attacks outside the region as within it, and that is very significant. However, I assure the right hon. and learned Gentleman that the security effort is not limited to coastal matters.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): In view of the recently released video and the Foreign Secretary's presence in the Chamber today, is there any more that he can say about attempts to secure the release of Paul and Rachel Chandler?

David Miliband: All Members will have felt heart-wrenched by the video that was released yesterday. As I said this morning, the political and diplomatic effort continues, in very close liaison with the family. That is the best thing to say at this stage. Everybody's heart goes out to the Chandlers, and we all continue to make every effort to help to resolve this very distressing case.

Mr. Bernard Jenkin (North Essex) (Con): As a member of the Defence Committee who recently visited Afghanistan, I can attest to the new sense of political, civil and military direction there. However, may I draw the Foreign Secretary's attention to the fact that the Afghan national defence university cannot get off the ground for the lack of 15 British military officers whose presence would enable the United Kingdom to lead that hugely influential project? May I put that into his in-tray and ask him to look into it? It is worth lifting the military cap by just a few officers in order for us to be able to lead that enormously important project.

David Miliband: The hon. Gentleman has taken a long-standing interest in the Afghan conflict and he and I have had repeated and, I think, productive discussions about it. I will certainly take up his point. I know that there are Afghans at Sandhurst receiving training, and I will look into the return of officers to Afghanistan to make a difference at the national defence university.

Mr. Gordon Prentice (Pendle) (Lab): The Speaker of the Afghan Parliament told me last week that there are 107 political parties in Afghanistan. Was there any discussion at the conference about consolidating that number to make it more manageable? Is that realistic?

David Miliband: My hon. Friend makes an important point. I saw Speaker Qanuni in Kabul two weeks ago. It is fair to say that the definition of a party in the Afghan context is pretty loose, and not the same as we might recognise in this country. However, the amount of fragmentation and splintering reflects the sort of tribal society that it is, and also emphasises the importance of the parliamentary elections. A presidential system, by definition, elects one person, whereas a parliamentary system allows a broader range of interests to be represented. We did not take it upon ourselves to try to reform the Afghan political party system last Thursday, but the civil society representatives who spoke at the conference were insistent about the need to open up the political process to more people from community groups and civil society more generally.

Angus Robertson (Moray) (SNP): One thousand Scottish and Scottish-based service personnel are set to be deployed to Helmand in April. They and their families, to whom we all pay tribute, deserve to know when it is expected that violence will diminish and new deployments will not be necessary. When does the Foreign Secretary believe that military intervention will end?

David Miliband: The steps towards the shared goal of all parties in the House are: for the Afghans to take on lead security responsibility—a clear timetable has been set for that—and for a political settlement to take the place of the combat in which British troops from all parts of the UK have been engaged for the past eight years. The hon. Gentleman knows that the efforts of soldiers from Scotland are part of an effort to keep all citizens of this country safe, and it therefore deserves all-party support.

Mr. Dennis Skinner (Bolsover) (Lab): Is the Foreign Secretary aware that, if we are to get out of this war, we must make bigger philosophical shifts than have been announced today? However, a few cautious sentences from him and others over the weekend indicate that maybe the political strategy is more important than continuing the war. With Northern Ireland, we had to make shabby compromises, let prisoners out and all the rest, which the media regarded as bad at the time. Yet that is now accepted as something that was right to do at the time. That is what we must do with Afghanistan. It may be that, in this thinly attended House, a few words have been said today that mark the end, and getting out of Afghanistan much sooner.

David Miliband: I appreciate my hon. Friend's perspective. The military and civilian effort is in the service of a political strategy. A political settlement in Afghanistan involves three things: al-Qaeda being kept out, the tribes being kept on side, and the neighbours supporting stability. That is the sort of political settlement that my hon. Friend recognises and that we are seeking.

David Tredinnick (Bosworth) (Con): Do not the peace and reintegration programme and the Peace and Reintegration Trust Fund represent a dramatic shift in Government policy? Are we not attempting to buy some aspects of the enemy? Given that we have now reached that point, why did we not reach it earlier? How many British lives would have been saved if the Government had examined that option more closely earlier?

David Miliband: The hon. Gentleman will know from my speeches and those of the Prime Minister that the Government have advocated such a strategy for a long time. However, it is not right to say that it is only just being tried. The right hon. Member for Richmond, Yorks (Mr. Hague), who speaks for the Opposition on such matters, referred to the 2006 attempts at reintegration and reconciliation, which were done in a way that included some of the perverse incentives to which the hon. Member for Bosworth (David Tredinnick) referred and were not administered correctly. However, the unity of effort to achieve a political settlement is more coherent and clearer, and we welcome that. In that sense, last Thursday's conference was a signal event for the international community, because it represented a clear recognition on the part of all countries there of the need for all parts of the Afghan effort to be directed towards the durable political settlement that is needed.

Mr. David Winnick (Walsall, North) (Lab): Does my right hon. Friend accept that there is growing impatience in this country with such a long-standing war—as he stated, it has been going on for eight years—when there is no sight of any kind of military victory in the

recognisable sense? Therefore, is it not right to put as much emphasis as possible on a political settlement, which must involve, as my hon. Friend the Member for Bolsover (Mr. Skinner) indicated, all insurgents? We must speak to the enemy at some stage—the sooner the better.

David Miliband: With the caveat that it must be led by the Afghan Government, we are in complete agreement on the need for an Afghan political settlement that separates those with political grievances from those who are determined to pursue global jihad. The latter group is a small minority who are currently attacking their own communities, never mind our own forces, so the Government adhere very strongly indeed to the commitment to a political strategy and a settlement of the sort my hon. Friend advocates.

Mr. Philip Hollobone (Kettering) (Con): Given that the Pakistani armed forces are configured for state-on-state conflict with India rather than counter-insurgency, what will be the strategy on the Pakistani side of the border with regard to the Taliban? Will it be the military strategy on which the Pakistanis have just embarked, or will they, too, change to a political tack?

David Miliband: The hon. Gentleman makes an important point. I think the Pakistani forces are being reconfigured to take care of what the Pakistani Government would call twin threats, but he is right to say that the sort of effort, training and structures that are needed for a counter-insurgency are quite different from those for traditional warfare. The evidence from Pakistan shows the folly of pursuing a political strategy on its own—a deal-making strategy will not work, and it has not worked in the federally administered tribal areas over the past two decades—but equally, a military strategy on its own will not work either. The absence of any sort of political process in the FATAs is as dangerous to their stability as the absence of any kind of security and order. The Pakistani experience shows the importance of combining military and civilian effort in the service of a durable political settlement. The fact that for, I think, the first time ever, that is happening on both sides of the Durand line in a complementary fashion, is a significant change in the past year.

David Cairns (Inverclyde) (Lab): Other than the very welcome additional debt relief that my right hon. Friend mentioned in his statement, did any discussion take place during the conference about ways in which to enhance the alternative livelihoods programme in tackling the lethal narcotics trade? The alternative livelihoods programme is the only thing that has made any impact at all in halting the expansion of opium cultivation in Afghanistan.

David Miliband: My hon. Friend makes a very important point. He will know that the fall of some 22 per cent. in poppy production across the whole of Afghanistan last year—33 per cent. in Helmand province—reflects two things: first, the increasing efforts on security; but, secondly and vitally, higher wheat prices and the wheat seed distribution programme, which has been such an important part of the effort to get Afghan farmers on to legal production and away from illegal production. That is the sort of twin-track approach that will be

absolutely essential. I am pleased to say that there was very widespread support for that. Significantly, American efforts on the agricultural side are being scaled-up to unprecedented levels. The US Secretary of Agriculture was in Afghanistan two weeks ago to spearhead that effort.

Bob Spink (Castle Point) (Ind): Will the Secretary of State join me in paying tribute to the Royal Anglian Regiment, which is serving in Afghanistan so valiantly?

What confidence does the Foreign Secretary have that significant international focus is being placed on, and help and funding directed to, Pakistan and the border regions?

David Miliband: The honest answer is that I have more confidence than I had a year ago. The passage of the Kerry-Lugar Bill—notwithstanding the controversy that that stirred up in Pakistan—represents a signal change in the American attitude towards its relationship with Pakistan, and a rebalancing away from military hardware towards comprehensive development. The exchange of letters between President Obama and President Zardari, which has now been publicised, needs to represent a further opening up of a dialogue between Pakistan and the US that leads to a completely different relationship between those two countries.

Standards and Privileges

4.19 pm

The Parliamentary Secretary, Office of the Leader of the House of Commons (Barbara Keeley): I beg to move,

That this House—

(1) approves the Seventh Report of the Committee on Standards and Privileges (House of Commons Paper No. 310);

(2) endorses the recommendations in paragraph 22 of the Report; and

(3) accordingly resolves to withhold Resettlement Grant from the hon. Member for Leyton and Wanstead.

This motion has been tabled by my right hon. and learned Friend the Leader of the House to facilitate the debate on the seventh report of the Committee on Standards and Privileges. I thank the Parliamentary Commissioner, Sir John Lyon; the Chairman of the Committee, the right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind); and the members of the Committee who worked on this report.

It is a substantial report, and its recommendations are laid out on page 8. The hon. Member for Leyton and Wanstead (Harry Cohen) made his apology to the House on Friday, and I ask the House to support the motion.

4.20 pm

Sir Malcolm Rifkind (Kensington and Chelsea) (Con): I contribute to this debate as Chairman of the Standards and Privileges Committee. The Committee's report on the hon. Member for Leyton and Wanstead (Harry Cohen) was published on 22 January. As the House has just heard, on Friday last the hon. Member made a personal statement in which he fully apologised to the House and accepted the recommendations of the Committee. I would like to echo what the Deputy Leader of the House said in congratulating the commissioner and those who helped him in the preparatory work needed for us to make our report to the House.

The background to this case, briefly, is that over a five-year period the hon. Member for Leyton and Wanstead had claimed additional costs allowance for his designated second home in his constituency, having identified his main home as a house in Colchester. It is very relevant in understanding the background to this case, and was a matter of agreement between the hon. Member and the Committee, that the hon. Member's wife experienced a series of debilitating health-related incidents at frequent intervals from 2003, including a stroke in March 2004.

The hon. Member and his wife felt that they had to spend more time at their constituency home from 2003 in order that he could care for his wife while continuing to carry out his parliamentary duties and to make it easier for Mrs. Cohen to receive necessary medical treatment at a specialist hospital in north London. Unfortunately, Mrs. Cohen continued to experience bad health from time to time and she and her husband therefore continued to live mostly in the constituency in London, letting the Colchester house for periods, but always hoping to return there.

From early 2004 until August 2008, the hon. Member periodically let the Colchester house on six-month leases. That was not a secret arrangement. In 2001, he actually

[*Sir Malcolm Rifkind*]

registered the fact that he owned and had received rental income from the Colchester property. He did not, however, subsequently declare any further income as he should have done. It was the hon. Member himself who drew this omission to the commissioner's attention and non-registration did not form part of the original complaint.

The commissioner concluded that the hon. Member was in breach of the rules in relation to the registration of Members' financial interests in not registering his Colchester house and the fact that he received substantial rental income from it in each year from 2004 to 2008. The hon. Member has apologised for that breach and has now made an appropriate entry in the Register of Members' Financial Interests.

According to the best estimate that it has been possible to make in the absence of proper records, in 2002-03 the hon. Member spent 55 per cent. of nights in his designated main home in Colchester. The following year, he spent 45 per cent. of nights there. In 2005-06, the hon. Member did not stay in his designated main home at all. In other years, he spent well below half of nights there. For long periods, the hon. Member did not even have the option of using the house in Colchester because it was occupied by tenants.

The commissioner concluded, and the Committee agreed, that the hon. Member was in breach of the rules of the House in identifying for allowance purposes his house in Colchester as one of his two homes from April 2004 to August 2008, because his use of the property was in fact constrained by regular and substantial periods when it was let to others. The Committee has concluded that the hon. Member's arrangements for his properties over the period of four and a half years represented a particularly serious breach of the rules.

The hon. Member sent us written evidence in which he stated his views. His main points were as follows. He had always regarded the house in Colchester as his main home. His circumstances were not normal because of his wife's serious health problems, and it would be unfair to apply to his case the rule that a Member's main home will normally be where he spends most nights.

During the four and a half years when the Colchester house was let for periods, the hon. Member said that there were also periods when it was not let, but used by him and his wife. He said that claiming the London supplement instead of the additional costs allowance would not have saved the taxpayer a penny, because he could also have claimed other expenses. He also claimed that it was not necessarily against the rules for a tenant for periods of time to occupy a house that was subject to claims for the additional costs allowance.

Although the Committee had great sympathy with the hon. Member's difficulties arising out of his wife's health, we had no hesitation in concluding that his house in Colchester could not be regarded as his home for the purposes of claiming parliamentary allowances during the time in question. For most of that time he was not living there and the house was let, so for long periods it was not even accessible to him. In our view the hon. Member is also wrong to argue that letting a home for extended temporary periods is in accordance with the rules.

It follows that the hon. Member's constituency home in Leyton and Wanstead was his main home—and for long periods his only home—throughout the four and a half years when he was making little use of the house in Colchester. We entirely accept that he and his wife were continually hoping to move back to Colchester, but as the commissioner has pointed out, it should have been clear to the hon. Gentleman that that was not going to happen in the short term. The fact that the house was let and re-let on a six-month lease suggests that he understood that. We calculate that during the period when his Colchester house was let between 2004 and 2008, the hon. Gentleman claimed and received more than £70,000 in total from his additional costs allowance. Over the same period, as a Member for an outer London constituency with only one home, he could instead have claimed about £9,000 in the London supplement. Taking the latter sum from the former, the Committee concluded that he had received more than £60,000 from parliamentary allowances over those four years to which he was not entitled.

We have considerable sympathy with the hon. Member and Mrs. Cohen for the difficulties that they have faced in recent years. We believe that we understand their strong attachment to the house, to which they plan to retire. We certainly understand the pressures on the hon. Member, not only as a Member dealing with a heavy work load created by a busy constituency, but as one who has had to cope with considerable stress and demands on his time caused by the ill health of his partner. The House will wish to bear his personal situation very much in mind.

In our second report of the current Session, we responded to the recommendation of the Committee on Standards in Public Life that the House should be prepared to withhold the resettlement grant from Members who commit serious breaches of the rules. We stated that we would regard a recommendation to withhold the resettlement grant as an option available to us in cases where it appeared to be the right sanction to apply in light of the breach that had occurred. We consider this to be just such a case. The hon. Member's breach was particularly serious and involved a large sum of public money. Withholding of the resettlement grant is a severe sanction that will effectively recover from him a similarly large sum of public money. We understand that the resettlement grant payable to a Member with his length of service is about £65,000, which is the maximum. He has announced that he will stand down at the next general election, so implementation of the sanction will not be unduly delayed.

We recommended in our report that for committing a particularly serious breach of the rules on claiming parliamentary allowances the hon. Member be required to apologise by means of a personal statement on the Floor of the House. This he did last Friday. We further recommended that the full amount of the resettlement grant, which would be payable to him when he leaves the House, be withheld. I therefore commend the motion to the House.

4.28 pm

Mr. Shailesh Vara (North-West Cambridgeshire) (Con): As we have heard, the hon. Member for Leyton and Wanstead (Harry Cohen) made a personal statement of apology to the House last Friday. In that statement he

accepted the decision and ruling of the Standards and Privileges Committee “without proviso,” as he put it. That is to be welcomed. We have also heard that the Standards and Privileges Committee report says that the Committee had sympathy for his personal circumstances in recent years and that this, too, should be borne in mind when the House responds to that report. Although he did not draw on that paragraph in his statement last week, I am sure that all Members will have taken note of the Committee’s view and will sympathise with him for having to look after his wife, who is not well.

No one can doubt the severity of the sanction in this case—the withholding of the resettlement grant—due to the amount of money involved. The withholding of a Member’s resettlement grant in some cases was one of Sir Christopher Kelly’s recommendations. The Kelly proposals have yet to be implemented, but the fact that the sanction is already being used should send a clear message about how seriously the House takes all his proposals.

I thank the Parliamentary Commissioner for Standards, John Lyon, for carrying out a thorough investigation into this case. Thanks are also due to the Standards and Privileges Committee for all its work. I extend especial appreciation to my right hon. and learned Friend the Member for Kensington and Chelsea (Sir Malcolm Rifkind), who has only recently stepped up to the plate as the Committee’s Chairman.

4.30 pm

Mr. David Heath (Somerton and Frome) (LD): As a former member of the Standards and Privileges Committee, I know just how difficult that job is, so I also extend my gratitude to the right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind) and his Committee for their work on this case and others. The right hon. and learned Gentleman has very properly set out the circumstances of this case. As he said, the hon. Member for Leyton and Wanstead (Harry Cohen) has already made his apology to the House in accordance with the Committee’s recommendation. We all hope that Mrs. Cohen will quickly be restored to full health, but I think that further comment from Members of the House is probably otiose, as is often the case in such circumstances. We have a clear recommendation before us, and unless there are strong reasons to disagree with the view of the Standards and Privileges Committee, it is proper for the House to agree to its recommendation. That is certainly what I urge my right hon. and hon. Friends to do.

Question put and agreed to.

CONSTITUTIONAL REFORM AND GOVERNANCE BILL (MONEY) (NO. 2)

Queen’s recommendation signified.

4.31 pm

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): I beg to move,

That, for the purposes of any Act resulting from the Constitutional Reform and Governance Bill, it is expedient to authorise—

(1) the payment out of money provided by Parliament of sums required by virtue of the Act to be paid out of money so provided into the Parliamentary Contributory Pension Fund;

(2) the payment out of the Consolidated Fund of—

(a) amounts required by virtue of the Act to be paid out of the Consolidated Fund in respect of transfer values paid into the Consolidated Fund,

(b) interest required by virtue of the Act to be paid on those amounts, and

(c) any increase attributable to the Act in the sums payable out of the Consolidated Fund by virtue of any other Act.

Colleagues will recall that there was a money resolution for the original Parliamentary Standards Bill, as there is for any Bill that cannot be implemented without the expenditure of money. This further money resolution is required because, in implementing the proposals of the Committee chaired by Sir Christopher Kelly, we are extending the powers and duties of the Independent Parliamentary Standards Authority, not least to include responsibility for setting and administering the pensions of Members of Parliament and Ministers. For that reason and others, this further money resolution is required, and I commend it to the House.

4.32 pm

Mr. Dominic Grieve (Beaconsfield) (Con): I am happy to support the motion.

4.32 pm

Mr. David Heath (Somerton and Frome) (LD): I concur.

Question put and agreed to.

CONSTITUTIONAL REFORM AND GOVERNANCE BILL (WAYS AND MEANS) (NO. 2)

Resolved,

That, for the purposes of any Act resulting from the Constitutional Reform and Governance Bill, it is expedient to authorise the imposition of charges to tax as a result of a person’s membership of the House of Commons or the House of Lords.—(*Mr. Wills.*)

CONSTITUTIONAL REFORM AND GOVERNANCE BILL (PROGRAMME) (NO. 5)

Motion made, and Question put forthwith (Standing Order No. 83A(7)),

That the Order of 3 November 2009 in the last Session of Parliament (Constitutional Reform and Governance Bill (Programme) (No. 2)), as varied by the Orders of 19 and 26 January 2010, be further varied as follows:

(1) in paragraph 2, for ‘five days’ there shall be substituted ‘six days’;

(2) in the Table, for the entry relating to the fifth day of Committee there shall be substituted:

Table	Time for conclusion of proceedings
<i>Fifth day</i>	<i>Time for conclusion of proceedings</i>
<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
New Clauses and new Schedules relating to the Parliamentary Standards Act 2009 or the European Parliament (Pay and Pensions) Act 1979 or to pensions for members of the House of Commons, Ministers or other office-holders, new Clauses and new Schedules relating to the tax status of members of the House of Commons or members of the House of Lords.	The moment of interruption on the fifth day.

Table	
<i>Fifth day</i>	
<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
<i>Sixth day</i>	
<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
Remaining new Clauses and remaining new Schedules, Clauses 59 to 62, remaining proceedings on the Bill.	The moment of interruption on the sixth day.

—(*Mr. Straw.*)

The House divided: Ayes 246, Noes 187.

Division No. 66]

[4.34 pm

AYES

Abbott, Ms Diane
 Allen, Mr. Graham
 Anderson, Mr. David
 Atkins, Charlotte
 Austin, Mr. Ian
 Austin, John
 Bain, Mr. William
 Balls, rh Ed
 Banks, Gordon
 Barlow, Ms Celia
 Barron, rh Mr. Kevin
 Begg, Miss Anne
 Bell, Sir Stuart
 Benn, rh Hilary
 Berry, Roger
 Betts, Mr. Clive
 Blackman, Liz
 Blackman-Woods, Dr. Roberta
 Blears, rh Hazel
 Blunkett, rh Mr. David
 Borrow, Mr. David S.
 Bradshaw, rh Mr. Ben
 Brennan, Kevin
 Brown, Lyn
 Brown, rh Mr. Nicholas
 Brown, Mr. Russell
 Browne, rh Des
 Bryant, Chris
 Buck, Ms Karen
 Burgon, Colin
 Burnham, rh Andy
 Butler, Ms Dawn
 Caborn, rh Mr. Richard
 Cairns, David
 Campbell, Mr. Alan
 Campbell, Mr. Ronnie
 Caton, Mr. Martin
 Challen, Colin
 Chapman, Ben
 Chaytor, Mr. David
 Clapham, Mr. Michael
 Clark, Ms Katy
 Clarke, rh Mr. Charles
 Clarke, rh Mr. Tom
 Clelland, Mr. David
 Clwyd, rh Ann
 Coffey, Ann
 Connarty, Michael
 Cook, Frank
 Cooper, Rosie
 Cooper, rh Yvette
 Crausby, Mr. David
 Creagh, Mary
 Cruddas, Jon
 Cryer, Mrs. Ann
 Cummings, John
 Cunningham, Mr. Jim
 Cunningham, Tony
 David, Mr. Wayne
 Dean, Mrs. Janet
 Denham, rh Mr. John
 Dismore, Mr. Andrew
 Dobson, rh Frank
 Donohoe, Mr. Brian H.
 Doran, Mr. Frank
 Dowd, Jim
 Drew, Mr. David
 Eagle, Maria
 Efford, Clive
 Ellman, Mrs. Louise
 Etherington, Bill
 Farrelly, Paul
 Field, rh Mr. Frank
 Fisher, Mark
 Fitzpatrick, Jim
 Ffello, Mr. Robert
 Flint, rh Caroline
 Flynn, Paul
 Follett, Barbara
 Foster, Michael Jabez
 (*Hastings and Rye*)
 Francis, Dr. Hywel
 Gapes, Mike
 Gardiner, Barry
 George, rh Mr. Bruce
 Gerrard, Mr. Neil
 Gilroy, Linda
 Godsiff, Mr. Roger
 Goodman, Helen
 Griffith, Nia
 Grogan, Mr. John
 Hain, rh Mr. Peter
 Hall, Patrick
 Hamilton, Mr. David
 Hanson, rh Mr. David
 Harman, rh Ms Harriet
 Harris, Mr. Tom
 Havard, Mr. Dai
 Healey, rh John
 Henderson, Mr. Doug
 Hepburn, Mr. Stephen
 Hesford, Stephen
 Hewitt, rh Ms Patricia
 Heyes, David
 Hill, rh Keith
 Hillier, Meg
 Hodgson, Mrs. Sharon
 Hood, Mr. Jim
 Hoon, rh Mr. Geoffrey
 Hope, Phil

Hopkins, Kelvin
 Howarth, rh Mr. George
 Howells, rh Dr. Kim
 Hoyle, Mr. Lindsay
 Humble, Mrs. Joan
 Hutton, rh Mr. John
 Iddon, Dr. Brian
 Illsley, Mr. Eric
 Irranca-Davies, Huw
 Jackson, Glenda
 James, Mrs. Siân C.
 Jenkins, Mr. Brian
 Johnson, rh Alan
 Johnson, Ms Diana R.
 Jones, Helen
 Jowell, rh Tessa
 Joyce, Mr. Eric
 Kaufman, rh Sir Gerald
 Keeble, Ms Sally
 Keeley, Barbara
 Keen, Alan
 Keen, Ann
 Kelly, rh Ruth
 Kemp, Mr. Fraser
 Khan, rh Mr. Sadiq
 Kidney, Mr. David
 Knight, rh Jim
 Kumar, Dr. Ashok
 Ladyman, Dr. Stephen
 Lammy, rh Mr. David
 Laxton, Mr. Bob
 Lazarowicz, Mark
 Lepper, David
 Levitt, Tom
 Linton, Martin
 Lloyd, Tony
 Lucas, Ian
 Mackinlay, Andrew
 Mactaggart, Fiona
 Malik, Mr. Shahid
 Mann, John
 Marris, Rob
 Marsden, Mr. Gordon
 Marshall-Andrews, Mr. Robert
 McAvoy, rh Mr. Thomas
 McCabe, Steve
 McCafferty, Chris
 McCarthy, Kerry
 McCarthy-Fry, Sarah
 McDonagh, Siobhain
 McDonnell, John
 McFadden, rh Mr. Pat
 McGovern, Mr. Jim
 McIsaac, Shona
 McKechnin, Ann
 McKenna, Rosemary
 Meale, Mr. Alan
 Merron, Gillian
 Miliband, rh David
 Miliband, rh Edward
 Miller, Andrew
 Mitchell, Mr. Austin
 Moffatt, Laura
 Mole, Chris
 Moon, Mrs. Madeleine
 Morden, Jessica
 Morgan, Julie
 Mudie, Mr. George
 Mullin, Mr. Chris
 Munn, Meg
 Murphy, Mr. Denis
 Murphy, rh Mr. Paul
 Naysmith, Dr. Doug
 Norris, Dan
 O'Brien, rh Mr. Mike
 O'Hara, Mr. Edward
 Oliner, Mr. Bill
 Osborne, Sandra
 Palmer, Dr. Nick
 Pearson, Ian
 Plaskitt, Mr. James
 Pope, Mr. Greg
 Pound, Stephen
 Prentice, Bridget
 Prescott, rh Mr. John
 Primarolo, rh Dawn
 Prosser, Gwyn
 Purchase, Mr. Ken
 Purnell, rh James
 Raynsford, rh Mr. Nick
 Reed, Mr. Jamie
 Riordan, Mrs. Linda
 Robertson, John
 Robinson, Mr. Geoffrey
 Rooney, Mr. Terry
 Roy, Mr. Frank
 Roy, Lindsay
 Ruddock, Joan
 Ryan, rh Joan
 Salter, Martin
 Seabeck, Alison
 Shaw, Jonathan
 Sheerman, Mr. Barry
 Sheridan, Jim
 Simon, Mr. Siôn
 Singh, Mr. Marsha
 Skinner, Mr. Dennis
 Slaughter, Mr. Andy
 Smith, Ms Angela C.
 (*Sheffield, Hillsborough*)
 Smith, rh Jacqui
 Soulsby, Sir Peter
 Southworth, Helen
 Starkey, Dr. Phyllis
 Stewart, Ian
 Straw, rh Mr. Jack
 Stuart, Ms Gisela
 Sutcliffe, Mr. Gerry
 Tami, Mark
 Taylor, Ms Dari
 Timms, rh Mr. Stephen
 Touhig, rh Mr. Don
 Truswell, Mr. Paul
 Turner, Dr. Desmond
 Ussher, Kitty
 Waltho, Lynda
 Ward, Claire
 Whitehead, Dr. Alan
 Williams, rh Mr. Alan
 Williams, Mrs. Betty
 Wills, rh Mr. Michael
 Wilson, Phil
 Winnick, Mr. David
 Winterton, rh Ms Rosie
 Woolas, Mr. Phil
 Wright, David
 Wright, Dr. Tony
 Wyatt, Derek

Tellers for the Ayes:
 Mr. Bob Blizzard and
 Mr. Dave Watts

NOES

Afriyie, Adam
 Alexander, Danny
 Arbuthnot, rh Mr. James
 Atkinson, Mr. Peter
 Baker, Norman
 Baldry, Tony
 Barker, Gregory
 Beith, rh Sir Alan
 Bellingham, Mr. Henry
 Benyon, Mr. Richard
 Binley, Mr. Brian
 Boswell, Mr. Tim
 Bottomley, Peter
 Brady, Mr. Graham
 Brazier, Mr. Julian
 Brokenshire, James
 Brooke, Annette
 Browning, Angela
 Burns, Mr. Simon
 Burrowes, Mr. David
 Burstow, Mr. Paul
 Burt, Alistair
 Cable, Dr. Vincent
 Campbell, rh Sir Menzies
 Carswell, Mr. Douglas
 Cash, Mr. William
 Clappison, Mr. James
 Clark, Greg
 Clarke, rh Mr. Kenneth
 Clegg, rh Mr. Nick
 Clifton-Brown, Mr. Geoffrey
 Cormack, Sir Patrick
 Crabb, Mr. Stephen
 Curry, rh Mr. David
 Davey, Mr. Edward
 Davies, David T.C.
 (*Monmouth*)
 Davies, Philip
 Djanogly, Mr. Jonathan
 Duddridge, James
 Duncan, Alan
 Dunne, Mr. Philip
 Ellwood, Mr. Tobias
 Evennett, Mr. David
 Fabricant, Michael
 Featherstone, Lynne
 Field, Mr. Mark
 Foster, Mr. Don
 Fox, Dr. Liam

Francois, Mr. Mark
 Fraser, Christopher
 Garnier, Mr. Edward
 Gauke, Mr. David
 Gibb, Mr. Nick
 Gillan, Mrs. Cheryl
 Goldsworthy, Julia
 Goodman, Mr. Paul
 Goodwill, Mr. Robert
 Gove, Michael
 Gray, Mr. James
 Green, Damian
 Greening, Justine
 Greenway, Mr. John
 Grieve, Mr. Dominic
 Gummer, rh Mr. John
 Hague, rh Mr. William
 Hammond, Stephen
 Hands, Mr. Greg
 Harper, Mr. Mark
 Heald, Mr. Oliver
 Heath, Mr. David
 Heathcoat-Amory, rh
 Mr. David
 Hemming, John
 Hendry, Charles
 Herbert, Nick
 Hoban, Mr. Mark
 Hogg, rh Mr. Douglas
 Hollobone, Mr. Philip
 Holloway, Mr. Adam
 Horam, Mr. John
 Howarth, David
 Howell, John
 Hughes, Simon
 Huhne, Chris
 Hunt, Mr. Jeremy
 Hunter, Mark
 Jack, rh Mr. Michael
 Jackson, Mr. Stewart
 Jenkin, Mr. Bernard
 Jones, Mr. David
 Key, Robert
 Kirkbride, Miss Julie
 Kramer, Susan
 Laing, Mrs. Eleanor
 Lait, Mrs. Jacqui
 Lamb, Norman
 Lansley, Mr. Andrew

Laws, Mr. David
 Leigh, Mr. Edward
 Letwin, rh Mr. Oliver
 Lewis, Dr. Julian
 Liddell-Grainger, Mr. Ian
 Loughton, Tim
 Luff, Peter
 Mackay, rh Mr. Andrew
 Maclean, rh David
 Main, Anne
 Malins, Mr. Humfrey
 Maples, Mr. John
 Mason, John
 Mates, rh Mr. Michael
 Maude, rh Mr. Francis
 May, rh Mrs. Theresa
 McIntosh, Miss Anne
 McLoughlin, rh Mr. Patrick
 Milton, Anne
 Mitchell, Mr. Andrew
 Moss, Mr. Malcolm
 Mulholland, Greg
 Murrison, Dr. Andrew
 Neill, Robert
 O'Brien, Mr. Stephen
 Ottaway, Richard
 Paice, Mr. James
 Paterson, Mr. Owen
 Pelling, Mr. Andrew
 Penning, Mike
 Penrose, John
 Pickles, Mr. Eric
 Prentice, Mr. Gordon
 Prisk, Mr. Mark
 Pugh, Dr. John
 Randall, Mr. John
 Redwood, rh Mr. John
 Rennie, Willie
 Rifkind, rh Sir Malcolm
 Robathan, Mr. Andrew
 Robertson, Angus
 Robertson, Hugh
 Robertson, Mr. Laurence
 Rogerson, Dan
 Rosindell, Andrew
 Rowen, Paul
 Russell, Bob
 Sanders, Mr. Adrian

Scott, Mr. Lee
 Selous, Andrew
 Shapps, Grant
 Shepherd, Mr. Richard
 Simpson, Mr. Keith
 Smith, Chloe
 Spelman, Mrs. Caroline
 Spicer, Sir Michael
 Spink, Bob
 Spring, Mr. Richard
 Stanley, rh Sir John
 Steen, Mr. Anthony
 Streeter, Mr. Gary
 Stuart, Mr. Graham
 Swinson, Jo
 Swire, Mr. Hugo
 Syms, Mr. Robert
 Taylor, Mr. Ian
 Taylor, Matthew
 Taylor, Dr. Richard
 Teather, Sarah
 Timpson, Mr. Edward
 Turner, Mr. Andrew
 Tyrie, Mr. Andrew
 Vaizey, Mr. Edward
 Vara, Mr. Shailesh
 Villiers, Mrs. Theresa
 Walker, Mr. Charles
 Walter, Mr. Robert
 Watkinson, Angela
 Webb, Steve
 Whittingdale, Mr. John
 Wiggin, Bill
 Willetts, Mr. David
 Williams, Hywel
 Williams, Stephen
 Willis, Mr. Phil
 Willott, Jenny
 Wilson, Mr. Rob
 Winterton, Ann
 Wishart, Pete
 Yeo, Mr. Tim
 Young, rh Sir George

Tellers for the Noes:

**Mr. Brooks Newmark and
 Jeremy Wright**

Question accordingly agreed to.

Constitutional Reform and Governance Bill

[Relevant documents: Report of the Joint Committee on the Draft Constitutional Renewal Bill, Session 2007-08, HC 551-I and -II, and the Government response, Cm 7690. Tenth Report from the Public Administration Select Committee, Session 2007-08, on Constitutional Renewal: Draft Bill and White Paper, HC 499, and the Government response, Cm 7688. Fourth Report from the Joint Committee on Human Rights, Session 2009-10, on Legislative Scrutiny: Constitutional Reform and Governance Bill: Video Recordings Bill, HC 249.]

[5TH ALLOCATED DAY]

Further considered in Committee

[SYLVIA HEAL in the Chair]

New Clause 70

PARLIAMENTARY STANDARDS: COMPLIANCE OFFICER

(1) For section 3(3) and (4) of the Parliamentary Standards Act 2009 (Commissioner for Parliamentary Investigations) substitute—

“(3) There is to be an officer known as the Compliance Officer for the Independent Parliamentary Standards Authority (“the Compliance Officer”).

(4) Schedule 2 (which makes provision about the Compliance Officer) has effect.”

(2) For Schedule 2 to that Act substitute the Schedule set out in Schedule [Parliamentary Standards Act 2009: substituted Schedule 2].’.—(Mr. Straw.)

Brought up, and read the First time.

4.52 pm

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): I beg to move, That the clause be read a Second time.

The First Deputy Chairman of Ways and Means (Sylvia Heal): With this it will be convenient to discuss the following: Government new clause 71—*Parliamentary standards: Membership of Speaker’s Committee*.

Government new clause 72—*Parliamentary standards: Transparency etc.*

Government new clause 73—*Parliamentary standards: MPs’ salaries.*

Government new clause 74—*Parliamentary standards: MPs’ allowances scheme.*

Government new clause 75—*Parliamentary standards: Allowances claims.*

Government new clause 76—*Parliamentary standards: MPs’ code of conduct relating to financial interests.*

Government new clause 77—*Parliamentary standards: Investigations.*

Government new clause 78—*Parliamentary standards: Enforcement.*

Government new clause 79—*Parliamentary standards: Relationships with other bodies etc.*

Government new clause 80—*Parliamentary standards: Further functions of the IPSA and Commissioner.*

Government new clause 81—*Expiry of provisions of the Parliamentary Standards Act 2009.*

Government new clause 82—*Parliamentary standards: Consequential amendments.*

Government new clause 83—*Resettlement grants for MEPs.*

Government new clause 84—*Parliamentary standards: Parliamentary pensions.*

New clause 87—*Duty to offer advice to Members on claims—*

‘In section 6 of the Parliamentary Standards Act 2009 after subsection (2) insert—

“(2A) There shall be a duty on the Chief Executive Officer of IPSA and his staff to offer advice to Members on claims prior to formal submission and to promote best practice.”’.

Government new schedule 6—*Parliamentary Standards Act 2009: substituted Schedule 2.*

Government new schedule 7—*Parliamentary Standards Act 2009: new Schedule 4.*

Government new schedule 8—*Parliamentary standards: consequential amendments.*

Government new schedule 9—*Parliamentary and other pensions.*

Amendment (a) thereto, in paragraph 1(3), after ‘Service’, insert

‘and persons the IPSA considers to represent those likely to be affected by the scheme.’.

Government amendment 133.

Mr. Straw: There are a lot of new clauses and new schedules in this group, but on this occasion I have a better explanation for that than is often the case, and it is as follows. The Committee will recall—in technicolour—how important it was for us to reach agreement before the summer on what became the Parliamentary Standards Act 2009, in order that the Independent Parliamentary Standards Authority established under that Act could be in place and operating from the beginning of the forthcoming financial year, which starts on 1 April. Meanwhile, the Committee on Standards in Public Life, under Sir Christopher Kelly, was meeting, and as I explained in my evidence to Sir Christopher and his colleagues, we accepted that the committee might well make some recommendations that would require amendments to be made to the 2009 Act. That has, indeed, happened. Members will also recall that the leaders of all three main parties—indeed, effectively, of all the parties represented in the House—said they wished Sir Christopher’s report to be implemented in full. These new clauses and new schedules seek to do exactly that.

Before I come on to discuss briefly the details of these many new measures, let me also say that the major part of the recommendations made by Sir Christopher Kelly will be implemented not so much by legislation, but by the powers and duties of IPSA. Sir Ian Kennedy and his IPSA members have already got a consultation under way on the form of allowances, and much else besides. I know that they are making themselves available for such consultation and that many Members have attended the open meetings that Sir Ian has held, but I urge Members who wish to make a response to do so by the close of the consultation on 11 February.

The report contained 10 recommendations requiring further primary legislation, as they relate to the structure and functions of IPSA, which are governed by the Parliamentary Standards Act 2009. I shall now go through the recommendations, discussing first those relating to the status and enforcement powers of the compliance officer and then dealing with those relating to the new arrangements for determining Members' pay and pensions. A great debate took place—the shadow Leader of the House will recall it, because he was a participant—both in this Chamber and literally below it, in the cross-party consultations that were held downstairs, about where the investigator of complaints against the schemes that were to be enforced by IPSA would be situated. The debate was about whether the investigator would be part of IPSA, whether his role would be separate from it but alongside it—detached from Parliament—or whether he would be within the House.

I shall not go back over the rather tortuous debate that took place, but I can tell hon. Members that we ended up with a Commissioner for Parliamentary Investigations who, in a way, straddled both the House and IPSA. The 2009 Act also made provision for the Parliamentary Commissioner for Standards—currently Sir John Lyon—to be double-hatted, if the House wished, with the commissioner appointed under the original Act. Sir Christopher and his colleagues said that they wanted there to be a separation; they proposed that decisions on the financial code of conduct should be returned to the Commons so that that would become entirely a Commons matter, while compliance in respect of the system that they proposed should be operated by IPSA which would be separate and removed from the House.

That is what we are proposing. There will be a compliance officer, but we then need to consider who appoints the compliance officer. One of the reasons for the length of the provisions before us is that, as the Committee will readily recognise, it is often one thing to describe in prose what one wants to do—as Sir Christopher and his colleagues did—but it is an often more complicated matter to set it out in legislation that can be enduring and clear. For that reason, some of the new clauses and new schedules are extensive.

Peter Bottomley (Worthing, West) (Con): The Justice Secretary has explained that the compliance officer will work with IPSA. Those of us who are not up-to-date with all this would understand from what he said that we will also have a parliamentary commissioner who will deal with non-pay, non-money and non-allowance matters. If that is so, what are the limits to what the parliamentary commissioner might take a look at?

Mr. Straw: The role of the parliamentary commissioner is to enforce the various codes—Standing Orders—that the House has established to deal with, for example, declarations of interest. That is the most obvious example, but included in that would also be examples of advocacy in the House—cases where somebody has been taking money from a particular organisation or individual to advocate a cause and has then failed to disclose that—and many other matters. The enforcement of the rules about allowances, for example in respect of office costs, travel and accommodation, is plainly a matter for IPSA and therefore would fall to the compliance officer.

We have separated the two roles, as set out in the group of amendments. The Committee will note that new clause 70 provides for the appointment of a compliance officer and that one of new schedules sets out in more detail how that officer would be appointed and how he or she could be removed.

5 pm

Sir George Young (North-West Hampshire) (Con): Further to the intervention from my hon. Friend the Member for Worthing, West (Peter Bottomley), will the terms of reference of the Standards and Privileges Committee and the Parliamentary Commissioner for Standards then be constrained, so that it will not be possible to refer the matters to which my hon. Friend referred to them?

Mr. Straw: It is subject to any advice that we get from those at the Table, but the responsibilities of the John Lyon figure and the Standards and Privileges Committee are entirely a matter for the House, full stop. These changes do not deal with that. What is in the tin will be on the tin. This is about the Independent Parliamentary Standards Authority and its responsibilities to establish and administer schemes for the payment of pay, pensions and allowances and to ensure that there is proper compliance with those schemes not only from Members of this House but from the chief executive officer and staff of the authority. So, there is a separation.

Somebody has to appoint the compliance officer. It was implicit and partially explicit that since the compliance officer had to be separate from the House, the appointment of the compliance officer could not be made by it. The question was then, "Who else could appoint the compliance officer?"

Mr. David Heath (Somerton and Frome) (LD) *rose*—

Mr. Straw: I will give way in one second.

Various suggestions were made informally, including that we could perhaps ask the Judicial Appointments Commission to appoint the compliance officer. I should say, given that I am responsible at arm's length for the Judicial Appointments Commission and have a role in the appointment of members of the judiciary, too, that we did consider that option seriously but decided that it was not appropriate to give the JAC an one-off responsibility for a position that, although it has to follow principles of natural justice, is, at best, quasi-judicial rather than judicial.

The solution on which we landed was that the IPSA board would appoint the compliance officer. There is nothing unusual about that, and Sir Christopher Kelly explicitly drew a parallel between the compliance officers of the Department for Work and Pensions who deal with benefits and those of Her Majesty's Revenue and Customs who deal with tax. Those departmental compliance officers are certainly not subject to any sort of elaborate arm's length appointment procedure, as in this case, but, as we all know when we take up complaints about benefits, they can still operate at arm's length from those who are responsible for the day-to-day administration of the benefits system.

We also pointed out to Sir Christopher—it was, frankly, merely an omission from his scheme—that, these days, if there is an appeal against a decision by a compliance

[*Mr. Straw*]

officer in DWP or HMRC, it goes to a first-tier tribunal. Appeals on tax used to go to the commissioners, but they now go to a first-tier tribunal. They can then proceed up to the appeals tribunal and, if there is a serious point of law, to the senior courts. We are proposing exactly that arrangement for decisions reached by the compliance officer in terms of parliamentary standards. I think that must be right.

The schedule sets out how the compliance officer will be appointed and the powers to remove him or her from office are very tightly constrained. Once appointed, the compliance officer will be an independent office holder who will not be accountable to IPSA for the decisions that he or she might take. Kelly, whose recommendations we are seeking faithfully to implement, did not want an arrangement by which the compliance officer was appointed by some other third party. I commend to the Committee where we have landed on that point.

In new clause 87 tabled by the right hon. Member for Hampshire North-East, one issue—

Sir George Young: North-West. It was a 50:50 chance.

Mr. Straw: I did not do badly. The right hon. Gentleman used to represent Ealing; that is the problem.

Sir George Young: Ealing, Acton.

Mr. Straw: I am not quite as old as the right hon. Gentleman, but I am getting on that way.

The terms of new clause 87 are linked to concerns about how even-handed the compliance officer and the appeal system will be. Many colleagues have raised questions informally with me, as I am sure they have with other Members of the House, about what will happen if a Member runs into difficulty not because of any malfeasance or failure on their part but because of maladministration by IPSA, its chief executive or staff. The answer is that the compliance officer will be able to investigate complaints not only against individual Members, but against the authority and its offices.

Mr. Mark Field (Cities of London and Westminster) (Con): I am still slightly unclear about something, perhaps because I have not picked up some of the nuances of earlier interventions. Will there still be an overlap between what the compliance officer does and the work of the Select Committee on Standards and Privileges? Or is it envisaged that issues that are directly within IPSA's ambit will be matters entirely for the compliance officer, and that the Committee will therefore deal only with other issues? A failure to create such a separation will lead to overlap and ever more confusion, which will not be very helpful and will be very expensive for the taxpayer.

Mr. Straw: Day by day, those responsibilities will not overlap, but there must be the overlap that I am describing. I think that the Committee accepts that. Without that overlap, the system could be subject to outrageous abuse. That is unlikely, given what the House and Members, whether they have transgressed or not, have been through in the past year, but one can ever be surprised. If there were such an abuse—a serious fraud, which might involve

police prosecution—the case would go to the compliance officer and a civil sanction might be imposed, as might a requirement to repay money. However, if the abuse were particularly outrageous, the compliance officer might decide to refer the case to the Standards and Privileges Committee, with a view to the relevant person being expelled or suspended from the House. There is no rule here, any more than there is a rule in real life, that says that if one transgresses criminal law or a statutory code, the only consequences that will follow will be those related directly to the transgression of that law or code. If one transgresses criminal law and the case is serious enough, one might go to prison, but one might also lose one's job. Police officers who transgress the criminal law and the disciplinary code may lose not only their liberty and their job, but, in extreme circumstances, their pension as well. When I was the Home Secretary, I had to take decisions on such matters. The measures I am outlining will run parallel to such systems. I hope that that satisfies the hon. Gentleman. We do not propose that there should be second-guessing, or two parallel systems of enforcement.

Peter Bottomley: No one would claim that these are easy things. It seems clear from what the Secretary of State has just said that nothing in today's proceedings on the Bill will alter the parliamentary commissioner's responsibilities in any way. If some of the things that the parliamentary commissioner is now responsible for will fall to the compliance officer, there is clearly an opportunity for overlap or double dealing. I suspect that we can expect the compliance officer and the parliamentary commissioner to ensure that that does not happen; they will reach an agreement.

Another issue that the Secretary of State has just raised relates to crime. A provision in new clause 79, which appears on page 662 of the amendment paper and is entitled "Relationships with other bodies", states:

"The powers conferred by sections 9 to 9B (and Schedule 4) may be exercised...even if...the member is or has been the subject of criminal proceedings in relation to that conduct...whether or not convicted."

I hope that he will explain at some stage how the two things can go along together. I do not object to that, but it should be done explicitly.

Mr. Straw: Colleagues will know—it is a well-trodden path—that if someone was convicted of a serious offence, they would normally come within the automatic disqualification. Let us say that the penalty imposed by the criminal courts was less than the 12 months in prison that would require automatic disqualification. Let us say that someone was acquitted in a criminal court but the facts had been admitted and the acquittal rested on a technical matter, or that the facts had been admitted but the extent of the mens rea—the individual's guilt—was challenged and the jury decided on balance to acquit them. The jurors are saying that the person is not guilty, according to the criminal standard of proof; they are not saying that the person is innocent.

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): They are not saying that the person is guilty either.

Mr. Straw: No, they are saying that the person is not guilty, according to the criminal law. As happens very often in employment law, an acquittal will not exempt

the individual from appropriate proceedings under employment legislation and the contract of their employment, because the standard of proof is lower, as everyone who has ever employed anyone knows. However, I do not anticipate that this will be a huge problem in practice.

Under new clause 75, an MP who is dissatisfied with IPSA's decision to refuse a claim can ask the compliance officer to conduct a review, having first given IPSA reasonable opportunity to conduct its own review. There could be an appeal against that decision as well. So the Member could go all the way and appeal against a refusal by the authority. I hope that, in practice, such appeals will be few and far between.

Under new clause 87, which appears on page 665 of the amendment paper, the right hon. Member for North-West Hampshire wishes to add a new subsection to section 6 of the Parliamentary Standards Act 2009 that states:

"There shall be a duty on the Chief Executive Officer of IPSA and his staff to offer advice to Members on claims prior to formal submission and to promote best practice."

Aside from the inevitable drafting problems, which can always be resolved, I hope that the right hon. Gentleman will not push that new clause to a vote, given the undertakings that I am providing. I understand exactly what he wants to achieve.

Ultimately, this is a matter for the House, but we are concerned to ensure that, if possible, the members of IPSA embrace what we are attempting to achieve and that it is practical in terms of their administration. They will certainly offer guidance in any event. I can think of cases from my own experience—they are nothing whatever to do with questionable expenses, but with straightforward matters that relate to the running of my office—where I have phoned someone in the Department and said, "Is this in line with the rules? I can't find it anywhere in particular," and they have said, "Yes," and then paid it, or they have paid it for a number of years and then said, "We don't think that it should be paid anymore," at which point I say, "I'm now in a slight difficulty. Do you think that you could think again, and by the way, here is the paper trail?" There is no fiddle; we must know where we are. Contrary to what is often thought outside, we do not have our own compliance officers. Assiduous Members of Parliament are busy, and we are trying to run what amount to small businesses, while abiding by what will be increasingly complicated, as well as very public, rules.

Mr. Mark Field: I recognise that, as the Secretary of State rightly says, all of us are busy, though I am sure that we will all have learned the lesson that all the forms and applications for expenses and allowances must be completed by us, and that we should not rely on office staff to do that. We all know that there have been some terrible abuses, but where an open and transparent claim has been signed off, the biggest concern and the aspect that has aroused the anger of many Members of Parliament on the grounds of natural justice has been the attempt at retrospection—a very successful attempt under Sir Thomas Legg—going back some years.

I have always said that the rules were far too lax and that, in many ways, Members cannot complain. None the less, the issue that arises, which my right hon. Friend the Member for North-West Hampshire (Sir George

Young) has tried to address, is the need for some sort of clearance process. That would apply if we had a compliance officer. If an open and transparent claim is made and accepted, surely it is wrong that many years later a Member should be expected to repay or more importantly, even if repayment is made, should be seen to have committed wrongdoing, where in fact there has been openness, transparency and the opportunity for clearance. Does the Secretary of State not see that there would be great benefits from putting in place some sort of clearance process that would avoid such problems in the future?

Mr. Straw: I accept entirely the burden of what the hon. Gentleman says. The issue is how to achieve that. Let us suppose that in such a case, the authority says, "We shouldn't have agreed this amount for training or for cleaning," and the Member says, "Sorry, but you did, and I did this in good faith"—there was no trickery, and on the face of it, the claim was entirely consistent with the rules. One of the things that we need to consider between now and Report is how to ensure that there is a clear power available to the compliance officer, to the first tier tribunal and so on, to say, "There has been a technical transgression here. We accept now that the authority is right to say that there was an error, but this was nothing whatever to do with the Member, so we are not requiring any repayment."

5.15 pm

IPSA is clear, as are we all, that the rules must be much more categorical. Let us take as an example the issue that has not affected me, but has affected a number of Members, who are understandably sore about it—levels of cleaning costs, which were set retrospectively by Sir Thomas Legg at £2,000. My understanding is that some right hon. and hon. Members claimed considerably in excess of that. I am trying to remember whether cleaning costs are provided for. To the extent that an item is provided for, the parliamentary authority and the House have been much more specific.

The first way of avoiding the need for detailed advice is to be clear about what can be paid and what cannot be paid. That said, there will always be areas where discretion has to be exercised, just as the Revenue, day by day, has to exercise discretion, as do tax accountants, about what is wholly, necessarily and exclusively incurred in pursuit of the individual's employment, which is the mantra for schedule E. Since that definition is taken straight from tax law, and is the fundamental test, aside from the specifics of the regulations as to whether an expenditure is acceptable, there is bound to be some scope for debate. I accept that some measure of guidance, good practice and consistency, which we did not get from the Fees Office all the time, will be very helpful.

The other side of this is that the Independent Parliamentary Standards Authority does not want to be in a position where somebody phones up and, in good faith, a member of staff says, "We think you should do such and such." The member of staff may not be a senior member and is just giving informal advice, but that is regarded as holy writ. Nobody is suggesting that that should happen. I promise that between now and Report we will discuss the matter actively with colleagues here to try and reach wording that is acceptable to Members of the House and as far as possible to Sir Ian Kennedy and his colleagues on the authority.

New clauses 73 and 84 and new schedule 9 relate to Members' pay and pensions. The Committee will recall that on 3 July 2008 we took the long-overdue decision to end the practice, which was unseemly to say the least, of determining our own pay and voting for our own pay increases. We passed a resolution saying that responsibility for determining pay should go to the Senior Salaries Review Body, and we established a formula for that. The Kelly Committee argued that one body should be responsible for considering in the round, and determining the full remuneration package for, Members' pay, pensions and expenses. We now propose that all that, in respect of pay and pensions structure, be shifted from the SSRB and the House to the Independent Parliamentary Standards Authority.

Peter Bottomley: This may be helpful to the Minister. New clause 73(2) and (3) deal with MPs' salaries. It is probably better if I do not read out both, but proposed new subsection (2) states:

"The first determination under section 4(4) of the Parliamentary Standards Act 2009 does not have to come into effect before 1 April 2012."

Presumably, proposed new subsection (3) states how matters will be determined until then, but I am not sure that the meaning is obvious to everyone listening to our debates or, even, to everybody in the Chamber.

Mr. Straw: I have been through those provisions in some detail. Indeed, I did so when they were draft provisions, and I suggested to parliamentary counsel that the wording be made clearer. It is now clearer than it was, although the hon. Gentleman does not have the benefit of having seen the earlier drafts. IPSA does not believe that it has the capacity to set up—*[Interruption.]* Yes, I thought that that was the case, but I am very grateful to the Whip, as ever, for giving me instructions. IPSA, for very good reason, does not believe that it has the capacity to undertake and implement a major review of parliamentary salaries before 1 April 2012, and I am very grateful to the Whips, as ever, for keeping me in order. In the interim, the existing arrangements, which are based on the July 2008 decision of the House, will apply. They will apply until the provisions before us come into force.

The hon. Gentleman will note that subsection—

Peter Bottomley: Six?

Mr. Straw: There is some very odd numbering in new clause 73, and that is something that I had not noticed before. It goes (1), (2), (3), (4), (5), (6), and (7), and then (2) and (3), but anyway, new clause 73(2), on page 657 of the amendment paper, indicates that the key provisions in the new clause would not come into force until 1 April 2012.

New schedule 9 would provide for IPSA to make pension schemes for MPs, and for the Minister for the Civil Service to make pension schemes for Ministers and certain other officeholders, such as the Leader of the Opposition. That contrasts with the current arrangements, whereby the Leader of the House determines pension arrangements through regulations.

Sir George Young: Can the right hon. Gentleman tell the Committee what discussions took place with the trustees of the parliamentary pension fund and others before these amendments were tabled?

Mr. Straw: I cannot say precisely what discussions took place with the trustees. However, I can tell the right hon. Gentleman about conversations that I have had, particularly with my right hon. Friend the Member for Islwyn (Mr. Touhig), on behalf of the chairman of the trustees, who is currently indisposed through illness. I hope to give the Committee some comfort about two key issues that the trustees have raised with me.

The first issue relates to accrued rights—that is, the rights to a pension that Members have already accrued. These provisions are silent on whether IPSA could change accrued rights preemptorily, and there is some anxiety about that. That is no part of our intention, nor that of IPSA. The Committee will be aware that section 67 of the Pensions Act 1995 sets out the requirements that have to be followed if there are proposals to change accrued rights. If a so-called protective modification is to be made, the informed consent of the Members affected is required. Since what we are seeking to do through the whole IPSA arrangements is to put Members of Parliament in no better and no worse a position than members of the public in ordinary employment, we accept that there should be a similar protection for accrued rights. Discussions have taken place about how that might be done. Officials are considering whether, for example, provisions for Members' pensions should hook in with the provision in the 1995 Act, which might be the most sensible way of doing it.

The second issue, which relates to trustees, has been raised by several Members, including my hon. Friend the Member for Ellesmere Port and Neston (Andrew Miller). I have been to Ellesmere Port many times—*[Interruption.]* No, it was not briefly at all. There is a huge petrol refinery there, and when we almost ran out of petrol in September 2000, and I was Home Secretary and therefore to blame, I made it my business to visit all the refineries in the country to try to avoid a similar crisis happening again. That is why I know my hon. Friend's constituency intimately.

The provisions as drafted give IPSA the right to appoint whomsoever it wishes as trustees. There is provision in the Pensions Act 2004 that at least one third of trustees of any pension scheme should be representative of the members of the scheme. We propose to look at that to see whether such a provision could be brought in as an amendment on Report.

Andrew Miller (Ellesmere Port and Neston) (Lab): I accept what my right hon. Friend has said about the 1995 scheme in relation to accrued rights; that would be a sensible mechanism to develop. On his second point, under these provisions IPSA appears to have the power to remove a trustee from the fund. Under the 2004 Act, there are circumstances in which the trust body collectively can effectively dismiss a trustee. Can we be sure that my right hon. Friend does not intend to go any further than the requirements of the 2004 Act?

Mr. Straw: It is not our intention to do that. I cannot be absolutely certain that the wording does not take it further—that is why we are actively examining the matter. We will consult very quickly and come back with modifications, which I hope will accommodate the Committee's wishes.

5.30 pm

Peter Bottomley: The hon. Member for Ellesmere Port and Neston (Andrew Miller) did not read out paragraph (1)(3) of new schedule 9, which states:

“The IPSA may, after consulting the Minister for the Civil Service... remove a trustee of the fund”.

It then refers to paragraph (3), of which sub-paragraph (4) states:

“No provision of a scheme under this paragraph is to be construed as restricting the powers of the trustees under paragraph 2(1).”

Now is not the time to become discursive about what that may or may not mean, but I know of no pension scheme, outside the civil service, where the Minister for the civil service can be the only person who comments on a proposal to dismiss one or all trustees. I am therefore grateful to the Justice Secretary for saying that he will think more about the matter.

Mr. Straw: Point taken.

One of the amendments would remove the sunset clause, which I never wanted in the first place, so I am delighted to recommend it. I do not think that that will require further amendment.

Sir George Young: The Committee is grateful to the Secretary of State for his lucid explanation of a rather complicated series of amendments, which seek to implement the Kelly recommendations.

Two months ago, there was some confusion in the Government as it was not clear that we would get the changes before a general election. Immediately after the report was published, all the party leaders said that it should be implemented in full. Although most of it was about the arrangements for IPSA, which are its responsibility and not ours, important proposals were designed to strengthen it, which the Committee on Standards in Public Life identified as requiring primary legislation. However, that was not mentioned in the Queen's Speech and, when cross-examined on the matter, the Prime Minister looked somewhat baffled. Then there was confusion, with half the Government claiming that no new legislation was necessary and the other half promising to do everything that was necessary.

The Leader of the House appeared to take both positions at once. At business questions on 19 November, she conceded that some of the proposals would require legislation. She then said that they could be introduced “next Session”, but subsequently seemed to backtrack by suggesting that no legislative changes were necessary “because the power in question already exists under the Parliamentary Standards Act 2009.”—[*Official Report*, 19 November 2009; Vol. 501, c. 136.]

We are therefore grateful for the smack of firm government from the Secretary of State, who has decided that we need to make progress this afternoon and in this Session.

As we have said throughout, it must be right for us to do everything in our power to ensure that the next Parliament can start with a clean sheet. While the Government still have a monopoly on the House's time, it is up to them to ensure that we get through all the reforms that are needed to allow the next generation of Members of Parliament to do their jobs, without being associated with the bad practice that has left the current Parliament so badly discredited.

The amendments deal with the concerns that Kelly raises in his report about the remit and structure of IPSA. As he says, the new regulator “bears the scars” of the haste with which the Parliamentary Standards Bill was expedited through Parliament last summer. Many voices in both Houses urged caution at the time. Although we agreed with the Government on the need to demonstrate our commitment to urgent reform, it was inevitable—as my hon. Friend the Member for Rutland and Melton (Alan Duncan) said at the time—that we would need to revisit the Bill at a future date.

Given that Parliament spent a great deal of time last July trying to sort out some of the constitutionally challenging aspects of the Bill—particularly those to do with privilege—it is right that we return now to look more closely at the role and responsibilities of IPSA.

Much of what is before us has our unconditional support. We agree that the sanctions regime should be toughened, as it is in new clause 74, which would give IPSA the power—which the House exercised a few moments ago—to dock money from the resettlement grant for serious breaches of the allowances regime.

We wholeheartedly endorse the move to give IPSA responsibility for determining and administering our pay and pensions, for which we have consistently called, to ensure that MPs no longer have a hand in our own remuneration. We should note that, despite a newspaper article last week, asserting that colleagues could be awarded a back-dated pay increase by IPSA, that is not possible under new clause 73, which states in proposed new section 4A(5) to the Parliamentary Standards Act 2009 that a salary determination

“other than the first determination”

may have retrospective effect. I doubt whether Sir Ian Kennedy would oblige in any case, and I shall return to pensions in a moment.

We accept new clause 76, which will return to the House responsibility for maintaining the Register of Members' Financial Interests and the code of conduct. As we warned at the time, giving IPSA responsibility for those matters could result in privilege disputes, which would be an unwelcome distraction from IPSA's main tasks.

We support new clause 71, which appoints lay members to the Speaker's Committee for IPSA, which is an example of good practice. Their input to the Committee's deliberations will be helpful to broaden the base of experience and viewpoint.

We also welcome new clause 72, which gives additional statutory duties to IPSA to carry out its functions and to support Members in their parliamentary roles in an “efficient, cost-effective and transparent” manner.

A number of colleagues raised legitimate concerns about IPSA's running costs during the debates last summer. Sir Ian Kennedy's consultation document gives us an idea of how IPSA will operate, including on pre-scrutiny and permission giving, scrutiny of claims, appeals, post-claim audits, regular audits of staff working practices and office set-ups, and administration of a loan scheme for MPs, to which we will today add responsibility for paying and setting MPs' salaries, and administration of pensions. IPSA will also run a very substantial property empire if the proposals for renting accommodation for MPs go ahead.

[Sir George Young]

In short, the processes being developed in IPSA are extremely wide ranging and likely to require a large staff to implement. We need to ensure a proper balance between the necessary checks and scrutiny of claims and value for money for the taxpayer. The Government have so far not provided costings for the likely extra administrative impacts that the proposals will have on IPSA. A money resolution was made earlier, but no figures were attached to it. Will the Secretary of State give an estimate of the additional costs of the proposals before the Committee?

We have no concerns about new clause 81, which repeals the sunset provisions originally included in the Parliamentary Standards Act 2009. They were originally included because of the extraordinary haste with which we dealt with that measure, but the opportunity to return to the matter now, afforded to us by Kelly, allows us to put those concerns to rest.

I welcome those measures, but I shall now turn to the Government proposals that merit further attention, and it would be useful if the Secretary of State responded to some of the points I am about to make. New clause 70 and new schedule 6 introduce the most radical departure from the 2009 Act by scrapping the external Commissioner for Parliamentary Investigations and replacing him with an internal compliance officer. That relates to recommendation 44 in the Kelly report.

The Committee on Standards in Public Life was concerned about the confusion that would be caused by having a Parliamentary Commissioner for Investigations examining financial wrongdoings, and the Parliamentary Commissioner for Standards looking at cases in which Members have, for example, breached the code of conduct, unless that breach related wholly to expenses or the rules on financial interests. Of course, the Committee has a point. However, does new clause 79 create an equal source of duplication? That was mentioned in earlier exchanges. Proposed new section 10A(3) of the 2009 Act states:

“Nothing in section 9 to 9B (or Schedule 4) affects the disciplinary powers of the House of Commons.”

I think I understand what the Government are aiming at, but the proposal means that Members who breach the rules can be submitted to the disciplinary processes of the House, including possible suspension, and then be liable to be turned over by IPSA for the same offence. That strikes me as double jeopardy, and I wonder whether the Government think that desirable.

On top of that, we have IPSA’s compliance and enforcement regime, which, as envisaged by the proposals, raises some rather profound issues. Under schedule 2 to the 2009 Act, the commissioner for investigations was to be appointed by Her Majesty, with the terms and conditions to be determined by Mr. Speaker. However, under new schedule 6, the compliance officer, as the Secretary of State said, will be appointed by IPSA, with terms and conditions to be determined by IPSA. Indeed, proposed new schedule 2(9) to the 2009 Act will allow IPSA staff to double-job with the role of the compliance officer for up to six months if there is a vacancy.

Before, we had a proper firewall between the investigator and the day-to-day administration of IPSA, but that has now gone. This is important because, in my experience of cases in which Members have been accused of a financial misdemeanour, sometimes the source of the

error can be traced to misdirected advice from the Fees Office, as the Secretary of State mentioned. Two recent Standards and Privileges reports underline this. In one, the Parliamentary Commissioner for Standards notes that the Department of Resources was forced to conclude that “in retrospect” advice given to one Member was “flawed” and that the Member

“cannot be blamed for taking the advice he was given”

In another, the Committee is more scathing, concluding that

“the House authorities’ failure to act on the deadline they had themselves set for”

the Member

“to bring his second home arrangements within the revised rules was equally serious and that it allowed a highly unsatisfactory state of affairs to continue for far too long. This failure does not absolve”

the Member

“of his responsibilities, but it is something that causes us great concern”.

The Government may be proceeding on the basis that IPSA will so efficiently administer the new regime that such misunderstandings will not recur. I think that that would be a heroic assumption. In the provisions on “Investigations”, in new clause 77 (9)(6), we see that, in the event of an investigation, the compliance officer will be asked to prepare a statement of his original findings which may include

“findings about the role of the IPSA in the matters under investigation”.

As drafted, the compliance officer will therefore be asked to pass judgment on either the rules or people within the organisation by which he is employed. Moreover, subsection (9A)(1) states:

“IPSA must determine procedures to be followed by the Compliance Officer in relation to investigations”.

However, that would begin to compromise the independence of the current system. At present, the Parliamentary Commissioner for Standards follows his own rules, rather than those provided by the House, but under the Bill we would have a compliance officer appointed, employed and thus constrained by IPSA. That is exactly what the Commissioner for Standards warned against in evidence to Kelly.

The Committee dismissed the concerns by citing the satisfactory working of “similar compliance roles” in HMRC. That is not the best comparison. In HMRC, the adjudicator works as a referee holding HMRC to account on behalf of its customers—the taxpayers. That is the normal role of a compliance officer in the financial services industry. But this is not what we are asking of this compliance officer, who would be holding the customers to account on behalf of the regulator, even in situations where the regulator itself had erred.

This debate is taking place against the backdrop of Legg and Kennedy and the appeals, some of which have already leaked into the public domain. As has been demonstrated by the press reports, the interpretation of the rules is a complex task. In some cases, the Fees Office, Members, Legg and Kennedy have all reached different conclusions about the same case. However hard IPSA tries to remove any ambiguity from the new regime, the rules will never be codified and there will always be grey areas. That is why we all thought back in

July that it was so important to have an external investigator who has the independence to come to a final, considered judgment.

I wish to make one further point about the compliance officer. Although the original Act stipulated a role for a Parliamentary Commissioner for Investigations, the position was not advertised or appointed at the same time as Sir Ian Kennedy or the other members of IPSA. It may be that the Government were envisaging that John Lyon would take over both roles in the future. Whatever the reason, the idea of a Commissioner for Parliamentary Investigations was quietly dropped after Kelly. As things stand now, IPSA will not be able to appoint the new compliance officer until after Royal Assent has been given to this Bill. Given that IPSA aims to be fully operational by the beginning of the next Parliament, do the Government think that they will be able to fill the compliance officer post in time? If not, what will be the procedure for complaints?

We also left hanging in the air the question posed by my hon. Friend the Member for Worthing, West (Peter Bottomley) about dual mandates. Unless something happens to the rules within the House, it will still be possible for a constituent to make a complaint to the Parliamentary Commissioner for Standards at the same time as a complaint is being considered by the alternative route. Those consequential issues need to be addressed.

In fairness to the Secretary of State, he has tried to address some of the issues that I have just been talking about by tabling new clause 75, which gives MPs the right to appeal to a first-tier tribunal. That is a welcome step, but the first time the tribunal finds against the compliance officer, as it could under new schedule 7, there is a risk that the whole compliance system could be compromised.

5.45 pm

I want briefly to return to new clause 77, on investigations, and note that proposed new sections 9A(2)(b) and 9A(3) of the Parliamentary Standards Act 2009 give Members under investigation an opportunity to call and examine witnesses. That was not contained in the Kelly report and it is not current practice. It would be helpful if the Government could explain the rationale for what is a fairly radical change in the process and say why it is a good idea.

There are two concerns about new schedule 7. First, what is the source of paragraphs 1(4)(a) and (b) of proposed new schedule 4 to the 2009 Act? In the event of an overpayment, they allow IPSA not only to charge interest but to ask Members to bear the costs

“incurred by the IPSA in relation to the overpayment, including the costs of the Compliance Officer”.

That is an entirely new provision—there is no mention of it in Kelly—and what it allows for is not current practice. Any charge incurred could be extremely significant. I have known some cases, from when I was the Chairman of the Standards and Privileges Committee, that ran into many thousands of pounds. For example, the inquiry into the hon. Member for Bethnal Green and Bow (Mr. Galloway) involved considerable expense and a large amount of fees for translation. We also note that the adjudicator’s services are entirely free of charge, whatever the verdict. What is the Government’s reasoning for including paragraphs 1(4)(a) and (b), which were not part of Kelly?

The whole procedure is just beginning to look rather bureaucratic. IPSA has to “prepare guidance” on the disciplinary regime, under paragraph 2(1) of proposed new schedule 4 to the 2009 Act, as well as having to consult the Speaker, the Leader of the House and other people, all within a short space of time. I contrast the relative speed of the current disciplinary process, whereby a case can be resolved within a matter of weeks, with the rather cumbersome, top-heavy and, I fear, slow-moving new regime that we are about to introduce.

Let me briefly mention new clause 87, standing in my name and that of my hon. Friend the Member for North-West Cambridgeshire (Mr. Vara), about which the Secretary of State spoke movingly. [*Interruption.*] He spoke movingly, but he was unable to accept it. New clause 87 would give IPSA a duty to offer advice to Members on claims and seeks to implement a recommendation in the Kelly report—recommendation 44, I think—that IPSA should be able to give advice to Members and “promote good practice”. It would be a waste of time and resources if Members were left having to interpret the rules as they saw fit, only to have claims continually rejected. The current IPSA consultation document is silent on giving advice. However, I am grateful to the Secretary of State for saying that he would have another look at that before Report.

A considerable influx of new Members is expected in the next Parliament who will be required to get to grips very quickly indeed with a new system. For that reason, if for no other, IPSA needs to have the capacity and ability to give them guidance. There are already stories of some candidates pledging to avoid claiming expenses altogether, owing to the confusion of events over the past year. MPs should not feel discouraged from legitimately claiming for expenditure incurred in the course of their duties. That point is underlined in the IPSA consultation.

Kelly has suggested that advice to Members should be channelled through the compliance officer, but that would be illogical. The title “compliance officer” implies that he will audit, review and determine outcomes, not offer advice. If a compliance officer gave advice about a claim that was later investigated, he would have compromised his role in any inquiry. We do not want to return to the culture of secrecy and collusion that may have existed in the past, but there is a recommendation in the Kelly report about giving advice, and we feel that it should be acted on.

Let me turn to new clause 84 and new schedule 9, and return to pensions. Kelly is quite clear that salary and pensions should be taken out of the hands of Parliament, and we agree. However, although he is clear-cut on the need for a total separation between IPSA and Parliament on pay, there is much more ambiguity in how he envisages IPSA handling pensions. As he says:

“the independent regulator may decide, as a matter of practicality, to contract out the day to day running of the parliamentary pensions scheme to the existing professional administrators.”

However, real concerns are being expressed by trustees of the fund about the Government’s amendments, as drafted. We discovered that the Government had not been able to carry out any consultation before the amendments were tabled, and I am glad that that will now urgently take place.

In moving to the new scheme, as outlined in new schedule 9(3), will Members have the same safeguards in relation to the benefits that they have accrued over

time as would employees of a company that is part of a takeover bid? I think that the Secretary of State gave such a guarantee in his remarks, but it would be nice to see it enshrined in the legislation.

We raise a further issue in our probing amendment (a). The new schedule as it stands seems to imply that no MP or ex-MP will even be consulted in the strategic oversight of the pension scheme. My hon. Friend the Member for Worthing, West said that he knew of no parallel in the private sector where such provision exists. Although the measure does not say so explicitly, it does not specify who the trustees should be. It seems odd that, once the fund is transferred into IPSA's competence, the appointment of the trustees is to be left entirely up to IPSA, which will need to consult only the Prime Minister. One wonders what the Prime Minister's interest in this matter is, as opposed to everyone else's.

Andrew Miller: Does the right hon. Gentleman agree that the practice that applies to pension funds outside this place should equally apply to us, and that Members should have the right to appoint a proportion of the trustees, just as members of any large scheme elsewhere have?

Sir George Young: The hon. Gentleman makes a forceful point. I can see no reason why there should be a disparity between this scheme and the schemes that he has just mentioned.

There is also a degree of confusion—which the Secretary of State might be able to resolve—about exactly when pensions will move into IPSA's competence. In the written ministerial statement from the Leader of the House on 10 December, the Government said that they would bring forward legislation

“to give IPSA the power to set, as well as to administer, the MPs' pay system, after consulting the Senior Salaries Review Body. The powers for both pay and pensions would therefore take effect in 2011-12”.—[*Official Report*, 10 December 2009; Vol. 502, c. 35WS.]

I understand the need for IPSA to consult the SSRB before making its first determination on pay, as set out in proposed new section 4A(7), but does it follow that pensions would therefore take effect in the same year? And where in the Government's amendments do they set out when IPSA should start determining the structure of MPs' pensions? As drafted, new schedule 9 seems to take effect immediately after Royal Assent is granted, rather than in 2011-12.

Before I finish, I wish to make one final point on the general scope of this debate. Today, we are focusing on building in improvements to the disciplinary regime by, among other things, strengthening the Members' code of conduct. But, despite the behaviour of members of the Government being of just as much public interest as that of Members of this House, we are going to make no change whatever to the second code of conduct—that relating to Ministers.

The policing of Ministers lags far behind the policing of the House in terms of transparency, independence and reprisals. At present, the ministerial code is overseen by the Prime Minister, who can decide whether to refer a matter to his independent adviser and whether to publish any report. Neither procedure has ever been invoked, even though there have been several opportunities to do so. In the past, the adoption of tougher measures in the code of conduct for Members has led to pressure

being applied to representatives in other institutions—for instance, Members of the European Parliament and peers. I hope that today's debate will allow us to return soon to the issue of the ministerial code of conduct, so that greater accountability can be introduced into the system.

Angus Robertson (Moray) (SNP): Will the right hon. Gentleman give the House some clarification on that point? The Government appear not to intend to make the kind of changes to the ministerial code that I would welcome. Will he make a commitment on behalf of the Conservative party that, if it were to form a Government in the near future, it would make such changes?

Sir George Young: Any new code of conduct would be the property of an incoming Prime Minister, who would devise his own code of conduct and guidance. I think I am right in saying that a previous Conservative Prime Minister was the first to publish the code of guidance for Ministers. If the hon. Gentleman wants a categorical assurance, however, he will have to wait until a later occasion.

We welcome the Government's decision finally to bring forward these amendments for debate, and I hope that the Secretary of State will respond to the substantive issues that I have raised. We all want to see a new system up and running by the time of the next Parliament, but, in achieving that objective, we should be able to ask legitimate questions about how the new regime will be run, how it will work and how much it will cost. These are the questions that will be in the minds of our constituents, and it is right that we should have answers to give them.

Mr. Heath: I shall start at the point with which the right hon. Member for North-West Hampshire (Sir George Young) ended. I shared his frustration and sense of disbelief when Ministers told us, following the publication of the Kelly report, that no statutory changes would be required as a consequence. The fact that we now have before us in the Government's name 15 new clauses, four new schedules and an amendment in order to implement Kelly shows that we were absolutely right to express such impatience. At last, we have the opportunity to put these measures on to the statute book. The Liberal Democrats have taken the view, as have others, that it was important to implement the Kelly recommendations in full and as promptly as possible. That is what this process is about.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): Is not a consequence of the Government's dithering over the need to introduce statutory provisions the fact that the new clauses and schedules have arrived very late in the day for us to scrutinise, to ensure that they are as effective as possible?

Mr. Heath: My hon. Friend is absolutely right. They arrived very late in the day, as did this Committee sitting. Last week, we did not even know that it was going to happen, despite the fact that we had repeatedly pointed out that the number of Committee days available were insufficient for the House's needs. Now we have our debate, however, and let us not decry the fact that we have amendments—albeit late in the day—and a day in which to discuss them.

I intend to raise certain points, not to criticise the proposals but to ask for amplification on some of them, and that the Secretary of State look more closely at the implications of others. My general position is that we will support amendments of this kind, although there are some detailed considerations that it will be proper for us to raise.

My first point relates to a matter that the Lord Chancellor touched on in his speech—the question of who will appoint the compliance officer.

Mr. Straw: Quis custodiet ipsos custodes?

Mr. Heath: Indeed. There is a problem with whom the compliance officer will work for and the status of the officer. The Lord Chancellor has considered the matter and come to the conclusion that he would prefer the compliance officer to be a creature of IPSA. My feeling is that that could raise complications, particularly in the context of the legal appeal process that is now incorporated in the Government's proposals. I ask the Lord Chancellor to consider carefully what would happen if the compliance officer's position were challenged in court—as I suspect it will be—on the ground that they are a person adjudicating on the actions of IPSA while being complicit in those actions. The level of independence necessary to prevent such a challenge is insufficiently illustrated in the appointment procedure.

The status of the compliance officer is a little confusing at the moment. The only thing that we learn from the details of the new schedule is that the officer will not be an Officer of the House—nor should they be—so it is a little difficult to know exactly where they will lie in the great firmament. It is important that we at least attempt to get an answer to that question. I know that my hon. Friend the Member for Cambridge (David Howarth) has suggested informally that the Judicial Appointments Commission might be a vehicle, and the Lord Chancellor mentioned it in his speech. I think that my hon. Friend would be the first to agree that it is an imperfect answer, but it may be better than all the other imperfect answers that have been brought forward. However, we may need to consider the matter again.

6 pm

I turn to new clause 71, about which I have a simple question. It states that any of the new lay members who are to be added to the Speaker's Committee for the Independent Parliamentary Standards Authority under proposed new section 2A(6) of the Parliamentary Standards Act 2009 will cease to be a member of the Committee if they become a Member of either House of Parliament. Why was that role not included in the list of disqualifications under the House of Commons Disqualification Act 1975, which new schedule 6 states will apply to the compliance officer? Why adopt the way of disqualifying lay members set out in new clause 71, rather than simply list them under the 1975 Act? It would be simpler to have people listed in one place than to have to search around various laws for statutory disqualifications.

I do not wish to cast any doubt on Mr. Speaker's judgment—heaven forbid—but I wonder whether he should be required to gain a resolution of the House not only on the membership of the Committee, as was the case when the original members were appointed,

but on the remuneration and allowances of the members. It does not seem entirely unreasonable that Mr. Speaker should consider the matter and put it before the House for resolution, rather than simply determine almost by holy writ how much the members should be paid. There have been occasions when the actions of previous Speakers and their advisers on the House of Commons Commission have not been as transparent as some Members have wished, and this is a matter on which transparency is devoutly to be wished for.

On new clause 72, the right hon. Member for North-West Hampshire raised an important point about the advice that IPSA is able to give, and I agree with him entirely that the compliance officer is not the right person to give it. How could the compliance officer possibly advise on the appropriateness or inappropriateness of a particular claim, and then if challenged determine the matter on the basis of his own advice? It is simply an untenable position.

The new general duty of IPSA that the new clause will introduce in proposed new section 3A(2) of the 2009 Act as a result of Kelly recommendation 41 is:

"In carrying out its functions the IPSA must have regard to the principle that members of the House of Commons should be supported in efficiently, cost-effectively and transparently carrying out their Parliamentary functions."

I wonder whether that could be expanded so that statutory provision was made for advice to be available to Members. The new clause goes part of the way, by stating that Members should be supported, but it does not explicitly state in what way they should be supported. In my view, advice should be part of that support.

While I am addressing new clause 72, may I ask the Lord Chancellor about proposed new subsections (8) and (9) of section 6 of the 2009 Act—the numbering is inevitably complicated when we are amending a previous enactment—which deal with how IPSA will make public information about claims? The new clause states that IPSA itself can decide what information it is appropriate to make available and how often and in what way that information should be published. That is fine—it is an independent body—but it will not be fine if we have backsliding from the position on the publication of Members' expenses that we have already reached through great adversity. It seems necessary that we impress on IPSA, even if only by exhortation rather than in statute, that the starting point should be the point that we have already reached. We should not revert to the secrecy that we had before.

I believe that the Lord Chancellor has dealt with the matter of retrospectivity in pay. However, it is not abundantly clear from new clause 73 that it is to be dealt with in the way that he suggested. It would be entirely inappropriate for retrospectivity to be applied to a previous Parliament, for instance, and I can see no obstacle to that in the current drafting of the new clause. I notice that proposed new section 4A(3) states:

"A determination by virtue of subsection (2) may make different provision for different offices or positions or different classes of member".

I do not recognise different classes of Member of the House.

Mr. Straw *rose*—

Mr. Heath: Perhaps the Lord Chancellor can enlighten me.

Mr. Straw: I will not invite you to declare an interest from the Chair in this matter, Mr. Gale, although I could. The provision is perfectly innocent. There is one class of Member—we are all elected as Members of Parliament. However, as the hon. Gentleman will recognise, some time ago the House decided that it should make additional payments to Chairmen of Select Committees and Public Bill Committees and other office holders. It also determined that there should be different levels of payment for different levels of responsibility. We have sought to replicate that in the new clause, to ensure that in setting pay, IPSA takes account of decisions of the House about such Members.

Mr. Heath: I was quite sure that that was the Lord Chancellor's intention, but I do not know why that is not considered to be covered by the term "different offices or positions" and why the new clause has to mention "different classes of member", which is an expression that inevitably rankles and one that I would not entirely encourage the use of.

Mr. Straw: No part of the new clause states that there is a first class of Member, which is Labour and Conservative Members, a second class of Scottish and Welsh nationalists and anybody else, and then a third class, well below the salt, of Liberal Democrats. Attractive though that may be, it is no part of our intention.

Mr. Heath: It is very important that IPSA hears that. Of course, different parties in the House are treated differently in how financing is provided, so it is not unreasonable to draw attention to the enormity suggested by "different classes of member".

Sir Robert Smith: The provision is drawn quite widely, so there is a concern that IPSA might choose to define different classes of Member or decide that Members from different constituencies are due different pay levels depending on the nature of the work that they do for their constituents. The new clause would enable IPSA to make that decision if it wanted to.

Mr. Heath: It would indeed. This may be a particularly live issue for Members representing Scottish constituencies, as it is not beyond the bounds of reason for someone to suggest that, because there are other elected Members doing casework in those constituencies, there might be a discrepancy. This is an unwise signal to send, so I ask the Lord Chancellor to look at it.

Another issue implicit in new clause 73 is the start date of salary. I would like to raise an issue of concern, on which the House should take a view in the very near future. Owing to the number of right hon. and hon. Members who have declared that they are standing down at the next election, we shall have an unprecedented turnover of Members and many new ones will enter the House. That will require a significant degree of induction in order to bring them up to speed. I have always felt that our system is too precipitate—immediately following a general election, the pantechicon arrives at No. 10 Downing street and everything changes; we start with a new Government and a new Parliament at the earliest opportunity.

A strong argument can be made for a period of reflection to allow preparations to be made, as is normal in almost every other legislature and almost every other governmental arrangement. A period of reflection is important as new roles and responsibilities are established and new posts are taken up. However, there is an implicit bar to that happening under proposed new section 4(6), which states:

"No payment of salary is to be made to a member before the member has made and subscribed the oath".

I am not arguing that Members should not subscribe the oath or undertake equivalent procedures in order to take their place in the House, or that Members should be paid if they are not prepared to be full Members of the House. I am simply saying that if the intention is for Parliament to assemble and for oaths to be sworn at the earliest opportunity in order to prevent any interruption to payment of the salaries of existing Members or new ones, it will work against the interests of good governance. I believe that the House should take a view on that at some stage.

Peter Bottomley: The hon. Gentleman puts a delicate point, but provision is made for pay to go back to the day or day after the election. If we sign on, say, two weeks after the election, that will be within the month and it is quite likely that we will get paid. If the election were held at the end of the month, there might be a slight temporary problem, but even the present banking system might be able to tide us over.

Mr. Heath: That may be true, but I hope the hon. Gentleman will accept that there is a problem here, particularly for new Members, who may not have received any salary of any kind during the period immediately before the election, because they left their jobs in order to fight it. They then may face the prospect of being without payment for a considerable period after the election. That puts pressure on the House authorities to convene the House at an earlier time than would otherwise be the case. I do not want to overplay this issue, but I feel that there is a case for proper and careful induction of new Members, so I do not want there to be an impediment simply because of how Members are paid.

Andrew Mackinlay (Thurrock) (Lab) *rose*—

Andrew Miller *rose*—

Mr. Heath: Two Members want to intervene.

Andrew Mackinlay: I have a great deal of sympathy for the hon. Gentleman's view that we sometimes rush things in having the Queen's Speech about a week or eight days from the general election. What should happen is that Parliament convenes for swearing in and appointing the Speaker, but then there should be an interregnum between that time and the Queen's Speech, allowing Ministers to master their briefs and new Members to have a proper induction.

6.15 pm

Mr. Heath: I, in turn, have a great deal of sympathy for that suggestion, as I believe it is probably the best way of dealing with the problem. I hope that we can have discussions between the various interested parties to see if we can reach a view on that.

Andrew Miller: I was elected to the 1992 Parliament, as was my hon. Friend the Member for Thurrock (Andrew Mackinlay), and I recall that the Easter recess occurred immediately after the election; there was a gap. Practical problems have been identified, and the hon. Gentleman raises a fair point that needs looking at, especially given what IPSA is saying about setting up loan procedures and so forth. In my own case, I recall having to take out a whopping great loan from the bank—a fairly unacceptable position to be in, but there we are. The payment of salary needs looking at, but I am not sure exactly how, unless we understand what IPSA intends to do with its loan proposals.

Mr. Heath: I am grateful to the hon. Gentleman, who is absolutely right. I am simply saying that we should not assume that every Member is of independent means or has a sufficiently good credit rating to be able to borrow money at will. Some are likely to find themselves in considerable difficulties, and we should recognise that and make our arrangements accordingly.

Allow me to help the Lord Chancellor in his interpretation of the numbering relating to new clause 73, as I have now worked out how the proposed new subsections (2) and (3) relate to (1)—and he has obviously done so as well. The new clause leaves those proposed subsections (2) and (3) outside the amendments to the Parliamentary Standards Act 2009, and freestanding, which may or may not be a good idea, but makes sense in terms of the architecture of that new clause.

On new clause 75, let me express the opinion that I am not sure that the introduction of civil law is necessarily helpful, as it will add a further complication. We have the criminal law to deal with actions that are serious misdemeanours on the part of Members, and I hope that it will be used appropriately. This new procedure allows the imposition of penalties for non-assistance, as it were, and then the application of a proper penalty, but introducing the concept of civil remedy as well makes life more difficult rather than easier. I am not convinced that that is the best way of dealing with what I accept is a difficult problem.

The relevant part of the related new schedule 7—paragraph (5)(4)—states:

“In England and Wales and Northern Ireland the amount is recoverable, if a county court so orders on the application of the Compliance Officer, as if it were payable under an order of that court.”

I do not understand what that means. What it says is that if a county court makes an order, it is payable as if it were a county court order. Well, yes—it would be, because that is what it is. There must be some purpose in the wording that eludes me here, so I would be grateful for some assistance.

Peter Bottomley: It just means that in England and Wales and Northern Ireland, but not in Scotland, the compliance officer has to go to the county court and make an application, and that if that court agrees, it becomes payable.

Mr. Heath: Yes, if a county court makes an order, it is payable, so it does not need a subsequent provision saying

“as if it were payable under an order of that court”

It is an order of the court, so there must be some further meaning that I do not understand; it seems to me to be tautological and I do not like tautology in statute. I hope that we might avoid that, if at all possible.

My final comments—I appreciate that this is a large group of amendments and that I have already spoken to them for some time—relate to pensions. I am pleased that the Lord Chancellor has said that he will look again at the provision. I do not think that it was drafted entirely in accordance with what Kelly recommended: in my opinion, it gives IPSA a much wider role than he intended. Its proposed role in the appointment and, particularly, the “disappointment” of trustees is unhelpful, and contradicts the normal practice applying to major pension schemes outside the House. In its excessive zeal to prevent MPs from determining their pension arrangements, the measure prevents them from taking a view as members of a pension scheme—rather than as Members of Parliament—on the administration of that scheme. I hope that when we next consider the issue, a revised proposal will have been tabled after proper discussion with the trustees of the pension scheme. It beggars belief that no one thought that that was a necessary prerequisite for the clause.

I think that, in broad terms, the many new clauses and new schedules would implement what was proposed by Kelly, which is the only test to which I wish to submit them. As I have said, I think we should look further at aspect of them to ensure that they have internal logic and have been properly drafted, but I intend to support them. I hope that we shall be given an opportunity to improve them at a later stage if there are questions that remain unanswered, preferably as a result of the tabling of appropriate amendments by the Lord Chancellor.

Andrew Miller: I welcome the spirit of the exchanges that have taken place. I am sure all Members will agree that it is vital for us to resolve these detailed matters before the new Parliament, difficult though that task will be. As was pointed out by the hon. Member for Somerton and Frome (Mr. Heath), some of them will be harder to resolve than others. The hon. Gentleman also stole one of my lines. In my evidence to the Kelly committee, I recommended that all its members should read Plato’s “Republic”. I thought that that was not bad, coming from a secondary school boy. It seemed to me that this challenge had been in existence for 3,000 years and would continue, and that it was therefore important for us to try our best to give the right powers to IPSA and the compliance officer.

I, too, struggled with the issue of the way in which the post should be filled, although I accepted one of the arguments of the academic lawyers in one respect. I believe that the compliance officer should, as far as possible, be at arm’s length from the IPSA membership. I am still struggling to come up with fresh ideas about exactly what should be the nature of the beast, but I think we all understand what we are seeking to achieve.

I intervened on both my right hon. Friend the Lord Chancellor and the right hon. Member for North-West Hampshire (Sir George Young) on the issue of pensions. Before I became a Member of Parliament, I spent a good part of my time negotiating on pension funds with large companies. In the context of accrued rights, the right hon. Gentleman spoke of the situation that occurs when a company is taken over. He may recall that in the

[Andrew Miller]

dim and distant past I tabled a private Member's Bill, some of whose proposals were incorporated in the Pensions Act 1995. I think that he made a fair point, and I agree that issues relating to accrued rights should be dealt with separately. Rights involving benefits that people have earned here and have transferred to the scheme, and the application of those benefits to family members—the potential of death in service, for instance—must be protected, as they are in the rest of the pensions world.

I think that we have dealt adequately with the question of trustees. I am sure my right hon. Friend accepts that, except in very few exceptional circumstances, Member trustees can be appointed and dismissed only by members of the scheme. The number of such trustees is, I think, a matter for discussion, and it may need to be clarified.

Last week an article was published in my local press suggesting that IPSA should be responsible for determining the sitting days of the House—on the basis of a crass misunderstanding on the part of the person who wrote to the media assuming that when we are not here we are on paid holiday. All Members throughout the House surely agree that the issue of sitting times must be determined by the House itself.

I have some sympathy with what the right hon. Member for North-West Hampshire said about informal advice. None of us has enough time—or, in most cases, enough background skills—to make some of the finer judgments that are needed for the running of our offices when it comes to issues such as employment law or procurement. For example, I found myself needing to renew a lease for a photocopier in my constituency office whose terms caused me to want to take advice. We currently have a mechanism for that, although people have suggested that it is not very satisfactory. I agree that that should not be a function of the compliance office, to the spirit of whose role it would be entirely contrary, but it should be possible for a Member to say to someone, for instance, “I have been confronted with the following situation. Would you advise me to enter into this contract?”

I believe that those issues can be fine-tuned in time for Report. I hope that all Members will pull together to try to ensure that we create a mechanism that does not just work in practice, but provides the degree of confidence that the public rightly demand of the systems that we put in place.

Mr. Mark Field: I agree with my right hon. Friend the Member for North-West Hampshire (Sir George Young) that it is essential for us to put these matters on to a statutory footing, and I welcome the Government's determination for that to be done. As my right hon. Friend said, nothing would be more damaging to the reputation of parliamentary democracy in this country than for the allowances scandal to permeate the next Parliament as it has permeated this one. These issues require urgent and definitive resolution, and, as a number of other Members have said, we owe it to the many people who will serve for the first time in the next Parliament to put the House in order, however belatedly.

I want to speak briefly on two of the new clauses. I am mildly unhappy about the proposal in new clause 73 that IPSA will not take on fully fledged responsibility for the setting of MPs' salaries until potentially as late

as 1 April 2012. I appreciate that the Secretary of State said that that was of IPSA's own doing, but we need to recall that this whole allowances scandal started because successive Executives over about the past 30 years refused or failed to implement Senior Salaries Review Body recommendations for salary increases. We heard a lot of grandstanding by party leaders over that period—and I acknowledge that leaders of Conservative, as well as Labour, Governments have been guilty of that. We therefore allowed a system to develop under which there was, effectively, a salary supplement through the allowances system, which grew like Topsy, especially after the resolution of the House in July 2001—without an SSRB recommendation—for a hefty 40 per cent. increase in the second-home allowance.

6.30 pm

I fear that failure to get this system on to a proper footing, and therefore reliance on the interim measure that has been in place since January 2008, will result in further grandstanding by party leaders over the next two years, which risks a further injustice being done. What happens if the formula that was set in place in January conflicts with, for instance, a pay pause in the public sector? If we choose the path of least resistance, how can we suggest that MPs are not once again setting their own salary—the problem that started much of this episode, which has been so corrosive to parliamentary democracy in the past nine months? I would prefer IPSA to be given the authority at once. I accept that it will need to be in touch with the SSRB, and this may well take as long as a year, so we might not be able to do anything until April 2011. However, giving a long-stop date that is, effectively, two years in the future will bring forth the potential for there to be lots of problems, which will mean that this issue will not go away in the next Parliament, as all of us would wish.

I also wish to say a few words about new clause 71 on the membership of the Speaker's Committee. I would have liked that Committee to have been abolished. We have a notional safeguard in place, as it is proposed that three lay persons should be appointed by resolution of the House of Commons, but we have to face facts. The Members Estimate Committee—the body that preceded the Speaker's Committee—conducted itself, at the margins at least, in a disgraceful way. There was deliberate manipulation by party managers of all parties to ensure that, as far as possible, the public were kept in the dark. Why else did that body go to such unbelievable trouble to prevent publication of all the parliamentary expenses? We had a protracted High Court case that did great discredit to this House. I personally feel that the MEC—now the Speaker's Committee—does not speak for me; I do not share the notion that it represents the interests of Members of Parliament. Rather, its behaviour has been one of the biggest problems. In view of what we are trying to achieve with IPSA, I would have liked all these matters to have been taken out of the hands of any such committee, and, indeed, out of the hands of the Speaker of the House of Commons.

These are relatively minor matters, and I appreciate that we now have to move forward with the recommendations before us. I therefore hope the Committee will be able to agree on most of the issues tonight. We have discussed the new clause in the name of my right hon. Friend the Member for North-West Hampshire

and my hon. Friend the Member for North-West Cambridgeshire (Mr. Vara). I hope that the Secretary of State will give some consideration to the concerns in this regard. We should have a pre-clearance system, in order to avoid the terrible, and nonsensical, situation whereby open and transparent claims are entirely reversed some years further down the line. If we are going to have the IPSA machinery and a compliance officer in place, it is not beyond the wit of man to ensure that we also have such a system in place for the protection not only of Members of this House, but the taxpayer.

Angus Robertson: I do not plan to delay the Committee for long, but I think it is worth going through the genesis of the changes we are discussing this evening. When the expenses abuse revelations were at their height, the then Speaker convened a meeting of the leaders of all the parties that take up seats at Westminster: the three UK party leaders, joined by colleagues from the Northern Irish, Welsh and Scottish parties, myself included. We agreed that radical action was required. We decided that, first, there should be immediate restrictions on expenses pending a review, and a Scottish National party proposal that the transparency standards operating in the Scottish Parliament should also apply to Westminster was agreed. I think that was the most important agreement at that meeting, because from now on it will be impossible to go back to the kind of secrecy that was highlighted by the hon. Member for Cities of London and Westminster (Mr. Field). We cannot go back to the days of secrecy; transparency is the key to the future. We also agreed that an independent inquiry should proceed, and that conclusions should be agreed in full. The party leaders thought that it was important that all our parties should work together, and I am seeking to reflect that in my comments.

Following this meeting, there were regular follow-up meetings, chaired by the Justice Secretary and the Leader of the House. I cannot remember how many meetings there have now been since that inaugural meeting, but the figure is about six or seven. Given the justified levels of public opprobrium about the expenses abuses, it was absolutely right for the political parties to work together to expedite these changes as speedily as possible. Everybody has in the back of their mind a concern that rushed legislation might be bad legislation, and it has to be said that a variety of hoops have had to be jumped through at a variety of stages to get us to where we are now, but, by working together, we are finally getting close to finding a fix for the problems facing us.

These meetings were the driving force behind the creation of the parliamentary standards authority. I am pleased that it was an SNP proposal that the agency should be designated as “independent”. That argument was persuasive; clearly, even Westminster parties are open to persuasion on independence, at least sometimes. We therefore now have a body called the Independent Parliamentary Standards Authority—because independent it must, of course, be.

Initially, IPSA was empowered to deal only with expenses. Pay and pensions were not included in the initial legislation for reasons we completely understand. That was to be put right at the earliest opportunity, however. We have heard from the right hon. Member for North-West Hampshire (Sir George Young) of the confusion about how quickly that might proceed, but we are here today and that is very much to be welcomed

because, together with other improvements including on matters relating to compliance, we are now moving ahead on the pay and pensions issues. That is key, because parliamentarians should not be responsible in any way for their own pay and pensions, or for setting their own expenses levels.

The Justice Secretary is well aware of my disappointment that the gold standards operating in the Scottish Parliament for matters of compliance were not emulated in legislation dealing with MPs transgressing in this House. There is an irony in this. The Westminster Chamber legislated for the creation of the Scottish Parliament and set the rules under which it would operate, including criminal sanctions when Members of the Scottish Parliament transgressed the rules. However, Members of this House—Members of the Conservative and Labour parties—did not agree that that same high, gold standard of criminal sanction should apply to Members of Parliament in this Chamber in the future. That is totally beyond me. The SNP believed, and continues to believe, that criminal sanctions that can apply to MSPs should also apply to Members of this House. Notwithstanding that shortcoming, I believe that creating an IPSA with real teeth is vital, and that is what is being completed by these provisions. MPs have forfeited any credible right, as have the UK Government, to determine pay, expenses and pensions—that was forfeited some time ago.

The right hon. Member for North-West Hampshire and the hon. Member for Somerton and Frome (Mr. Heath) raised some important and commendable points about compliance officers and some other queries, but I have no reason to doubt that the Justice Secretary will continue his collegial approach before Report so that things can be smoothed and ironed out. For that reason, I shall be supporting the progress of these provisions today.

Peter Bottomley: I often agree with the hon. Member for Moray (Angus Robertson), but I do not agree with him on a number of points today. For example, why should MPs not be responsible on these matters? For most of my time in Parliament, it has been perfectly reasonable for Members of Parliament to say what their pay arrangements should be. The fact that they have not always adopted what I thought was sensible is probably more my fault than that of my colleagues. It is clear to me that MPs’ pay arrangements should be set before a new Parliament, should come into effect at the beginning of it and should not change during the Parliament, irrespective of whether it lasts for six months or for five years until the Parliament expires. That would be a far more elegant and sensible arrangement than the current one of wondering whether there should be increases each year or other kinds of conventional things. Even if the arrangement is not conventional, if we know what the terms are when we get elected, that should do us until we again come up for election or deselection.

The second thing that the hon. Gentleman said that I would not mind taking him up on was his comment about the gold standard of criminal sanctions. Criminal sanctions ought to be for criminal offences, and the standards that we ought to be meeting are lower than that; we ought to be meeting the reasonable expectations of Members of Parliament, not just expectations relating to “beyond all reasonable doubt”. I hope that Martin Bell, with whom I served on the Standards and Privileges Committee, will not mind my saying that that is one of

[Peter Bottomley]

the areas where he and I failed on a number of occasions. If I were to allocate some of the “blame”—that is probably the right word—I would say that the House authorities or past occupants of the Speaker’s Chair did not do what they might have done when Elizabeth Filkin was the Parliamentary Commissioner for Standards. I doubt whether compliance officers, whatever their responsibilities, can carry the same weight as a good Parliamentary Commissioner for Standards. Therefore, I put it to the Secretary of State that if he were able during the passage of this Bill to find a better expression than “compliance officer” to balance the “Parliamentary Commissioner for Standards”, that would be a good thing. We know what is understood by “compliance officer” and what the responsibilities will be, but it is not an elegant title.

Plainly we cannot go on having final salary pensions where—this will not apply to me as I have reached 65—any increases in the salary of someone who has been in this House for 25 years and is between 60 and 65 are still multiplied by their years. Any sudden increase of 30 per cent. in the pay of such a person in recognition of various parts of an MP’s job would multiply through all their previous years of service, even though their actual pay would have been much lower. Members of Parliament ought to have a way of expressing in public, whether just to IPSA or in this Chamber too, that we think that we ought to move on to an average salary system at best. By all means, let us keep what we have got in the past—I declare that I have the full limit—but we ought to be able to say clearly that we need a reasonable compromise between not putting people off coming into Parliament and not maintaining this kind of gilt-edged, gold-plated standard pension. It may have been good at a time when our pay was very low but if IPSA is to do its job, the pay will not remain very low for very long. I do not see where in the IPSA proposals we can reach the stage where it is possible for IPSA to recommend that part of any significant change in MPs’ pay should be non-taxable and non-pensionable.

Mr. Straw: Non-taxable?

Peter Bottomley: Non-taxable and non-pensionable. The idea of bringing in a receipt for every small bit of spending is one of the mistakes into which the House and those who have been invigilating its affairs have fallen. I examined my spending for two weeks, keeping the receipts for two weeks. If I buy 80 items in Lidl in Worthing for £120, two of which are relevant to my office expenses, I am supposed to put in the list of all 80 things—the details of everything other than those two things either will or will not be redacted—so that I can get back some money that I have spent on batteries, CDs and so on. Such an arrangement is bizarre. I shall not go into the detail of all the other allowances, but one element that I hope IPSA will consider is having part of the pay being non-taxable and non-pensionable.

The Secretary of State has been very kind to the Committee, although I do not think that he understands all this all the time—I am sure that he understands much of it much of the time. I hope that the Leader of the House does not mind my saying that this is an incredibly complicated result of a suggestion that we did not need primary legislation. We may not have

needed it, but this is quite a lot to have to digest quite late in an afternoon when many of the other experts are not present.

6.45 pm

I want to reach the stage where Members of Parliament can do their job without having the skills of a good accountant. We ought to have reasonable accounts. We certainly ought to reach the stage—I think we had this with the parliamentary commissioner system—where if a Member of Parliament gets clearance for an arrangement from the Fees Office, irrespective of whether it is judged afterwards to be wrong, the MP is not penalised for it. There is an argument as to what constitutes approval and what is accepted, but we need to have some way of ensuring that MPs cannot be chased back too far, too often on too many things. MPs ought to be able to take advice from the authorities, rely on that advice, make their arrangements as simple as possible and maintain them. That would address most of the fears that people have had and most of the excitement involving the media.

Mr. Charles Walker (Broxbourne) (Con): Is my hon. Friend aware that a number of colleagues on both sides of the House have ceased to claim legitimate allowances because they are so frightened of the reputational risk of getting something wrong?

Peter Bottomley: I am. That is a reminder that this House should not be for those who are well off and those who are poor, both of whom can come to this place and not have too much of a worry. It also should not just be for those who are flashers and those who are church mice; we should also include those who are normally embarrassed if they are seen without their clothes on. We need to try to ensure a reasonable spectrum.

Many MPs who stay here for some time move through inexperience and poverty, and end up reasonably comfortable—they may have grown out of their family responsibilities and their housing costs will have probably reduced. All I can do is tell hon. Members what it was like for my first 22 years here. I had two dependent children when I got elected and I had a third child when I had been in Parliament for seven years. When my wife was working less than part-time, I very nearly had to leave Parliament because I did not want to go either crooked or broke. I hope that IPSA will take that kind of thing into account.

May I end by discussing something that is not contained in these provisions? In my early years, I shared a large room in Old Palace Yard. One of my colleagues married his secretary—she was a competent secretary and she was a good wife afterwards. Why should such a person have to lose her job in those circumstances? What if I had married her, so that she could go on working for him? I was not free to do so—[Laughter.] The wife of a Member of Parliament can be elected to this place and get their own pay through the taxpayer, so what is so different about the person who gives support as a spouse? I offer Pauline Ashley as probably one of the best examples. She gave devoted service to Jack Ashley’s constituents and a great deal of help to Jack. I can think of many other such examples—I shall not name any involving those in the Chamber—where the same thing has applied. This was a bad suggestion and I hope that

IPSA will throw it out. Obviously, one needs to justify the work that the family member is doing, but a blanket exclusion is wrong.

Nick Harvey (North Devon) (LD): Thank you, Mr. Gale. I apologise for not being able to be here at the start of the debate because of a meeting of the House of Commons Commission. I wish to contribute a few remarks in my capacity as a trustee of the parliamentary contributory pension fund. I know that the Secretary of State indicated during earlier exchanges that he acknowledges the need for further thought to be given to the specific measures proposed, but I am anxious to ensure that the trustees' concerns are articulated in this debate.

We all accept that the world has changed, that the coming into being of IPSA means that there is a need for some change in our pension arrangements and that it will be necessary to make some legislative changes to give effect to such change. However, I am concerned at the speed with which these arrangements have appeared, at the lack of any consultation and—far more so—at the way in which they sit very uncomfortably, to my way of thinking, with the fact that during the latter part of last year the Government commissioned from the Senior Salaries Review Body a fundamental review of MPs' pension arrangements. To the best of my knowledge that body completed its work by the end of last year, as it was asked to do. I do not know whether it has yet submitted its report to the Government—the trustees have certainly not yet seen it. I would have thought it made a great deal more sense for that report to have been delivered and for its recommendations to have been assimilated and taken on board before we made the sort of changes that are anticipated and provided for in these new schedules and other add-ons to the Bill.

In particular, the trustees have a concern that serving Members of this House should have confidence that the pension benefits that they have already built up in the fund to date cannot be taken away without their consent. As drafted, the Bill does not provide that protection because it is giving huge additional powers to IPSA that, in the past, this House and its Members, as members of the pension fund, have held. Although under the current fund structure the power is exercised by the Leader of the House, that takes place only through regulations. The Leader of the House has to bring to the Floor of the House, for consideration by the members of the scheme, any changes that are wished. In future, according to these arrangements, IPSA could, in the extreme, simply make a scheme that removes the entitlement to all or any of the benefits earned in the fund by any or indeed every member. Although we would all hope, obviously, that IPSA would never take such a course of action, one has to ask whether it makes sense to give it the power to do so.

The Kelly report made two recommendations on MPs' pensions. The first was on the independent determination of MPs' pensions and the second was on oversight of the administration of parliamentary pensions. The Bill goes well beyond that and gives IPSA substantially greater powers over the structure of the fund—the power to determine how it is administered goes well beyond the oversight and scrutiny recommended by Kelly and gives the authority control over the management of the fund, the application of its assets and the constitution and proceedings of the funds' trustees as well as the

power to determine, with Treasury consent, the rate of the Exchequer contribution without consulting the Government Actuary.

Although, in a sense, those powers replicate the existing arrangements by vesting with IPSA the powers that are currently vested in the Leader of the House, the difference, of course, is that the Leader of the House has to bring these matters to the House for its consent. We need proper and detailed consideration of whether it is right for IPSA to have these extensive new powers that go far beyond what was recommended in the Kelly report. I think it would be better to leave vested with the trustees some of the powers that they already have. I do not think we should undermine the objective of MPs' pensions' being influenced by an independent body, but the arrangements as proposed today go too far.

For example, IPSA has the power to appoint a trustee body without any Member representation on it. I do not think anybody would take exception to the idea that IPSA should nominate a member of the board of trustees, but to give it the power, in effect, to remove the trustees and to appoint its own board of trustees seems to me to be going much too far. Is there any other pension fund anywhere that could be subjected to such a degree of interference? It would be unlikely, in practice, that IPSA would ever do so, but the measure goes too far in terms of the sweeping powers that it gives the authority.

The legal structure of the fund is highly complex and the detail is largely set out in 1993 regulations, which are regularly amended. I think that the wholesale transfer of powers to IPSA, as proposed by the Bill, will in effect empower IPSA to rewrite the rules of the fund and could jeopardise the ability of the trustees properly to manage it. I welcome the fact that the Secretary of State has said that there will be further consultation with the trustees, but as the Bill is drafted all Members should be deeply concerned at what is being proposed. We frequently say that we want our arrangements to be comparable to those elsewhere and those in the real world, but my concern is that these proposals go to lengths that no other pension fund anywhere would expect.

Mr. Mark Field: Although I have a lot of sympathy with what the hon. Gentleman has to say, does he not understand that it is not a matter of whether the pension fund is working well and whether the trustee arrangements provide an arm's length between Parliament and the taxpayer? The issue is the perception that we are enriching ourselves. As my hon. Friend the Member for Worthing, West (Peter Bottomley) rightly said, a lot of MPs' spouses do a fantastically good job and provide tremendously good value to the taxpayer, but none the less there is a perception of our own enrichment. The changes therefore apply not only to employing spouses and issues to do with our salary but to our pensions. We have a different and rather more generous pension scheme than many others, even in the public sector. The public perception means that IPSA needs to have its tentacles across this matter, and that is no reflection on the ability or otherwise of the trustees who have done their work in this regard over the past few years.

Nick Harvey: I sympathise with what the hon. Gentleman is saying, but I said categorically at the outset that I accept that the world has changed and that the

[Nick Harvey]

Kelly report made two recommendations on pension arrangements. Specifically, IPSA will have a say in what we get out of the scheme and what we pay into it. I am not trying to resist that at all. The hon. Gentleman just used the expression “IPSA needs to have its tentacles across this matter”. I am not resisting that—I am merely resisting the idea that IPSA should delve its tentacles into these matters in an attempt to run the whole thing. It is possible to hit the right balance but, as the Bill is drafted, the Government have failed to do that. I would welcome it if they would get into a meaningful dialogue with the trustees so that on Report we can arrive at some arrangements that will take account of the points that the hon. Gentleman is making while leaving a viable pension arrangement with a scheme that will have the same sort of autonomy and power to organise its own affairs that any other pension fund would take for granted.

Mr. Walker: I shall be very brief. I want to start by apologising to my wife Fiona, my son Alistair, my other son James and my daughter Charlotte. I wish, on reflection, that I had made a great deal more money before I got into this place. If I had private wealth, I would not need to rely on the taxpayer to fund my excellent staff, my travel and the cost of my office. If I did not have to rely on the taxpayer to do those things, I would not fear the knock at the door from the media, the investigators or the new compliance officers. I and my family fear that knock at the door. We fear the reputational risks that now go hand in hand with being a Member of Parliament.

Let me conclude my opening remarks by saying that over the past nine months I have seen many good and decent colleagues have their careers needlessly destroyed to sell a few newspapers. The loss of those colleagues to public life will be sorely felt by their constituents and this country.

IPSA is going to take over the management and control of our pensions. I recognise that I will get an extremely good pension from having been a Member of Parliament—it is one of the best pensions in the public sector—but there should be a recognition that my colleagues and I make one of the largest contributions to their pension of any public sector worker. I think that the only comparable public sector group that makes such a significant contribution is firemen and fire officers. Yes, our pension is generous, but it is not as generous, when set against other pensions, as the press would have our electorate believe.

7 pm

Finally, it is important that compliance is proportionate and that we have safe harbour—that we can seek advice from qualified, expert people on how to comply. If the compliance system is to be successful, there must be a focus on ensuring that we, as Members of Parliament, get things right first time and that we understand the rules. As my hon. Friend the Member for Cities of London and Westminster (Mr. Field) has said, so much of the advice that we have received from the Fees Office was given in good faith but has proved to be totally wrong. We cannot afford to allow that to happen again.

Mr. Straw: May I thank all right hon. and hon. Members who have contributed to this important debate. I hope that its conclusion on Report will be provisions

in the Parliamentary Standards Act as amended that will ensure that the new system of parliamentary pay, allowances and pensions command the respect of the public—that is fundamental—and enable Members of Parliament to do their duty without harassment or undue penalty to them or their families. Let me pick up the remarks of the hon. Member for Broxbourne (Mr. Walker). He made a generous and heartfelt apology, probably not for the first time, to his wife and children for his eccentricity in choosing to put himself in the public firing line, and I think that his position will be echoed in the experiences of Members on both sides of the House.

It is worth recalling that there was a great fight to have Members of Parliament paid at all; I think it was the Liberal Government of Asquith who first provided for their payment. The right hon. Member for North-West Hampshire (Sir George Young) and I have been in the House for more than three decades, and certainly when I came to the House 31 years ago, the pay was lousy.

I was at the Bar at first, which was fine, and then I became a special adviser, which was also fine, but then I had to be found outdoor relief when I was peremptorily dismissed as a special adviser because I had become a parliamentary candidate, and I did not have a particularly good job in those two years. I thought about going back to the Bar but, as colleagues who have been in that noble profession will know, although I may have earned quite a lot of money, I would have received virtually nothing from ever difficult solicitors. Granada Television offered me a job as a researcher, and even that was better paid than the pay I “enjoyed” when I became a Member of Parliament.

I was fortunate, because I was able to earn a bit of extra money through journalism—quite a lot in due course—and I had a wife who had embarked on a sensible and stable career, but notwithstanding the beginning of Short money when I went into the shadow Cabinet in 1987, my office costs had to be subsidised out of my family’s income every year until I became a Minister. Every year, the Fees Office would approach me with an estimate of what I had to pay it, not because I had over-claimed and had to repay, but so that my staff in Blackburn and in the House could be paid and so that other costs could be met. Yes, the House went too far in correcting that situation, but we are all anxious—I am sure that Sir Ian Kennedy and his colleagues at IPSA are taking this on board—that the situation should not revert to that which obtained before, when a lot of people were actively prevented or put off from coming to the House.

I worry that future generations of very good people will be put off, partly by public scrutiny. We all have to accept such scrutiny because the House signed up with great alacrity to the Freedom of Information Act 2000; indeed, it was the House itself that demanded that Parliament should be included in that Act. Ever compliant with the wishes of the House, I, as the sponsoring Minister said yes to that. I worry that future generations will also be put off by the overall remuneration, which is a worry for us all. It is the people of the country, rather than the people in the House, who will suffer if we cannot attract into politics people of quality and assiduity, whatever their social background, monetary wealth or lack thereof.

Mr. David Winnick (Walsall, North) (Lab): When I first came to the House, there was no secretarial allowance at all, and the pension for MPs had been introduced only the year before. However, will my right hon. Friend reflect on the comments of several Members in this debate, at least since I came into the Chamber, who seem to blame the Fees Office for much of what has occurred and what has been exposed in recent months? I believe that, on the whole, the Fees Office did a useful job and gave good advice, and we should be careful not to transfer the blame from ourselves on to officials who have given very good service over the years.

Mr. Straw: I have had the benefit of being in the Chamber for the whole debate and I do not think that there has been any personal criticism of members of the Fees Office. Everybody understands that a system that was not fit for purpose developed and that officials in the Fees Office did their best. Some completely impersonal general points about the experiences of Members have followed from that, one of which was that if a Member has made a complete disclosure to the Fees Office about an item of expenditure that they believed to be consistent with the rules, and if the Fees Office, after proper examination, then said that it was consistent with the rules and paid the Member, it is a little hard, to say the least, if subsequently there is a retrospective judgment that the Member should pay back that money. That would be even harsher in future, when the rules will be much clearer.

Let me go through the points that have been made in the debate. I thought that the right hon. Member for North-West Hampshire was cavilling at the beginning, when he was tweaking my tail about Kelly and legislation. I could have been cavilling in advance, by tweaking his tail about the fact that we would not have needed some of the legislative changes if the House had stuck to the original proposals that I put forward rather than those that he persuaded it to accept. I hope that we can conduct the rest of the debate in the spirit in which it proceeded after he had read out that cavilling stuff, which was no doubt put in there by Andy Coulson just to prove that the right hon. Gentleman is as partisan as the next person. I have to say that that act is not very convincing.

Peter Bottomley: Is that the kind of advocacy for which the right hon. Gentleman would not have been paid very much if he had done it before coming to Parliament?

Mr. Straw: I would not have been paid at all for that, but I thought that I should offer the right hon. Member for North-West Hampshire a gentle rebuke for departing from his usual ecumenical approach.

I shall now come to a variety of issues raised by the right hon. Gentleman and other right hon. and hon. Members. He talked about the possibility of double jeopardy under new clause 70 and new schedule 6. Double jeopardy applies where someone has been through a criminal trial and is tried again for the same offence. There is double jeopardy: if someone commits a criminal offence, there can be consequences in respect of their employment. If someone in a position of trust with their employer commits fraud, even if it is not against their employer, and it is drawn to their employer's attention, they are unlikely to continue to be employed. There cannot be a rule to say that someone who has

committed fraud against the building society that is nothing to do with his employer—let us say that it is a building firm, not a building society—cannot be drawn to the attention of the employer and has an absolute right to continue in that employment, notwithstanding the fact that it is plain that he was a fraudster from beginning to end. We all understand that, and the truth is that if someone egregiously breaks IPSA's rules, leaving aside whether he or she is prosecuted, other consequences are bound to flow from that, aside from any general reputational damage.

On the firewall between IPSA and the compliance officer, as the right hon. Member for North-West Hampshire knows, there was a lot of discussion about the architecture. The direct responsibility for administering the scheme of allowances and paying them and, I accept, giving day-to-day guidance and advice rests not with the authority qua the authority, but with the chief executive officer and his or her employees. The only job that IPSA has to do in respect of the compliance officer is to make the appointment. We have discussed whether there can be any alternatives, possibly to dismiss the compliance officer, but on very limited grounds.

Once appointed, as the schedule 6 makes clear, the compliance officer is appointed for a fixed term of five years and then they go. So having been appointed, no purpose would be served by their toadying to IPSA in the hope of getting a further term, because no further term is permissible. That is sensible, and it is certainly something that Sir Christopher Kelly wanted.

The right hon. Gentleman implied that a system could fall down if the compliance officer was asked to pass judgment on the people who appointed him. In a sense, it is not the first time that people in a judgmental, quasi-judicial position may be asked to do that. He or she will be appointed by IPSA. He or she is a separate, independent officer. Yes, it is very unlikely that he or she will pass judgment on the authority itself. He or she may well pass judgment on the chief executive officer and his or her staff. That is his or her job. I do not think for a second that the system will break down.

Let us bear in mind the fact that the tribunal is run by entirely independent judges who are appointed formally by the Queen or me, but on the recommendation of the Judicial Appointments Commission. It is entirely independent, and we can go all the way up the judicial tree. So the right hon. Gentleman was right to raise the concern, but I do not accept it; I do not think that things will work out that way.

On pensions, about which there has been a lot of discussion, I accept and have said that there should be the same protection on accrued rights as for anyone else. I quite understand where the hon. Member for North Devon (Nick Harvey) was when I was opening the debate. I referred to provisions in the Pensions Act 1995, which provides protection for accrued rights, whereby they can be changed only with the active consent of beneficiaries or potential beneficiaries. Our officials are looking closely at whether we can introduce such provisions on Report, and I will write to the relevant spokespeople, as I normally do, when I have draft clauses or proposals.

7.15 pm

On trustees, I have already said that we will seek to replicate the provisions of the Pensions Act 2004, so that a third of the trustees will be appointed by the

beneficiaries or potential beneficiaries. We should consider the other aspects of the general law that applies to pension trusts and trustees. To repeat the point that was implicit in many of the remarks, we want to be in neither a better nor a worse position than other people in the public sector and in the private sector for that matter. I looked at my payslip yesterday, and the hon. Member for Broxbourne is entirely right to remind the House and public that, although we get good benefits, the deductions are huge. I understand that civil service deductions are about 3.5 per cent., but my deduction, which I could not quite understand and on which I might seek further evidence, amounted to well over 10 per cent.

Mr. Walker: The Secretary of State is now paying 12 per cent., but in addition, for the next three months, he will be making backdated payments equivalent to £200 a month, because we changed our pension scheme on 1 April last year and the changes are coming into force in the last three months of this tax year.

Mr. Straw: Ah, that saves me a letter, and I am very grateful to the hon. Gentleman for that information.

I think that I satisfied the hon. Member for Somerton and Frome (Mr. Heath) on the point about different classes. Although I had not thought about those different classes—class 1 parties, the main ones; class 2, the territorial ones; and class 3, the Liberal Democrats—I am warming to the idea, and if the general view in the House is that I should move a manuscript amendment on that, I would be happy to comply.

Sir George Young: Can the Secretary of State tell the House when IPSA will assume responsibilities for running our pension scheme?

Mr. Straw: That will be done by order.

Mr. Shailesh Vara (North-West Cambridgeshire) (Con): He has not got a clue.

Mr. Straw: No, I have got a clue. I have got lots of clues, the first of which is that it will happen during the next Parliament, but I promise the right hon. Member for North-West Hampshire that my right hon. Friend the Minister of State will deal with that when he handles the next set of amendments. [*Interruption.*] Oh, here is the answer: 2011-12, and even Homer nodded.

The hon. Member for Cities of London and Westminster (Mr. Field) spoke about MPs' pay and asked why new clause 73 explicitly provides that the first determination would not come into force until 1 April 2012. I want to make it clear that, until then, the decision of the House of July 2008 will apply. There is an automatic regulator of our salaries: the House has said by resolution that any recommendation of the Senior Salaries Review Body will be implemented. An agreement has already been reached for 2010, so the 2011 pay increase will arise from the SSRB and it will come from IPSA thereafter. It is proposed that there will be a first determination, which will be the equivalent of the quinquennial review that the SSRB carries out, for example, in respect of judicial salaries, and the frequency of further determinations will be a matter for IPSA thereafter.

The hon. Member for Worthing, West (Peter Bottomley) proposed that a flat salary, fixed at the beginning of a Parliament should apply irrespective of whatever happened thereafter. That has certain attractions and would certainly mean that every Member of Parliament carefully checked the inflation rate. Over a normal Parliament, if the Bank of England's target had been stuck to, one's salary would have been eroded by a compound 10 per cent. He and the right hon. Member for North-West Hampshire were sitting in the House—I was a hired hand—in the 1975 period, when inflation rose to 27 per cent., through no fault of the Labour Government. It then rose again to 22 per cent. in 1981, through every fault of the Conservative Government, including the doubling of VAT. Leaving aside the cause, the fact is that inflation was very high under both parties; that was difficult; and a fixed, flat salary would have caused all sorts of problems.

Peter Bottomley: I will not return to that point now. Will the Secretary of State kindly say what will be the arrangements for the staff of Members of Parliament, whether there will be guidance, and whether we will know the change in scales by April, when many of our staff will be expecting an annual review?

Mr. Straw: The arrangements for members of staff will be a matter for the Parliamentary Standards Authority. I cannot anticipate what it will say. Meanwhile, one of the good things that has happened in recent years is that scales are now laid down. Members of staff must have contracts of employment and so on. That is a dramatic change from the ramshackle arrangements that existed years ago, when MPs themselves had to run the PAYE schemes, as those of us of a certain antiquity will remember.

I am very grateful to the hon. Member for Moray (Angus Robertson) for the constructive approach that he has yet again taken, and for the consistent support that we have received from him.

The hon. Member for Worthing, West queried the term "compliance officer". It is not an elegant term, but I beg the Committee not to change it again. We could have used "independent regulator," but the Kelly report calls IPSA the independent regulator. We could have used "commissioner," which I would have preferred, but we have a Commissioner here. The term "compliance officer" may be prosaic, but at least it tells everyone what the person will do.

The hon. Gentleman made some strong points about whether we should move from a final salary scheme to an average salary scheme. I understand that. It will be for the PSA and the SSRB to recommend. I understand the point that the hon. Gentleman went on to make, that part of the pay should be non-pensionable and non-taxable. Personally, I do not agree with either proposition. If small businesses, which is essentially what we are for these purposes, want to offset an item such as batteries against their tax, they have to keep receipts. [*Interruption.*] If the hon. Member for Broxbourne is saying, "No, they don't," I would be pleased to hear from him.

Mr. Walker: Small businesses are allowed to claim for the cost of accountancy, and according to Sir Christopher Kelly and IPSA, Members of Parliament will not be allowed to claim for the cost of accountancy.

Mr. Straw: That is a fair point. Another point, which I thought the hon. Gentleman was going to make, but which I now make for him, is that small businesses claim under schedule D, which is rather wider because it refers to expenses “wholly and exclusively incurred” in connection with the business, rather than “wholly, exclusively and necessarily incurred”, which is the provision under schedule E, the rubric for us.

The hon. Member for Worthing, West spoke eloquently about Members who had employed members of their family. I have never employed a member of my family, but not because I regarded myself as a superior being. I see no prospect of employing a member of my family, so that may allow me to say that I think that some of the adverse publicity that members of families have received in the course of the expenses row has been very unfair indeed. Everybody knows that because of serious abuse by one Member in particular, there need to be proper controls, but if members of the public want Members of Parliament to do two jobs, which they do—representing them in the House and also being available with great frequency in their constituency and at weekends—they must accept that that produces greater disruption even than working away from home. That is true.

One of the biggest changes that has occurred in the past 30 years, or even in the past 15, is the huge increase in the constituency case loads of all Members of Parliament and the dramatic increase in the expectation of members of the public for the availability of their Member of Parliament. My predecessor could go to my constituency one Friday a month for about six hours. She never had a house in the place and never wanted one. She saw eight people by appointment, did a couple of other things and was correctly regarded as a good constituency Member, because she went to Blackburn much more frequently than many Members of Parliament went to their constituencies. Those days are gone, and the allowance system and the pay need to recognise that.

I hope I have satisfied the hon. Member for North Devon, who speaks for the MEC, on the issue of pensions. We will also consider whether there should be a requirement to consult the Government Actuary's Department where there is a shift in the rate of Exchequer contribution. Officials worked extremely hard and under time pressure on the provisions. They sought to replicate the existing statutory provisions under the parliamentary scheme, but I accept that those may not be entirely replicable.

With that—

Sir George Young: I sense a peroration. The Secretary of State will recognise that a number of questions have been asked that he has not had time to answer, such as questions on the costs of the arrangements before us and about a number of areas where the amendments go way beyond what Kelly proposed. If he does not have the answers now, I quite understand. Perhaps he would be good enough to drop me a line with the answers to the questions that I put to him.

Mr. Straw: I am grateful for the intervention. There will not be much of a peroration. It is the Member for Blackburn speaking, not a latter-day Enoch Powell.

I shall answer some of the more specific questions. The hon. Member for Somerton and Frome asked about what he thought was a tautology in new schedule 7, paragraph 5(4), which states:

“... if a county court so orders ... as if it were payable under an order of that court.”

That is standard form wording used in social security legislation. I re-read it and I think it works.

The money resolution related specifically to the pension provisions, which will obviously transfer a liability for pensions, but there is no net increase over and above what would otherwise have been paid. We expect the other provisions to be broadly neutral, as compared with where we were before, as IPSA will be losing functions as well as gaining ones. Overall pay and pensions will not add hugely to running costs because IPSA is already paying. A small policy function will be required, and it will use the SSRB to do the analysis.

I have dealt with the issue of delay in pay and pensions, the issue of the compliance officer being wholly separate, and double jeopardy. I was asked whether a new compliance officer could be in post before Royal Assent and before April. Subject to the approval of the Committee today, which is the equivalent of a Second Reading of the new clauses, we are exploring with IPSA whether it would have the legal basis to go ahead and advertise for a compliance officer. It is entirely a matter for IPSA, but I hope it feels able to do so. Whether that means that the compliance officer will be in post by 1 April is a moot point, but I think we can expect the compliance officer to be in post by the time there is anything to comply with and any complaint to be made. I think IPSA will be able to meet that requirement.

The right hon. Member for North-West Hampshire asked about new schedule 7 on page 668 of the amendment paper. Paragraph 1, which gives the power to make a repayment direction, states at sub-paragraph (4)(b) that a Member could be required to

“pay to the IPSA an amount reasonably representing the costs incurred by the IPSA in relation to the overpayment”.

The suggestion was that that went far further than Kelly had recommended. If the right hon. Gentleman looks at recommendation 45 on page 19 of the Kelly report, he will see that it says:

“The independent regulator's enforcement regime should be strengthened by giving it the power to... Require the repayment of wrongly paid or misclaimed sums, with associated costs if appropriate.”

7.30 pm

I shall certainly look again at whether the Bill goes too far. When the right hon. Gentleman first raised the matter, I thought that it did, but on further examination it does not. The issue is about reasonableness, which is better than appropriateness, and the Bill would be more tightly worded if it read,

“reasonably representing the costs incurred by the IPSA”.

A requirement under that proposed new sub-paragraph could alone be the subject of an appeal to the first tier tribunal.

Finally, Members asked why it was necessary to provide for the examination and calling of witnesses before the compliance officer. Those provisions are about my anxiety to meet the wishes of the House, and they were recommendations from the Joint Committee on Human Rights in respect of previous legislation. If one is charged with a serious breach of regulations, one ought to have the opportunity, if necessary, to call one's own witnesses and to examine others. I think that that is

a basic human right, with a capital H and a capital R. The situation might not come to that, and one hopes that it will not, but that right is pretty fundamental. In any case, one would have the right before the first tribunal, which would amount to a re-hearing of the case from the start.

I think that I have dealt with all the points that were raised. If the House will forgive me, it will, I hope, take those detailed explanations as a substitute for a lengthy, prolix peroration. I commend the new clauses and schedules to the House.

Question put and agreed to.

New clause 70 accordingly read a Second time, and added to the Bill.

New Clause 71

PARLIAMENTARY STANDARDS: MEMBERSHIP OF SPEAKER'S COMMITTEE

(1) Schedule 3 to the Parliamentary Standards Act 2009 (Speaker's Committee for the Independent Parliamentary Standards Authority) is amended as follows.

(2) In paragraph 1—

(a) omit "and" at the end of sub-paragraph (c), and

(b) after sub-paragraph (d) insert " and

(e) three lay persons appointed by resolution of the House of Commons."

(3) For the heading of paragraph 2 substitute "Appointed members".

(4) After paragraph 2 insert—

"Lay members

2A (1) In paragraph 1(e) "lay person" means a person who is not, and has never been, a member of either House of Parliament.

(2) A motion for a resolution under paragraph 1(e) may be made only with the agreement of the Speaker of the House of Commons.

(3) The person the subject of the motion must have been selected by the Speaker on merit on the basis of fair and open competition.

(4) An appointment under paragraph 1(e) is to be for a fixed term not exceeding five years.

(5) A person who has been appointed under paragraph 1(e) may not be appointed under paragraph 1(e) again.

(6) A person appointed under paragraph 1(e) ceases to be a member of the Committee if the person becomes a member of either House of Parliament.

(7) A person appointed under paragraph 1(e) may resign from the Committee by giving notice to the Committee.

(8) The Speaker of the House of Commons may require the IPSA to pay to members of the Committee appointed under paragraph 1(e) such remuneration and allowances as the Speaker may determine.

(9) The IPSA must make the payment accordingly."'.—
(*Mr. Straw.*)

Brought up, read the First and Second time, and added to the Bill.

New Clause 72

PARLIAMENTARY STANDARDS: TRANSPARENCY ETC

(1) The Parliamentary Standards Act 2009 is amended as follows.

(2) After section 3 insert—

"3A General duties of the IPSA

(1) In carrying out its functions the IPSA must have regard to the principle that it should act in a way which is efficient, cost-effective and transparent.

(2) In carrying out its functions the IPSA must have regard to the principle that members of the House of Commons should be supported in efficiently, cost-effectively and transparently carrying out their Parliamentary functions."

(3) In section 5 (MPs' allowances scheme) after subsection (5) insert—

"(5A) When the scheme (or revision) is laid, the IPSA must publish in a way it considers appropriate—

(a) the scheme (or revision), and

(b) a statement of its reasons for adopting that scheme (or making that revision)."

(4) In section 6 (dealing with claims under the MPs' allowances scheme) after subsection (7) insert—

"(8) The IPSA must publish such information as it considers appropriate in respect of—

(a) each claim made under or by virtue of this section, and

(b) each payment of an allowance by the IPSA under or by virtue of this section.

(9) The IPSA must publish the information at times it considers appropriate and in a way it considers appropriate.

(10) The IPSA must determine procedures to be followed by the IPSA in relation to publication of the information, and in doing so must consult—

(a) the Speaker of the House of Commons,

(b) the Leader of the House of Commons,

(c) the House of Commons Committee on Standards and Privileges,

(d) the Compliance Officer, and

(e) any other person the IPSA considers appropriate."'.—
(*Mr. Straw.*)

Brought up, read the First and Second time, and added to the Bill.

New Clause 73

PARLIAMENTARY STANDARDS: MPs' SALARIES

(1) For section 4 of the Parliamentary Standards Act 2009 (c. 13) (MPs' salaries) substitute—

"4 MPs' salaries

(1) Members of the House of Commons are to receive a salary for the relevant period.

(2) The salaries are to be paid by the IPSA.

(3) Salaries are to be paid on a monthly basis in arrears.

(4) The amounts of the salaries are to be determined by the IPSA (see section 4A).

(5) "Relevant period", in relation to a person who is a member of the House of Commons, means the period beginning with the day after the day of the poll for the parliamentary election at which the member was elected and ending with—

(a) if the person is a member immediately before Parliament is dissolved, the day of the poll for the parliamentary general election which follows the dissolution;

(b) otherwise, the day on which the person ceases to be a member.

(6) No payment of salary is to be made to a member before the member has made and subscribed the oath required by the Parliamentary Oaths Act 1866 (or the corresponding affirmation).

(7) The duty of the IPSA to pay a salary to a member is subject to anything done in relation to the member in the exercise of the disciplinary powers of the House of Commons.

4A Determination of MPs' salaries

(1) This section is about determinations under section 4(4).

(2) A determination may provide for higher salaries to be payable to members while holding an office or position specified for the purposes of this subsection in a resolution of the House of Commons.

(3) A determination by virtue of subsection (2) may make different provision for different offices or positions or different classes of member (and may include exceptions).

(4) A determination may include a formula or other mechanism for adjusting salaries from time to time.

(5) A determination (other than the first determination) may have retrospective effect.

(6) The IPSA must review the current determination (and make a new determination as appropriate)—

- (a) in the first year of each Parliament;
- (b) at any other time it considers appropriate.

(7) In reviewing a determination (and before making the first determination) the IPSA must consult—

- (a) the Review Body on Senior Salaries,
- (b) persons appearing to the IPSA to represent persons likely to be affected by the determination or the review,
- (c) the Minister for the Civil Service,
- (d) the Treasury, and
- (e) any other person the IPSA considers appropriate.

(8) After making a determination, the IPSA must publish in a way it considers appropriate—

- (a) the determination, and
- (b) a statement of how it arrived at the determination.

(9) If the IPSA reviews the current determination but decides not to make a new determination, it must publish in a way it considers appropriate a statement of how it arrived at that decision.

(10) The IPSA may delegate to the Review Body on Senior Salaries its function of reviewing a determination (but not its function of deciding whether or not to make a new determination)."

(2) The first determination under section 4(4) of the Parliamentary Standards Act 2009 does not have to come into effect before 1 April 2012; and section 4A(6)(a) of that Act does not apply in relation to a Parliament that begins before that date.

(3) Until the first determination under section 4(4) of that Act comes into effect, the amounts of the salaries payable by the Independent Parliamentary Standards Authority under section 4 of that Act are to be determined in accordance with the relevant resolutions of the House of Commons.'—(*Mr. Straw.*)

Brought up, read the First and Second time, and added to the Bill.

New Clause 74PARLIAMENTARY STANDARDS: MPs' ALLOWANCES
SCHEME

In section 5 of the Parliamentary Standards Act 2009 (MPs' allowances scheme) after subsection (8) insert—

"(8A) Any duty of the IPSA to pay an allowance to a member is subject to anything done in relation to the member in the exercise of the disciplinary powers of the House of Commons."—(*Mr. Straw.*)

Brought up, read the First and Second time, and added to the Bill.

New Clause 75

PARLIAMENTARY STANDARDS: ALLOWANCES CLAIMS

'(1) Section 6 of the Parliamentary Standards Act 2009 (dealing with claims under the MPs' allowances scheme) is amended as follows.

(2) Omit subsections (4) and (5).

(3) In subsection (6) for paragraph (b) substitute—

"(b) provision for deducting amounts within subsection (6A) from allowances payable under the scheme or salaries payable under section 4;

(c) provision about how such deductions, and deductions under paragraph 5 or 12 of Schedule 4, are to be made."

(4) After subsection (6) insert—

"(6A) This subsection applies to amounts which a member (under section 9(8) or otherwise) has agreed to repay, in respect of amounts paid to the member under the MPs' allowances scheme which should not have been allowed."

(5) After section 6 of that Act insert—

"6A Review of IPSA's determination

(1) This section applies if—

- (a) the IPSA determines under section 6(3) that a claim is to be refused or that only part of the amount claimed is to be allowed, and
- (b) the member (after asking the IPSA to reconsider the determination and giving it a reasonable opportunity to do so) asks the Compliance Officer to review the determination (or any altered determination resulting from the IPSA's reconsideration).

(2) The Compliance Officer must—

- (a) consider whether the determination (or the altered determination) is the determination that should have been made, and
- (b) in light of that consideration, decide whether or not to confirm or alter it.

(3) The Compliance Officer must give the IPSA a statement of any decision under subsection (2)(b), and may include a statement of the Compliance Officer's findings about the way in which the IPSA has dealt with the claim.

(4) The IPSA must make any payments or adjustments necessary to give effect to the Compliance Officer's decision; but it must not do so until—

- (a) it is no longer possible for there to be a relevant appeal, and
- (b) all relevant appeals have been withdrawn or determined.

(5) A relevant appeal is—

- (a) an appeal under subsection (6) brought before the end of the period mentioned in subsection (7), or
- (b) a further appeal in relation to the Compliance Officer's decision which—
 - (i) is brought before the end of the usual period for bringing such an appeal, and
 - (ii) is an appeal against the determination of an appeal which was itself a relevant appeal.

(6) The member may appeal to the First-tier Tribunal against a decision of the Compliance Officer under subsection (2)(b).

(7) The appeal must be brought before the end of the period of 28 days beginning with the day on which notice of the decision is sent to the member (unless the Tribunal directs that it may be brought after the end of that period).

(8) The appeal is by way of a rehearing.

(9) On an appeal under subsection (6) the Tribunal may—

- (a) allow the appeal in whole or in part, or
- (b) dismiss the appeal.

(10) If the Tribunal allows the appeal (in whole or in part) it may—

- (a) order the IPSA to make any payments or adjustments necessary to give effect to that decision;
- (b) make any other order it thinks fit.

(11) If the Tribunal dismisses the appeal it may make any other order it thinks fit.

(12) The Compliance Officer must notify the IPSA of the Tribunal's decision (and the result of any further appeal).".'.—
(*Mr. Straw.*)

Brought up, read the First and Second time, and added to the Bill.

New Clause 76

PARLIAMENTARY STANDARDS: MPs' CODE OF CONDUCT RELATING TO FINANCIAL INTERESTS

'Omit section 8 of the Parliamentary Standards Act 2009 (c. 13) (MPs' code of conduct relating to financial interests) and the italic heading before it.'.—(*Mr. Straw.*)

Brought up, read the First and Second time, and added to the Bill.

New Clause 77

PARLIAMENTARY STANDARDS: INVESTIGATIONS

For section 9 of the Parliamentary Standards Act 2009 (investigations) substitute—

"9 Investigations

(1) The Compliance Officer may conduct an investigation if the Compliance Officer has reason to believe that a member of the House of Commons may have been paid an amount under the MPs' allowances scheme that should not have been allowed.

- (2) An investigation may be conducted—
 - (a) on the Compliance Officer's own initiative,
 - (b) at the request of the IPSA,
 - (c) at the request of the member, or
 - (d) in response to a complaint by an individual.

(3) For the purposes of the investigation the member and the IPSA—

- (a) must provide the Compliance Officer with any information (including documents) the Compliance Officer reasonably requires, and
- (b) must do so within such period as the Compliance Officer reasonably requires.

(4) The Compliance Officer must, after giving the member and the IPSA an opportunity to make representations to the Compliance Officer, prepare a statement of the Compliance Officer's provisional findings.

(5) The Compliance Officer must, after giving the member and the IPSA an opportunity to make representations to the Compliance Officer about the provisional findings, prepare a statement of the Compliance Officer's findings (subject to subsection (7)).

(6) Provisional findings under subsection (4) and findings under subsection (5) may include—

- (a) a finding that the member failed to comply with subsection (3),
- (b) findings about the role of the IPSA in the matters under investigation.

(7) If subsection (8) applies, the Compliance Officer need not make a finding under subsection (5) as to whether the member was paid an amount under the MPs' allowances scheme that should not have been allowed.

(8) This subsection applies if—

- (a) the member accepts a provisional finding that the member was paid an amount under the MPs' allowances scheme that should not have been allowed,

(b) such other conditions as may be specified by the IPSA are, in the Compliance Officer's view, met in relation to the case, and

(c) the member agrees to repay to the IPSA, in such manner and within such period as the Compliance Officer considers reasonable, such amount as the Compliance Officer considers reasonable (and makes the repayment accordingly).

(9) Before specifying conditions under subsection (8)(b) the IPSA must consult the persons listed in section 9A(6).

(10) References in this section (and section 9A) to a member of the House of Commons include a former member of that House.
9A Procedures etc

(1) The IPSA must determine procedures to be followed by the Compliance Officer in relation to investigations under section 9.

(2) The procedures must in particular include provision about—

- (a) complaints under section 9(2)(d),
- (b) representations under section 9(4),
- (c) representations under section 9(5), and
- (d) the circumstances in which the Compliance Officer must publish the documents listed in subsection (4).

(3) Provision under subsection (2)(b) must include provision giving the member who is the subject of the investigation—

- (a) an opportunity to be heard in person, and
- (b) an opportunity, where the Compliance Officer considers it appropriate, to call and examine witnesses.

(4) The documents referred to in subsection (2)(d) are—

- (a) statements of provisional findings under section 9(4),
- (b) statements of findings under section 9(5), and
- (c) agreements under section 9(8).

(5) The IPSA must also determine procedures to be followed by the Compliance Officer as to the circumstances in which the Compliance Officer must publish—

- (a) statements under section 6A(3), and
- (b) penalty notices under paragraph 6 of Schedule 4.

(6) Procedures under this section must be fair, and before determining procedures the IPSA must consult—

- (a) the Speaker of the House of Commons,
- (b) the Leader of the House of Commons,
- (c) the House of Commons Committee on Standards and Privileges,
- (d) the Compliance Officer, and
- (e) any other person the IPSA considers appropriate.".'.—
(*Mr. Straw.*)

Brought up, read the First and Second time, and added to the Bill.

New Clause 78

PARLIAMENTARY STANDARDS: ENFORCEMENT

'(1) After section 9A of the Parliamentary Standards Act 2009 insert—

"9B Enforcement

(1) Schedule 4 (which makes provision about the enforcement powers of the Compliance Officer) has effect.

(2) The Compliance Officer may provide to the Parliamentary Commissioner for Standards any information connected with an investigation under section 9 or action taken under Schedule 4 which the Compliance Officer considers may be relevant to the work of the Parliamentary Commissioner for Standards."

(2) After Schedule 3 to that Act insert the Schedule set out in Schedule [Parliamentary Standards Act 2009: new Schedule 4]'.—
(*Mr. Straw.*)

Brought up, read the First and Second time, and added to the Bill.

New Clause 79PARLIAMENTARY STANDARDS: RELATIONSHIPS WITH
OTHER BODIES ETC

‘After section 10 of the Parliamentary Standards Act 2009 insert—

“10A Relationships with other bodies etc

(1) The IPSA and the Compliance Officer must prepare a joint statement setting out how the IPSA and the Compliance Officer will work with the following—

- (a) the Parliamentary Commissioner for Standards,
- (b) the Director of Public Prosecutions,
- (c) the Commissioner of Police of the Metropolis, and
- (d) any other person the IPSA and the Compliance Officer consider appropriate.

(2) Before preparing the statement the IPSA and the Compliance Officer must consult the persons listed in subsection (1).

(3) Nothing in sections 9 to 9B (or Schedule 4) affects the disciplinary powers of the House of Commons.

(4) The powers conferred by sections 9 to 9B (and Schedule 4) may be exercised in relation to the conduct of a member of the House of Commons even if—

- (a) the member is or has been the subject of criminal proceedings in relation to that conduct (whether or not convicted of an offence);
- (b) the House of Commons is exercising or has exercised any of its disciplinary powers in relation to that conduct.

(5) References in subsection (4) to a member of the House of Commons include a former member of that House.”.—
(*Mr. Straw.*)

Brought up, read the First and Second time, and added to the Bill.

New Clause 80PARLIAMENTARY STANDARDS: FURTHER FUNCTIONS OF
THE IPSA AND COMMISSIONER

‘Omit section 11 of the Parliamentary Standards Act 2009 (c. 13) (further functions of the IPSA and Commissioner).’.—
(*Mr. Straw.*)

Brought up, read the First and Second time, and added to the Bill.

New Clause 81EXPIRY OF PROVISIONS OF THE PARLIAMENTARY
STANDARDS ACT 2009

‘Omit section 15 of the Parliamentary Standards Act 2009 (c. 13) (expiry of provisions of the Act).’.—(*Mr. Straw.*)

Brought up, read the First and Second time, and added to the Bill.

New Clause 82PARLIAMENTARY STANDARDS: CONSEQUENTIAL
AMENDMENTS

‘Schedule [Parliamentary standards: consequential amendments] (which makes consequential amendments relating to sections [Parliamentary standards: Compliance Officer] to [Expiry of provisions of the Parliamentary Standards Act 2009]) has effect.’.—(*Mr. Straw.*)

Brought up, read the First and Second time, and added to the Bill.

New Clause 83

RESETTLEMENT GRANTS FOR MEPs

‘(1) The European Parliament (Pay and Pensions) Act 1979 is amended as follows.

(2) In section 3 (resettlement grants for persons ceasing to be MEPs) for subsections (1) to (3) substitute—

“(1) The IPSA may make a scheme providing for allowances to be payable to persons to whom this section applies, in connection with their ceasing to be Representatives.

(2) It may do so only if a scheme under section 5 of the Parliamentary Standards Act 2009 (MPs’ allowances scheme) makes provision for allowances to be payable in connection with persons ceasing to be Members on a dissolution of Parliament.

(3) A scheme under this section must make provision which is as nearly equivalent to the provision made by the scheme under section 5 of that Act as the IPSA considers practicable.

(3A) The IPSA must send to the Speaker of the House of Commons for laying before both Houses of Parliament—

- (a) any scheme made by it under this section, and
- (b) a statement of the reasons for making the scheme.

(3B) When the scheme and the statement of reasons have been laid, the IPSA must publish them in a way it considers appropriate.

(3C) This section applies to a person who is a Representative immediately before the end of a five-year period, and either—

- (a) does not stand for election to the European Parliament at the general election of representatives to the European Parliament held in that period, or
- (b) does so stand at that election (whether for the same or a different electoral region) and is not elected.

(3D) A scheme made by the IPSA under this section may amend or revoke any previous scheme made by the IPSA under this section.”

(3) Omit section 3A (power to amend section 3).

(4) In section 7(1)(b) (expenses and receipts) for “grant” substitute “allowance”.’.—(*Mr. Straw.*)

Brought up, read the First and Second time, and added to the Bill.

New Clause 84PARLIAMENTARY STANDARDS: PARLIAMENTARY
PENSIONS

‘Schedule [Parliamentary and other pensions] (which makes provision about pensions for members of the House of Commons, ministers and other office-holders) has effect.’.—
(*Mr. Straw.*)

Brought up, read the First and Second time, and added to the Bill.

New Schedule 6

‘PARLIAMENTARY STANDARDS ACT 2009:

COMPLIANCE OFFICER

Appointment of Compliance Officer

1 (1) The Compliance Officer is to be appointed by the IPSA.

(2) The person to be appointed must be selected by the IPSA on merit on the basis of fair and open competition.

Terms and conditions: general

2 (1) Subject to the provisions of this Schedule, the Compliance Officer holds office in accordance with the terms and conditions of the Compliance Officer’s appointment.

(2) Those terms and conditions are to be determined by the IPSA.

Term of office

3 (1) The Compliance Officer is to be appointed for a fixed term not exceeding five years.

(2) A person who has been appointed as the Compliance Officer may not be appointed again.

Resignation and removal from office

4 (1) A person may resign from the office of Compliance Officer by giving written notice to the IPSA.

(2) The IPSA may remove a person from the office of Compliance Officer if the person—

- (a) is convicted of an offence (see sub-paragraph (3)),
- (b) becomes bankrupt (see sub-paragraph (4)), or
- (c) is unfit or unable to carry out the functions of the office.

(3) For the purposes of determining if the person is convicted of an offence—

- (a) it does not matter where the person is convicted, and
- (b) an act punishable under the law of a territory outside the United Kingdom constitutes an offence for the purposes of this paragraph (however it is described in that law).

(4) A person becomes bankrupt if—

- (a) in England and Wales or Northern Ireland, a bankruptcy order is made in relation to the person, or
- (b) in Scotland, the person's estate is sequestrated.

Remuneration

5 (1) The terms and conditions on which a person is appointed as the Compliance Officer may provide for the IPSA—

- (a) to pay remuneration and allowances to the person;
- (b) to make provision for a pension in relation to that person.

(2) The IPSA must make the payment or provision accordingly.

Status

6 (1) The Compliance Officer is not to be regarded—

- (a) as the servant or agent of the Crown, or
- (b) as enjoying any status, immunity or privilege of the Crown.

(2) The Compliance Officer's property is not to be regarded as property of, or property held on behalf of, the Crown.

Funding

7 (1) The IPSA must provide the Compliance Officer with adequate resources for the Compliance Officer's functions.

(2) In particular, the IPSA is responsible for providing staff to assist in the carrying out of those functions.

Annual report

8 (1) As soon as practicable after the end of each financial year, the Compliance Officer must—

- (a) prepare a report about the performance of the Compliance Officer's functions during that financial year, and
- (b) send the report to the IPSA.

(2) The IPSA must send the report to the Speaker of the House of Commons, who must lay it before each House of Parliament.

(3) When the Speaker lays the report, the Compliance Officer must publish it in such manner as the Compliance Officer considers appropriate.

(4) "Financial year" means—

- (a) the period beginning with the day on which a Compliance Officer is first appointed and ending with the next following 31 March, and
- (b) each successive period of 12 months.

Vacancy in office of Compliance Officer

9 (1) This paragraph applies if the office of Compliance Officer is vacant.

(2) The IPSA may authorise a member of the IPSA's staff provided under paragraph 7(2) to carry out the functions of the Compliance Officer during the vacancy.

(3) In relation to a vacancy of more than six months, the functions of the Compliance Officer may not be carried out by virtue of sub-paragraph (2) after the first six months.

Disqualification

10 (1) In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) at the appropriate place insert—

"Compliance Officer for the Independent Parliamentary Standards Authority."

(2) In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices) at the appropriate place insert—

"Compliance Officer for the Independent Parliamentary Standards Authority."

Freedom of information

11 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices which are public authorities) at the appropriate place insert—

"Compliance Officer for the Independent Parliamentary Standards Authority."

Public records

12 In Schedule 1 to the Public Records Act 1958 (definition of public records) at the appropriate place in Part 2 of the Table at the end of paragraph 3 insert—

"Compliance Officer for the Independent Parliamentary Standards Authority."'.—(*Mr. Straw.*)

Brought up, read the First and Second time, and added to the Bill.

New Schedule 7

'PARLIAMENTARY STANDARDS ACT 2009:

ENFORCEMENT

PART 1

RECOVERY OF OVERPAYMENTS

Power to give repayment direction

1 (1) This paragraph applies where the Compliance Officer—

- (a) has conducted an investigation in respect of a member of the House of Commons under section 9, and
- (b) has made findings under section 9(5) that the member was paid an amount under the MPs' allowances scheme (the "overpayment") that—
 - (i) should not have been allowed, and
 - (ii) has not been repaid.

(2) The Compliance Officer must give the member a direction under this paragraph (a "repayment direction").

(3) A repayment direction must require the member to pay to the IPSA the amount of the overpayment before the end of the period specified in the direction (the "repayment period").

(4) A repayment direction may also require the member to do one or both of the following before the end of the repayment period—

- (a) pay to the IPSA interest on the overpayment, at the rate and in relation to the period specified in the direction;
- (b) pay to the IPSA an amount reasonably representing the costs incurred by the IPSA in relation to the overpayment, including the costs of the Compliance Officer in conducting the investigation.

(5) The Compliance Officer must send a copy of the repayment direction to the IPSA.

(6) References in this Part of this Schedule to a member of the House of Commons include a former member of that House.

(7) In this Schedule “overpayment”, “repayment direction” and “repayment period” have the meaning given by this paragraph (but in relation to the repayment period, see further paragraph 4(3)).

The costs requirement

2 (1) The IPSA must prepare guidance about the circumstances in which the Compliance Officer should include in a repayment direction a requirement under paragraph 1(4)(b).

(2) The amount mentioned in paragraph 1(4)(b) is to be calculated by the Compliance Officer in accordance with a scheme prepared by the IPSA for that purpose.

(3) Before preparing guidance under sub-paragraph (1) or a scheme under sub-paragraph (2) the IPSA must consult the persons listed in section 9A(6).

Appeal against repayment direction

3 (1) A member who has been given a repayment direction under paragraph 1 may appeal to the First-tier Tribunal against—

- (a) the Compliance Officer’s findings under section 9(5);
- (b) a requirement contained in the repayment direction because of paragraph 1(4).

(2) An appeal under this paragraph must be brought before the end of the period of 28 days beginning with the day on which the repayment direction is sent to the member (unless the Tribunal directs that it may be brought after the end of that period).

(3) An appeal under this paragraph is by way of a rehearing.

(4) On an appeal under this paragraph the Tribunal may—

- (a) allow the appeal in whole or in part, or
- (b) dismiss the appeal.

(5) If the Tribunal allows the appeal (in whole or in part) it may—

- (a) revoke the repayment direction;
- (b) revoke or vary any requirement contained in the repayment direction;
- (c) make any other order it thinks fit.

(6) If the Tribunal dismisses the appeal it may make any other order it thinks fit.

(7) The Compliance Officer must notify the IPSA of the Tribunal’s decision (and the result of any further appeal).

Extension of repayment period

4 (1) The member may at any time before the end of the repayment period make an application to the Compliance Officer for the Compliance Officer to extend (or further extend) the repayment period.

(2) The Compliance Officer must notify the IPSA of any decision by the Compliance Officer to extend (or further extend) the repayment period.

(3) If the Compliance Officer extends (or further extends) the repayment period, references in this Schedule to the repayment period are to that period as extended (or further extended) by the Compliance Officer.

(4) The member may appeal to the First-tier Tribunal against the Compliance Officer’s decision on an application under this paragraph.

(5) An appeal under this paragraph must be brought before the end of the period of 28 days beginning with the day on which notice of the decision is sent to the member (unless the Tribunal directs that it may be brought after the end of that period).

(6) The appeal is by way of a rehearing.

(7) The Tribunal may—

- (a) allow the appeal in whole or in part, or
- (b) dismiss the appeal.

(8) If the Tribunal allows the appeal (in whole or in part) it may—

- (a) revoke or vary the Compliance Officer’s decision;
- (b) make any other order it thinks fit.

(9) If the Tribunal dismisses the appeal it may make any other order it thinks fit.

(10) The Compliance Officer must notify the IPSA of the Tribunal’s decision (and the result of any further appeal).

Enforcement of repayment direction

5 (1) This paragraph applies to any amount which a member is required by a repayment direction to pay to the IPSA, but only when—

- (a) it is no longer possible for there to be a relevant appeal, and
- (b) all relevant appeals have been withdrawn or determined.

(2) A relevant appeal is—

- (a) an appeal under paragraph 3 brought before the end of the period mentioned in paragraph 3(2), or
- (b) a further appeal in relation to the repayment direction which—
 - (i) is brought before the end of the usual period for bringing such an appeal, and
 - (ii) is an appeal against the determination of an appeal which was itself a relevant appeal.

(3) The IPSA may recover the amount by making deductions from—

- (a) any salary payable to the member under section 4;
- (b) any allowances payable to the member under the MPs’ allowances scheme.

(4) In England and Wales and Northern Ireland the amount is recoverable, if a county court so orders on the application of the Compliance Officer, as if it were payable under an order of that court.

(5) In Scotland the amount is recoverable as if the repayment direction were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.

PART 2

PENALTIES

Power to impose penalties

6 (1) If sub-paragraph (3) or (4) applies to a member of the House of Commons, the Compliance Officer may by notice (a “penalty notice”) impose a penalty on the member.

(2) A “penalty” means a sum of money payable by the member to the IPSA.

(3) This sub-paragraph applies if the Compliance Officer has made a finding under section 9(5) that the member has without reasonable excuse failed to comply with a requirement under section 9(3) (provision of information to Compliance Officer).

(4) This sub-paragraph applies if the Compliance Officer is satisfied that the member has without reasonable excuse failed to comply with any requirement contained in a repayment direction.

(5) The Compliance Officer must send a copy of the penalty notice to the IPSA.

(6) References in this Part of this Schedule to a member of the House of Commons include a former member of that House.

(7) In this Schedule “penalty notice” and “penalty” have the meanings given by this paragraph.

Amount of penalty

7 (1) The penalty notice must state the amount of the penalty.

(2) The amount of the penalty must not exceed £1,000.

(3) The amount in sub-paragraph (2) may be increased (or further increased) by an order made by a Minister of the Crown.

(4) An order under sub-paragraph (3) is to be made by statutory instrument.

(5) A statutory instrument containing an order under sub-paragraph (3) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

Information to be contained in notice

8 (1) The penalty notice must (as well as stating the amount of the penalty) include information as to—

- (a) the reasons for imposing the penalty,
- (b) the period before the end of which the penalty is to be paid,
- (c) how the penalty may be paid,
- (d) the procedure and time limit for appealing,
- (e) the effect of paragraph 12, and
- (f) any other matter specified by the IPSA.

(2) Before specifying a matter the IPSA must consult the persons listed in section 9A(6).

Guidance etc

9 (1) The IPSA must prepare guidance about—

- (a) the circumstances in which the Compliance Officer should impose a penalty under paragraph 6, and
- (b) how the Compliance Officer should determine the amount of the penalty.

(2) Before preparing the guidance the IPSA must consult the persons listed in section 9A(6).

Review of penalty

10 (1) The Compliance Officer may at any time review a decision to impose a penalty on a member under paragraph 6.

(2) Following the review the Compliance Officer may cancel the penalty or reduce the amount of the penalty.

(3) If the Compliance Office does either of those things, the Compliance Officer must notify the IPSA.

(4) If the penalty (or part of the penalty) has already been paid the IPSA must repay the member accordingly.

Appeal against penalty

11 (1) A member on whom a penalty has been imposed under paragraph 6 may appeal to the First-tier Tribunal.

(2) An appeal under this paragraph must be brought before the end of the period of 28 days beginning with the day on which the penalty notice is sent to the member (unless the Tribunal directs that it may be brought after the end of that period).

- (3) The appeal is by way of a rehearing.
- (4) On an appeal under this paragraph the Tribunal may—
 - (a) allow the appeal and cancel the penalty,
 - (b) allow the appeal and reduce the penalty, or
 - (c) dismiss the appeal.

(5) The Compliance Officer must notify the IPSA of the Tribunal's decision (and the result of any further appeal).

Enforcement of penalty

12 (1) This paragraph applies to the amount of a penalty imposed on a member under paragraph 6, but only when—

- (a) it is no longer possible for there to be a relevant appeal, and
 - (b) all relevant appeals have been withdrawn or determined.
- (2) A relevant appeal is—
- (a) an appeal under paragraph 11 brought before the end of the period mentioned in paragraph 11(2), or
 - (b) a further appeal in relation to the penalty notice which—
 - (i) is brought before the end of the usual period for bringing such an appeal, and
 - (ii) is an appeal against the determination of an appeal which was itself a relevant appeal.

(3) The IPSA may recover the amount by making deductions from—

- (a) any salary payable to the member under section 4;
- (b) any allowances payable to the member under the MPs' allowances scheme.

(4) In England and Wales and Northern Ireland the amount is recoverable, if a county court so orders on the application of the Compliance Officer, as if it were payable under an order of that court.

(5) In Scotland the amount is recoverable as if the penalty notice were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.

Payment of penalty into Consolidated Fund

13 The IPSA must pay into the Consolidated Fund—

- (a) the amount of any penalty paid to the IPSA, and
- (b) where the IPSA makes a deduction under paragraph 12(3), an amount corresponding to the amount of the deduction."'.—(*Mr. Straw.*)

Brought up, read the First and Second time, and added to the Bill.

New Schedule 8

‘PARLIAMENTARY STANDARDS: CONSEQUENTIAL AMENDMENTS

1 The Parliamentary Standards Act 2009 (c. 13) is amended as follows.

2 In section 2(2) (effect of Act on House of Lords)—

- (a) omit paragraph (a),
- (b) omit “and” at the end of paragraph (b),
- (c) in paragraph (c) for “paragraphs 4(2) and 8(1)” substitute “paragraph 8(2)”, and
- (d) after that paragraph insert “, and
- (d) paragraph 7(5) of Schedule 4.”

3 In section 5(8) (allowances) for the words from “and” to the end substitute “and in relation to any such allowances, references in this Act to a member of the House of Commons include a former member of that House.”

4 (1) Section 12 (interpretation) is amended as follows.

(2) In subsection (1)—

- (a) for ““the Commissioner”” substitute ““the Compliance Officer””, and
- (b) omit the definition of “the MPs’ code of conduct relating to financial interests”.

(3) In subsection (2)—

- (a) after “committee” (in each place) insert “or officer”, and
- (b) in paragraph (a) for “its” substitute “the”.

5 (1) Section 13 (transitional provision) is amended as follows.

(2) Omit subsection (2)(b) and (c).

(3) In subsection (4) and (6)(c) for “Commissioner” substitute “Compliance Officer”.

6 In section 14 (commencement) omit subsection (2)(d).

7 (1) Schedule 1 (the IPSA) is amended as follows.

(2) Omit paragraph 10 and the heading above it.

(3) In paragraph 18(1)—

- (a) for paragraph (a) substitute—

“(a) section 4 (MPs’ salaries), so far as relating to the payment (but not the determination) of salaries,”
- (b) in paragraph (c), after “claims” insert “(except as mentioned in sub-paragraph (2) below)”, and
- (c) omit the words following paragraph (c).

(4) In paragraph 18(2)—

- (a) before paragraph (a) insert—

“(za) sections 4 and 4A (MPs’ salaries) (except as mentioned in sub-paragraph (1) above),”

(b) after paragraph (a) insert—

“(aa) section 6(10) (determining procedures for publication of allowances claims),”

(c) omit paragraph (b) (and the “and” following it), and

(d) for paragraph (c) substitute—

“(c) section 9(8)(b) and (9) (determining conditions),

(d) section 9A (determining procedures for investigations etc), and

(e) paragraphs 1, 2(2), 4(2) and 9(2) of Schedule 2 (appointment and removal of Compliance Officer etc), and

(f) paragraphs 2, 8 and 9 of Schedule 4 (scheme, guidance etc for Compliance Officer).”

(5) In paragraph 22(8) for “Any repayments” substitute “Any payments received by the IPSA as a result of a repayment direction under Schedule 4, and any repayments otherwise”.—
(*Mr. Straw.*)

Brought up, read the First and Second time, and added to the Bill.

New Schedule 9

‘PARLIAMENTARY AND OTHER PENSIONS

PART 1

PARLIAMENTARY AND OTHER PENSIONS

The Parliamentary Contributory Pension Fund

Continuance of Fund

1 (1) There is to continue to be a fund known as the Parliamentary Contributory Pension Fund (“the Fund”).

(2) The persons who are the trustees of the Fund immediately before this paragraph comes into force are to continue as the trustees of the Fund (subject to provision made by or under this Schedule).

(3) The IPSA may, after consulting the Minister for the Civil Service—

- (a) remove a trustee of the Fund;
- (b) fill any vacancy in the trustees;
- (c) appoint additional trustees.

(4) The power conferred by sub-paragraph (3) is subject to any provision in a scheme under paragraph 3.

Powers of trustees

2 (1) The trustees of the Fund may invest the assets of the Fund, whether at the time in a state of investment or not, in any investment whatever and may also from time to time vary any such investments.

(2) The trustees of the Fund may settle or compromise any claim or dispute relating to the Fund, but—

- (a) so far as the claim or dispute relates to a scheme under paragraph 3 or 7, they may do so only with the consent of the IPSA, and
- (b) so far as the claim or dispute relates to a scheme under paragraph 11, they may do so only with the consent of the Minister for the Civil Service.

(3) The IPSA must consult the Minister for the Civil Service before giving its consent to the settlement or compromise of a claim or dispute relating to a 30 scheme under paragraph 3.

(4) Section 35(1) to (4) of the Pensions Act 1995 (pension scheme trustees must prepare statement of investment principles) applies to the trustees of the Fund despite any provision in regulations under section 35 of that Act which would (apart from this sub-paragraph) prevent it applying.

(5) Any provision in regulations under that section which would require the trustees of the Fund to consult the employer applies as if it required them to consult the IPSA and the Minister for the Civil Service.

Administration scheme

3 (1) The IPSA may make a scheme containing provision about—

- (a) the administration of the Fund,
- (b) the management of the Fund’s assets,
- (c) the number, qualification and proceedings of the trustees of the Fund, and
- (d) the application of the Fund’s assets in connection with the matters in paragraphs (a) to (c).

(2) A scheme under this paragraph may in particular—

- (a) include any or all of the provisions specified in paragraphs 26 to 28,
- (b) make different provision in relation to different cases, circumstances or persons,
- (c) make such incidental, consequential and transitional provision (other than provision modifying an enactment or subordinate legislation) as the IPSA considers appropriate.

(3) In sub-paragraph (2)(c) the reference to subordinate legislation does not include a scheme under this paragraph.

(4) No provision of a scheme under this paragraph is to be construed as restricting the powers of the trustees under paragraph 2(1).

Procedure for administration scheme

4 (1) Before making a scheme under paragraph 3 the IPSA must consult—

- (a) the Treasury,
- (b) the Minister for the Civil Service,
- (c) the trustees of the Fund,
- (d) persons the IPSA considers to represent those likely to be affected by the scheme, and
- (e) any other person the IPSA considers appropriate.

(2) The IPSA must send to the Speaker of the House of Commons for laying before the House of Commons—

- (a) any representations made to it by the trustees of the Fund in response to consultation under this paragraph,
- (b) any scheme made by it under paragraph 3, and
- (c) a statement of the reasons for making the scheme.

(3) When the scheme and the statement of reasons have been laid, the IPSA must publish them in a way it considers appropriate.

Exchequer contribution to Fund

5 (1) In respect of each financial year an Exchequer contribution is to be paid into the Fund out of money provided by Parliament.

(2) Subject to any provision made by the IPSA under paragraph 6, the amount of the contribution for any financial year is to be calculated in accordance with recommendations for that year contained in a report made by the Government Actuary under this paragraph.

(3) The Government Actuary must make a report under this paragraph as soon as practicable after the beginning of—

- (a) the period of three years beginning with the relevant date, and
- (b) each succeeding period of three years.

(4) The “relevant date” means the date immediately following the end of the three year period which is current for the purposes of section 3 of the Parliamentary and other Pensions Act 1987 when this paragraph comes into force.

(5) The report is to be made to—

- (a) the trustees of the Fund,
- (b) the IPSA,

- (c) the Minister for the Civil Service, and
- (d) the Treasury.

(6) The report must—

- (a) report on the general financial position of the Fund at the beginning of the period of three years in which the report is made, and
- (b) make a recommendation as to the rate at which (subject to any subsequent report under this paragraph) Exchequer contributions should be paid into the Fund in respect of any financial year beginning after the report is made.

(7) The rate is to be expressed by reference to such matters as the Government Actuary considers appropriate.

(8) A copy of every report made by the Government Actuary under this paragraph is to be laid before the House of Commons.

Power to determine Exchequer contribution

6 (1) The IPSA may, with the consent of the Treasury and the Minister for the Civil Service, make provision for determining the Exchequer contribution in respect of any financial year.

(2) The “Exchequer contribution” means the amount to be paid into the Fund under paragraph 5.

(3) Before making provision under this paragraph the IPSA must consult—

- (a) the trustees of the Fund, and
- (b) persons appearing to the IPSA to represent persons likely to be affected by the provision.

(4) The IPSA must send to the Speaker of the House of Commons for laying before the House of Commons—

- (a) any representations made by the trustees of the Fund in response to consultation under this paragraph,
- (b) any provision made by the IPSA under this paragraph, and
- (c) a statement of the reasons for making the provision.

(5) When the provision and the statement of reasons have been laid, the IPSA must publish them in a way it considers appropriate.

(6) Provision under this section may—

- (a) apply to a financial year which has already ended or which has begun before the making of the provision, and
- (b) make such incidental, consequential and transitional provision (other than provision modifying an enactment or subordinate legislation) as the IPSA considers appropriate.

MPs’ pension scheme

MPs’ pension scheme

7 (1) The IPSA may make a scheme containing provision about the application of the assets of the Fund in or towards the provision of pensions for or in respect of persons with service as a member of the House of Commons, in respect of that service.

(2) A scheme under this paragraph may not provide for the application of any of the assets of the Fund in or towards the provision of pensions for or in respect of persons with service as Lord Chancellor.

(3) A scheme under this paragraph may not provide for the application of any of the assets of the Fund in or towards the provision of pensions for or in respect of a person (“P”) with service as—

- (a) Prime Minister and First Lord of the Treasury, or
- (b) Speaker of the House of Commons.

(4) Sub-paragraph (3) does not apply if P elects, in accordance with provision made by the scheme, to contribute to the Fund out of P’s salary as a member of the House of Commons while holding the office of Prime Minister and First Lord of the Treasury or Speaker of the House of Commons.

(5) The provision mentioned in sub-paragraph (4) may not provide for a pension payable under the scheme for or in respect of P to be calculated by reference to service as a member of the House of Commons before 28 February 1991.

Meaning of “service as a member of the House of Commons”

8 (1) For the purposes of this Schedule a person is to be treated as a member of the House of Commons at any time if at that time a salary is or was payable to the person under—

- (a) section 4 of the Parliamentary Standards Act 2009, or
- (b) in relation to a time before that section was in force, the resolutions of the House of Commons then in force relating to the remuneration of its members.

(2) For the purposes of this Schedule service as a member of the House of Commons includes service as the holder of a qualifying office or position.

(3) In relation to a time when a determination under section 4(4) of the Parliamentary Standards Act 2009 is in effect a “qualifying office or position” means an office or position in respect of which, because of section 4A(2) of that Act, a higher salary is payable than the salary payable to members of the House of Commons generally.

(4) In relation to a time before the first determination under section 4(4) of the Parliamentary Standards Act 2009 comes into effect a “qualifying office or position” means—

- (a) the office of Chairman of Ways and Means and the office of Deputy Chairman of Ways and Means,
- (b) an office or position in respect of which, under the resolutions of the House of Commons then in force relating to the remuneration of its members, a higher salary was payable than the salary payable to members of the House of Commons generally.

MPs’ pension scheme: further provision

9 (1) A scheme under paragraph 7 may in particular—

- (a) include any or all of the provisions specified in paragraphs 19 to 27, except for the provision specified in paragraph 24(2),
- (b) make provision which has effect from a date earlier than the date the scheme is made,
- (c) make provision in relation to service before the passing of this Act,
- (d) make different provision in relation to different cases, circumstances or persons, and
- (e) make such incidental, consequential and transitional provision (other than provision modifying an enactment or subordinate legislation) as the IPSA considers appropriate.

(2) In sub-paragraph (1)(e) the reference to subordinate legislation does not include a scheme under paragraph 7.

Procedure for MPs’ pension scheme

10 (1) Before making a scheme under paragraph 7 the IPSA must consult—

- (a) the Treasury,
- (b) the Minister for the Civil Service,
- (c) the trustees of the Fund,
- (d) persons the IPSA considers to represent those likely to be affected by the scheme,
- (e) the Government Actuary,
- (f) the Review Body on Senior Salaries, and
- (g) any other person the IPSA considers appropriate.

(2) The IPSA must send to the Speaker of the House of Commons for laying before the House of Commons—

- (a) any representations made to it by the trustees of the Fund in response to consultation under this paragraph,
- (b) any scheme made by it under paragraph 7, and
- (c) a statement of the reasons for making the scheme.

(3) When the scheme and the statement of reasons have been laid, the IPSA must publish them in a way it considers appropriate.

(4) The reference in sub-paragraph (1)(f) to the Review Body on Senior Salaries—

- (a) if the name of the body is changed, is to be treated as a reference to the body by its new name, and
- (b) if the functions of the body (or substantially corresponding functions) become functions of a different body, is to be treated as a reference to the body by which those functions are exercisable.

(5) Any question arising under sub-paragraph (4) is to be determined by the Speaker of the House of Commons.

Ministers' etc pension scheme

11 (1) The Minister for the Civil Service may make a scheme containing provision about the application of the assets of the Fund in or towards the provision of pensions for or in respect of persons with service to which this paragraph applies, in respect of that service.

(2) This paragraph applies to service as—

- (a) the holder of an office specified in Parts 1 to 4 of Schedule 1 to the Ministerial and other Salaries Act 1975 (ministerial offices),
- (b) the holder of an office specified in Part 1 of Schedule 2 to that Act (Opposition leaders and whips),
- (c) Speaker of the House of Lords,
- (d) Chairman of Committees of the House of Lords,
- (e) Deputy Chairman of Committees of the House of Lords.

(3) A scheme under this paragraph may not provide for the application of any of the assets of the Fund in or towards the provision of pensions for or in respect of a person with service as—

- (a) Lord Chancellor,
- (b) Prime Minister and First Lord of the Treasury, or
- (c) Speaker of the House of Commons.

Ministers' etc pension scheme: further provision

12 (1) A scheme under paragraph 11 may in particular—

- (a) include any or all of the provisions specified in paragraphs 19 to 27 and 29,
- (b) make provision which has effect from a date earlier than the date the scheme is made,
- (c) make provision in relation to service before the passing of this Act (including, in relation to service within paragraph 11(2)(a) or (b), service before the passing of the Ministerial and other Salaries Act 1975),
- (d) make different provision in relation to different cases, circumstances or persons, and
- (e) make such incidental, consequential and transitional provision (other than provision modifying an enactment or subordinate legislation) as the Minister considers appropriate.

(2) In sub-paragraph (1)(e) the reference to subordinate legislation does not include a scheme under paragraph 11.

Procedure for Ministers' etc pension scheme

13 (1) Before making a scheme under paragraph 11 the Minister for the Civil Service must consult—

- (a) the IPSA,
- (b) the Government Actuary,
- (c) the trustees of the Fund, and
- (d) any other person the Minister considers appropriate.

(2) The Minister for the Civil Service must lay before the House of Commons—

- (a) any representations made to the Minister by the trustees of the Fund in response to consultation under this paragraph,

(b) any scheme made by the Minister under paragraph 11, and

(c) a statement of the reasons for making the scheme.

(3) When the scheme and the statement of reasons have been laid, the Minister must publish them in a way the Minister considers appropriate.

Supplementary provision

Protection of accrued rights

14 (1) This paragraph applies where—

- (a) the IPSA makes a scheme under paragraph 7, or
- (b) the Minister for the Civil Service makes a scheme under paragraph 11, (the “new scheme”).

(2) The new scheme must not make any provision in relation to an accrued right which puts a person in a worse position than the person would have been in apart from the provision.

(3) Sub-paragraph (2) does not apply if the person making the new scheme is satisfied that—

- (a) the person (“P”) in respect of whose service the right has accrued (or will have accrued by the time the provision comes into force) is in service when the new scheme is made, or
- (b) the new scheme gives P (or a person acting on P's behalf) the opportunity to opt for the accrued right to remain unaffected by the provision.

(4) If P has died, the references in sub-paragraph (3)(b) to P are to be read as references to the persons who because of the accrued right are entitled, or may become entitled, to a pension or to the benefit of any pension.

(5) In sub-paragraph (3)(a) “service” means—

- (a) where the new scheme is a scheme under paragraph 7, service as a member of the House of Commons, and
- (b) where the new scheme is a scheme under paragraph 11, service to which that paragraph applies.

Meaning of “accrued right”

15 (1) This paragraph applies for the interpretation of paragraph 14.

(2) “Accrued right”, in relation to the new scheme, means so much of any right or entitlement to or in respect of a pension payable out of the Fund as—

- (a) has accrued under the existing scheme in respect of service which was before the making of the new scheme, or
- (b) by the time the new scheme comes into force, will have accrued under the existing scheme in respect of service of a person within sub-paragraph (3).

(3) A person is within this sub-paragraph if the person's service includes a period of service before the making of the new scheme.

(4) Where the new scheme is a scheme under paragraph 7, in this paragraph—

- (a) “existing scheme” means the schemes under paragraph 7 in force, or made but not yet in force, when the new scheme is made, and
- (b) “service” means service as a member of the House of Commons.

(5) Where the new scheme is a scheme under paragraph 11, in this paragraph—

- (a) the “existing scheme” means the schemes under paragraph 11 in force, or made but not yet in force, when the new scheme is made, and
- (b) “service” means service to which that paragraph applies.

(6) In this paragraph references to a right or entitlement include a future or contingent right or entitlement.

Power to make consequential amendments

16 (1) The Minister for the Civil Service may by order make such modifications of any enactment or subordinate legislation (whenever passed or made) as the Minister considers appropriate in consequence of any provision of a scheme made by the IPSA or the Minister for the Civil Service under this Part of this Schedule.

(2) In sub-paragraph (1) the reference to subordinate legislation does not include a scheme made by the IPSA or the Minister for the Civil Service under this Part of this Schedule.

(3) An order under this paragraph is to be made by statutory instrument.

(4) A statutory instrument containing an order under this paragraph is subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation etc

17 (1) A scheme made by the IPSA under paragraph 3 or 7 may amend or revoke any previous scheme made by the IPSA under that paragraph.

(2) A scheme made by the Minister for the Civil Service under paragraph 11 may amend or revoke any previous scheme made by the Minister under that paragraph.

(3) In this Part of this Schedule—

“the Fund” means the Parliamentary Contributory Pension Fund;

“the IPSA” means the Independent Parliamentary Standards Authority;

“modifications” includes additions, alterations and omissions (and related expressions are to be read accordingly);

“pension” includes gratuity;

“subordinate legislation” has the same meaning as in the Interpretation Act 1978.

PART 2

PROVISION WHICH MAY BE INCLUDED IN SCHEMES

Introductory

18 (1) In this Part of this Schedule “relevant service”—

(a) for the purposes of paragraph 9(1)(a), means service as a member of the House of Commons, and

(b) for the purposes of paragraph 12(1)(a), means service to which paragraph 11 applies.

(2) Expressions defined in relation to Part 1 of this Schedule have the same meaning in this Part of this Schedule as in that Part.

Contributions

19 Provision authorising or requiring contributions and other sums to be paid into the Fund by or on behalf of persons in relevant service, including provision for those contributions and sums to be paid—

(a) by deductions from salary;

(b) in the case of a person who does not draw a salary, out of money provided by Parliament.

Conditions etc

20 Provision as to—

(a) the circumstances in which there is to be entitlement to a pension payable out of the Fund;

(b) the conditions of any such entitlement;

(c) the persons to or for the benefit of whom such a pension is payable;

(d) the calculation of the amount of any such pension;

(e) the payment or commutation of any such pension.

Pensions not paid out of Fund

21 (1) Provision for the application of assets of the Fund in or towards the provision of pensions to be paid otherwise than out of the Fund.

(2) In connection with such provision, provision for the payment into the Fund out of money provided by Parliament of sums in addition to those paid into the Fund under paragraph 5.

Transfer values

22 (1) Provision for the payment and receipt of transfer values by the trustees of the Fund (including provision for the payment of such values into the Consolidated Fund).

(2) Provision for the transfer and receipt by the trustees of the Fund of funds or policies of insurance in lieu of transfer values.

Service

23 Provision authorising service other than relevant service to be taken into account, in addition to relevant service, for the purposes of any provision of the scheme.

Repayments

24 (1) Provision as to the circumstances and manner in which amounts equal to some or all of the contributions and other sums paid by or on behalf of a person into the Fund may be repaid or paid to that person.

(2) Provision as to the circumstances and manner in which any such amounts are to be paid out of the Consolidated Fund in respect of transfer values paid into that Fund.

(3) Provision under sub-paragraph (1) or (2) may include provision as to whether any repayment or payment made under that provision is to be made with or without interest.

Assignment etc.

25 Provision rendering void—

(a) any assignment (or, in Scotland, assignation) of a pension which is payable or may become payable out of the Fund;

(b) any charge on such a pension;

(c) any agreement to assign or charge such a pension.

Functions

26 Provision conferring functions under the scheme on persons specified in or determined under the scheme.

Approvals

27 Provision making the approval, satisfaction or opinion of persons on whom functions are conferred by or under the scheme material for the purposes of any provision of the scheme.

Payments without probate

28 Provision authorising (in relation to such cases, circumstances or persons as may be specified in or determined under the scheme) any sum due to be paid out of the Fund in respect of a person who has died to be paid without probate or other proof of title.

Application of other provisions

29 Provision which (with or without modifications) applies in relation to a pension payable out of the Fund so much of any enactment or subordinate legislation (whenever passed or made) as relates to another pension, being a pension payable out of money provided by Parliament.

PART 3

AMENDMENTS, TRANSITIONAL PROVISION ETC

Pensions (Increase) Act 1971 (c. 56)

30 (1) Part 1 of Schedule 2 is amended as follows.

(2) For paragraph 3A substitute—

“3A A pension which, under a scheme under paragraph 7 or 11 of Schedule [Parliamentary and other pensions] to the Constitutional Reform and Governance Act 2010, is payable out of the Parliamentary Contributory Pension Fund.”

(3) In paragraph 3B for “an order” substitute “a scheme”.

Parliamentary and other Pensions Act 1972 (c. 48)

31 (1) Section 27 (pensions for dependants of Prime Minister or Speaker) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (a) for the words from “in respect” to the end substitute “under a scheme made by the Minister for the Civil Service under paragraph 11 of Schedule [*Parliamentary and other pensions*] to the Constitutional Reform and Governance Act 2010 to receive a pension payable out of the Parliamentary Contributory Pension Fund in respect of service to which that paragraph applies”, and

(b) in paragraph (c) for “Treasury” substitute “Minister for the Civil Service”.

(3) In subsection (2)—

(a) for “the Parliamentary pension scheme” substitute “a scheme made by the Minister for the Civil Service under paragraph 11 of Schedule [*Parliamentary and other pensions*] to the Constitutional Reform and Governance Act 2010”,

(b) in paragraph (a) for “as a Member of the House of Commons”

substitute “to which that paragraph applies”, and

(c) in paragraph (b), for “Leader of the House of Commons” substitute “Minister for the Civil Service”.

(4) In subsection (5), omit from ““the Leader” to the end.

32 (1) The amendments made by paragraph 31 do not apply in relation to a person who, having held office as Prime Minister and First Lord of the Treasury or Speaker of the House of Commons, died before that paragraph comes into force.

(2) In relation to such a person section 27 of the Parliamentary and other Pensions Act 1972, and the provisions designated under that section, have effect as if this Act had not been passed.

European Parliament (Pay and Pensions) Act 1979 (c. 50)

33 (1) Section 4 (pensions) is amended as follows.

(2) In subsection (1)—

(a) for “Leader of the House of Commons may by order make” substitute “IPSA may make a scheme containing”, and

(b) for “by the order” substitute “in the scheme”.

(3) In subsection (2)—

(a) for “orders” substitute “a scheme”, and

(b) for “order” substitute “scheme”.

(4) In subsection (3)—

(a) for “an order” substitute “a scheme”, and

(b) in paragraphs (d) and (g) for “order” substitute “scheme”.

(5) In subsection (3A), for “An order” substitute “A scheme”.

(6) For subsection (4) substitute—

“(4) Before making a scheme under this section the IPSA must consult—

(a) the Treasury,

(b) the Minister for the Civil Service,

(c) persons it considers to represent those likely to be affected by the scheme,

(d) the Government Actuary, and

(e) any other person it considers appropriate.

(4A) The IPSA must send to the Speaker of the House of Commons for laying before both Houses of Parliament—

(a) any scheme made by it under this section, and

(b) a statement of the reasons for making the scheme.

(4B) When the scheme and the statement of reasons have been laid, the IPSA must publish them in a way it considers appropriate.”

(7) For subsection (5) substitute—

“(5) The IPSA must from time to time prepare a report on the operation of any provisions in force under this section, and send it to the Speaker of the House of Commons for laying before both Houses of Parliament.”

(8) After subsection (7) insert—

“(8) A scheme made by the IPSA under this section may amend or revoke any previous scheme made by the IPSA under this section.”

34 (1) Section 6 (block transfer into another pension scheme) is amended as follows.

(2) In subsection (1)—

(a) for “Leader of the House of Commons may by order” substitute “IPSA may, with the consent of the Treasury and the Minister for the Civil Service”, and

(b) for “the order” substitute “the direction”.

(3) In subsection (2)—

(a) for “making an order” substitute “giving a direction”,

(b) for “Leader of the House of Commons” substitute “IPSA”,

(c) for “he” (in both places) substitute “it”,

(d) for “make such an order” substitute “give such a direction”, and

(e) for “the order” substitute “the direction”.

(4) In subsection (4), in the definition of “the relevant pension provisions”—

(a) for “an order” substitute “a direction”,

(b) for “orders” substitute “a scheme”, and

(c) for “order is made” substitute “direction is given”.

35 (1) Section 7 (expenses and receipts) is amended as follows.

(2) In subsection (1)(c) (expenses and receipts)—

(a) for “any order” substitute “a scheme”, and

(b) omit the words from “or of any” to the end.

(3) In subsection (1)(d) for “an order” substitute “a direction”.

36 (1) Section 8 is amended as follows.

(2) In subsection (1) (interpretation)—

(a) after the definition of “electoral region” insert—

“the IPSA” means the Independent Parliamentary Standards

Authority;”, and

(b) omit the definition of “the Leader of the House of Commons”.

(3) Omit subsection (2).

House of Commons Members’ Fund and Parliamentary Pensions Act 1981 (c. 7)

37 In section 1 (entitlement to payments out of House of Commons Members’ Fund)—

(a) in subsection (5)(b) for “paragraph (b), (c) or (d) of section 2(2) of the Parliamentary and other Pensions Act 1987” substitute “subsection (5A)”, and

(b) after subsection (5) insert—

“(5A)

The offices are—

(a) the offices mentioned in paragraph 11(2)(a), (b), (d) or (e) of Schedule [*Parliamentary and other pensions*] to the Constitutional Reform and Governance Act 2010;

(b) the offices of Chairman of Ways and Means and Deputy Chairman of Ways and Means.”

Parliamentary and other Pensions Act 1987 (c. 45)

38 Omit—

(a) section 1,

(b) section 2(1) to (8) and (10),

(c) section 3, and

(d) Schedule 1.

39 (1) This paragraph applies if an order under section 61 or 62 of this Act provides that (despite the repeals in paragraph 38) any of the existing regulations are to have effect as if contained in a scheme under paragraph 3, 7 or 11.

(2) The order may provide for any provision of the existing regulations which—

- (a) relates to one or more of the matters listed in paragraph 3(1), but
- (b) could not be contained in a scheme under paragraph 3, to have effect as if contained in a scheme under that paragraph.

(3) If it does so a scheme under paragraph 3 may—

- (a) revoke the provision;
- (b) amend it so that it makes provision which may be contained in a scheme under that paragraph (but not otherwise amend it).

(4) The order may provide for any provision of the existing regulations which—

- (a) relates to service as a member of the House of Commons, but
- (b) could not be contained in a scheme under paragraph 7, to have effect as if contained in a scheme under that paragraph.

(5) If it does so a scheme under paragraph 7 may—

- (a) revoke the provision;
- (b) amend it so that it makes provision which may be contained in a scheme under that paragraph (but not otherwise amend it).

(6) The order may provide for any provision of the existing regulations which—

- (a) relates to service to which paragraph 11 applies, but
- (b) could not be contained in a scheme under that paragraph, to have effect as if contained in a scheme under that paragraph.

(7) If it does so a scheme under paragraph 11 may—

- (a) revoke the provision;
- (b) amend it so that it makes provision which may be contained in a scheme under that paragraph (but not otherwise amend it).

(8) “The existing regulations” means regulations under section 2 of the Parliamentary and other Pensions Act 1987.

Ministerial and other Pensions and Salaries Act 1991 (c. 5)

40 Omit section 6.

Pensions Act 2004 (c. 35)

41 In section 249A(3)(c) (schemes to which section 249A does not apply) for “section 2 of the Parliamentary and other Pensions Act 1987 (c. 45)” substitute “paragraph 3, 7 or 11 of Schedule [Parliamentary and other pensions] to the Constitutional Reform and Governance Act 2010”.

Parliamentary Standards Act 2009 (c. 13)

42 (1) In section 5(9) (MPs’ allowances scheme does not affect pensions) for “the Parliamentary and other Pensions Act 1987 (c. 45)” substitute “Schedule [Parliamentary and other pensions] to the Constitutional Reform and Governance Act 2010”.

(2) In paragraph 18 of Schedule 1 (IPSA’s administration and regulation functions), after sub-paragraph (2) insert—

“(3) The IPSA’s functions under the following provisions are also regulation functions—

- (a) sections 3, 4 and 6 of the European Parliament (Pay and Pensions) Act 1979 (but not any function relating to the administration of a scheme under section 3 or 4);
- (b) paragraphs 1, 3, 4, 6, 7 and 10 of Schedule [Parliamentary and other pensions] to the Constitutional Reform and Governance Act 2010 (but not any function relating to the administration of a scheme under paragraph 3 or 7).”—[*Mr. Straw.*]

Brought up, read the First and Second time, and added to the Bill.

New Clause 85

TAX STATUS OF MPs AND MEMBERS OF THE HOUSE OF LORDS

“(1) Subsection (2) applies if a person is for any part of a tax year—

- (a) a member of the House of Commons, or
- (b) a member of the House of Lords.

(2) The person is to be treated for the purposes of the taxes listed in subsection (3) as resident, ordinarily resident and domiciled in the United Kingdom for the whole of that tax year.

(3) The taxes are—

- (a) income tax,
- (b) capital gains tax, and
- (c) inheritance tax.

(4) For the purposes of this section a person—

- (a) becomes a member of the House of Commons when (having been elected to that House) the person makes and subscribes the oath required by the Parliamentary Oaths Act 1866 (c. 19) (or the corresponding affirmation), and
- (b) ceases to be a member of that House when—
 - (i) the Parliament to which the person was elected is dissolved, or
 - (ii) the person’s seat is otherwise vacated.

(5) For the purposes of this section and section [Tax status of members of the House of Lords: transitional provision] a person is a member of the House of Lords if the person is entitled to receive writs of summons to attend that House.

(6) In relation to a member of the House of Lords, in subsection (1) the reference to any part of a tax year excludes any part of the year during which—

- (a) section 137(3) of the Constitutional Reform Act 2005 (c. 4) applies to the member, or
- (b) the member is entitled to receive writs of summons to attend the House of Lords by virtue of being an archbishop or bishop.

(7) This section applies in relation to the tax year 2010-11 and subsequent tax years.

(8) But in applying this section to the tax year 2010-11—

- (a) if the Parliament in which this Act is passed is dissolved in that tax year, ignore a person’s membership of the House of Commons in that Parliament, and
- (b) in any event, ignore a person’s membership of the House of Lords at any time before the end of the period of 3 months beginning with the day on which section [Tax status of members of the House of Lords: transitional provision] comes into force.

(9) In this section, in relation to inheritance tax—

- (a) “tax year” means a year beginning on 6 April and ending on the following 5 April, and
- (b) “the tax year 2010-11” means the tax year beginning on 6 April 2010.

(10) In determining for the purposes of this section and section [Tax status of members of the House of Lords: transitional provision] whether a person is entitled to receive writs of summons to attend the House of Lords, ignore—

- (a) section 2 of the Forfeiture Act 1870 (c. 23);
- (b) sections 426A and 427 of the Insolvency Act 1986 (c. 45);
- (c) any suspension resolution passed in relation to the person under section 31.’.—(*Mr. Wills.*)

Brought up, and read the First time.

The Minister of State, Ministry of Justice (Mr. Michael Wills): I beg to move, That the clause be read a Second time.

The Temporary Chairman (Mr. Eric Illsley): With this it will be convenient to discuss the following:

Government new clause 86—*Tax status of members of the House of Lords: transitional provision.*

New clause 52—*Disqualification from membership of the House of Commons and the House of Lords on grounds of residence and domicile for taxation purposes—*

‘(1) Subject to the provisions of this section, a person is disqualified from membership of the House of Commons and House of Lords if he does not comply with the conditions set out in subsection (2).

(2) The conditions referred to in subsection (1) are—

- (a) that he was resident in the United Kingdom for the purposes of Part 14 of the Income Tax Act 2007 (c. 3) for the tax year during which he was elected or appointed and for each subsequent tax year; and
- (b) in the case of a non-domiciled United Kingdom resident, that he has not made a claim to be taxed on the remittance basis in respect of the tax year in which he was first elected or appointed, nor in any of the previous 10 tax years, nor in any subsequent tax year during which he was a Member of Parliament.

(3) Members of Parliament must submit a declaration to the relevant authority indicating that they are in compliance with the conditions set out in subsection (2).

(4) A declaration under subsection (3) must be submitted to the relevant authority—

- (a) within 30 days of the date of election or appointment;
- (b) in the case of existing members of the House of Commons, within 30 days of the date on which this Act comes into force, and within 30 days of their election to any subsequent Parliament; or
- (c) in the case of existing members of the House of Lords, within 30 days of the date on which this Act comes into force, and subsequently between 1 February and 5 April in each calendar year.

(5) Declarations must be made in accordance with arrangements made by the relevant authorities.

(6) Members of Parliament who do not submit a declaration in accordance with subsections (4) and (5) shall be liable to disqualification under this section.

(7) In sections 6 and 7 of the House of Commons Disqualification Act 1975 (c. 24), references to that Act shall be construed as including references to the Constitutional Reform and Governance Act 2010.

(8) In this section—

“appointed” means to have received a writ of summons to attend the House of Lords;

“Member of Parliament” means a member of the House of Commons or a member of the House of Lords;

“relevant authority” means—in the case of the House of Commons, the Speaker, and in the case of the House of Lords, the Lord Speaker.’

New clause 53—*Members of House of Commons and House of Lords to be treated as domiciled in United Kingdom (No. 2)—*

‘Any person who—

- (a) is (or is elected to serve as) a member of the House of Commons, or
- (b) when this section comes into force is a member of the House of Lords, or
- (c) subsequently becomes a member of the House of Lords,

is to be treated by Her Majesty’s Revenue and Customs as being domiciled, resident and ordinarily resident in the United Kingdom, and will be liable to pay United Kingdom taxes accordingly in any relevant tax accounting year in which he holds membership of the House of Commons or the House of Lords.’

New clause 54—*Deemed resignation and suspension on grounds of tax status—*

‘(1) A member of the House of Lords is deemed to have resigned under section 32 if, after the commencement of this section, he makes a declaration to the effect that—

- (a) he is not resident in the United Kingdom for the purposes of income tax, or
- (b) in the previous 12 months he has made a claim to be taxed on the remittance basis as a non-domiciled resident.

(2) The date of a resignation under subsection (1) is the day the declaration is made.

(3) A resignation under this section comes into effect regardless of whether it would be a valid resignation under section 32.

(4) Every member of the House of Lords must make a declaration at least once every calendar year about his residence and domicile for tax purposes.

(5) A declaration under subsection (4) must state the member’s belief about his residence for tax purposes and about whether he has made a claim to be taxed on the remittance basis as a non-domiciled resident.

(6) A copy of every declaration made under subsection (4) shall be deposited with the Clerk of the Parliaments.

(7) A member of the House of Lords who fails to make a declaration under subsections (4) and (5) by the last day of December of any year is suspended from the House of Lords from the following day as if a resolution of suspension had been passed under section 31, such suspension to last until such time as the member makes a declaration complying with subsection (5).

(8) A member of the House of Lords who dishonestly makes a false declaration under this section is guilty of an offence.

(9) Anyone found guilty of an offence under subsection (8)—

- (a) shall be disqualified from membership of the House of Lords, and
- (b) shall be liable to imprisonment of up to five years and to an unlimited fine.

(10) The offence created by subsection (8) shall be triable on indictment only.’

New clause 55—*Tax status of members of the House of Commons—*

‘(1) Every member of the House of Commons must at least once every calendar year make a declaration about his residence and domicile for tax purposes, which declaration must state the member’s belief about his residence for income tax purposes and his belief about whether in the previous 12 months he has made a claim to be taxed on the remittance basis as a non-domiciled resident.

(2) A copy of every declaration made under subsection (1) shall be deposited with the Speaker.

(3) A member of the House of Commons who makes a declaration to the effect that he believes that he is not resident in the United Kingdom for income tax purposes or that in the previous 12 months he has made a claim to be taxed on the remittance basis as a non-domiciled resident shall be disqualified from membership of the House.

(4) A member who has failed to make a declaration complying with subsection (1) by the last day of December in any year shall be treated as suspended from the service of the House until he makes a declaration complying with subsection (1).

(5) A member of the House of Commons who dishonestly makes a false declaration under this section is guilty of an offence.

[Mr. Eric Illsley]

- (6) Anyone found guilty of an offence under subsection (5)—
- (a) shall be disqualified from membership of the House of Commons, and
 - (b) shall be liable to imprisonment of up to five years and to an unlimited fine.

(7) The offence created by subsection (5) shall be triable on indictment only.’

Government amendments 132 and 134.

Mr. Wills: Welcome to the Chair, Mr. Illsley. The Government have made it clear on several occasions that they support the principle that parliamentarians should pay taxes in the United Kingdom. All parties now seem to agree, and the proposed changes from the official Opposition, the Liberal Democrats and some of my hon. Friends suggest different ways of addressing this very issue.

The Government’s group of proposed changes would deem Members of this House and Members of the other place resident, ordinarily resident and domiciled in the UK for the purposes of income tax, capital gains tax and inheritance tax. As a result, they would be liable to pay those taxes on their worldwide income, capital gains and assets in exactly the same way as the vast majority of taxpayers. Moreover, they would be unable to access the remittance basis of taxation. In lay terms, they would not be able to avoid tax as a non-dom while a Member of this Parliament.

The vast majority of parliamentarians do pay full UK taxes, but there has been widespread popular concern about the exceptions to that rule. The net result of these proposed changes would mean that MPs and peers were liable to pay the same taxes as the vast majority of UK taxpayers, regardless of their actual common law status in the UK. The new clauses will come into force from Royal Assent, so they might apply to the next Parliament.

New clause 85 provides that all MPs will be deemed resident, ordinarily resident and domiciled from taking up their seat in this House upon taking the oath. Therefore, only those who were full UK taxpayers may sit and vote in this House. In the other place, all those appointed after the Bill receives Royal Assent would be aware that if they accepted a life peerage and a seat in the other place, they would be deemed resident, ordinarily resident and domiciled for tax purposes.

It is not possible to change a person’s resident, ordinarily resident and domiciled tax status part way through a tax year, so in both instances MPs and peers would be deemed to be resident, ordinarily resident and domiciled for the whole of any tax year in which they were Members. That means that they would be deemed as such from the start of the tax year in which they took up their seat and to the end of the tax year in which they stood down.

We acknowledge that the situation is different for incumbent Members of the House of Lords, who will be unable to resign from the House until the provisions in part 3 of the Bill come into force. As such, new clause 86 provides for a transitional period of three months during which incumbent peers can give notice in writing to the Clerk of the Parliaments that they are not willing to be subject to the deeming provision, and from that point their membership of the other place would cease.

Peers who remain Members of the House at the end of the three-month transitional period would automatically be deemed resident, ordinarily resident and domiciled for tax purposes.

Mr. Dominic Grieve (Beaconsfield) (Con): The Minister is aware that we have signed up to the proposed changes, but it would be helpful to clarify the point about the ability of a Member of the other place—this does not really apply to the House of Commons—to get their affairs in order in sufficient time both to comply with the three-month rule and not to have an issue of retrospectivity over their tax. Will he explain how the marriage between the three months and the start of the tax year will work in practice?

Mr. Wills: In general, the way in which it will work is quite clear. There will be a three-month period after Royal Assent, and thereafter there will be a choice, which peers will make. I cannot pretend to be an expert on the tax affairs of every Member of the other place, but if the hon. and learned Gentleman would like to give me the details of any instances that he thinks might be caught up in that interaction, I should be very happy to address them and seek specialist advice on them.

Mr. Grieve: As matters stand, I understand that one does not even have to be a national of this country to be a Member of the House of Lords; one can be a Member as a Commonwealth citizen. On that basis, some Members of the House of Lords might even originate from Commonwealth countries and have never been UK domiciled. Although this is a hypothetical matter, I can think of a number of Government appointees who might fall into that category. I want to understand how they will put their affairs in order if they wish to opt to remain in the House of Lords: what procedural mechanism will be required for that?

Mr. Wills: The hon. and learned Gentleman has put his name to these new clauses, and as such I would have hoped that he understood the purpose of a deeming mechanism. He keeps referring to people putting their affairs in order, but it is not clear whether he means their financial affairs or their status as a non-domicile, or in any other way. We have chosen this mechanism of deeming someone to be ordinarily resident and domiciled for a very particular reason. There may be a perfectly good, entirely benign reason, which has nothing to do with their tax affairs, why someone might wish not to change their status in the way that he mentions. That is perfectly fine, but what is not fine is that Members of this Parliament should not be placed in exactly the same position as the vast majority of British citizens for whom this place legislates. If people are prepared to pay tax in this country, like the vast majority of British citizens, that is fine, and they have three months to put themselves in order. If they do not want to do that, that is also fine, and they can cease being a Member of Parliament. I hope that the hon. and learned Gentleman fully understands the purpose of the deeming mechanism in these provisions.

Mr. Grieve: I think that I do: that is why I was hoping to encourage the Minister to clarify the position in the way that the Secretary of State clarified it when I wrote to him about this matter as soon as I saw the amendment.

The key issue is whether somebody could end up being subject to double taxation. I believe that the Minister may be in a position to give the Committee some reassurance on that matter. If it is not satisfactorily covered, it provides the one opportunity that somebody who ended up being double-taxed might have to bring legal proceedings against the Government on the grounds of discrimination. As I entirely support the Government amendments, I wish to avoid that happening; that is why I want to press the Minister on this point.

Mr. Wills: Good—I am glad that at last we have managed precisely to elucidate what the hon. and learned Gentleman is about. If he is concerned about double taxation agreements, he can simply nod to tell me that that, and nothing else, is the burden of his concern.

Mr. Grieve *indicated assent.*

Mr. Wills: Right. In that case, the position is clear; I think that the hon. and learned Gentleman is already aware of it. These new clauses do not affect the UK's double taxation agreements. For someone who is resident in the UK but also resident in another country or receives income from another country that is taxed in that country, the double taxation agreements exist to ensure that there is no double taxation. If no double taxation agreement is in place, Her Majesty's Revenue and Customs will give unilateral relief that allows relief for the foreign tax paid, and the individual will be liable only to tax for the difference, if UK tax rates are higher. That means that there will not be double taxation.

It is worth pointing out that these arrangements are available to all those resident in the United Kingdom: they are not special arrangements for Members of Parliament or for peers. That is important, because the fundamental point of principle is that Members of Parliament, whether in this House or in the other place, should be subject to the same taxation arrangements as the vast majority of British citizens. I hope that the hon. and learned Gentleman is reassured and that I have clarified his concerns about the matter.

As I said, new clause 86 provides for a transitional period of three months during which incumbent peers can give notice in writing to the Clerk of the Parliaments that they are not willing to be subject to the deeming provision, and from that point their membership of the other place will cease. Members who remain will automatically be deemed resident, ordinarily resident and domiciled after that period. Once part 3 of the Bill comes into force, a peer may resign from the other place at any time if they do not wish to continue to be deemed resident, ordinarily resident and domiciled for tax purposes. New clause 86 provides that when a peer stands down from the other place during the transitional phase, they will be enfranchised. It also provides that when clause 33 comes into force they may disclaim their peerage. This is consistent with the approach we have taken in part 3 whereby those who leave the House for whatever reason may also, if they wish, disclaim their peerage.

The new provision will not apply to the Lords Spiritual, as their membership of the House of Lords is inextricably linked to their professional position in the Church. They do not take a seat after accepting a peerage—it comes with their position in the Church of England.

David Howarth (Cambridge) (LD) *rose—*

Mr. Wills: It is also worth reminding the House that, as I am sure that the hon. Member for Cambridge (David Howarth) is already aware, the Lords Spiritual are paid by the Church of England and taxed at source anyway.

7.45 pm

David Howarth: I do not want to harp on about bishops to any great extent, as I did so last time we discussed the Bill. However, surely it is possible for a bishop to claim to be non-domiciled on the grounds of having foreign income and then take advantage of that position by being taxed on a remittance basis. I cannot understand why this provision should not apply to bishops.

Mr. Wills: Clearly, it is theoretically possible that there could be an enormously wealthy bishop who was escaping large amounts of taxation in this way, but I am not aware of any in that position. It is important to look at the facts to see why we have taken this view; obviously, all these matters are proportionate. Bishops in the House of Lords do not accept a peerage—they assume the position as a result of their profession as a bishop in the Church of England. If there were to be such a bishop who was non-domiciled and not ordinarily resident and who had these advantageous tax arrangements, then under these new clauses, they would, if they were not exempt, have to cease their profession, because the only way that they could cease to be a Member of the House of Lords would be to stop being a bishop.

I understand the hon. Gentleman's theoretical concern, but I remind him that the Labour party is committed, in the next term of a Labour Government, to moving to a wholly elected second Chamber; in that context, this issue does not arise. I ask him to reflect on my remarks about what might be considered to be a disproportionate response to a situation in the distant future that is very unlikely to materialise. However, I am happy to consider any further representations that he may wish to make on this particular point.

The new clauses will come into force when the Bill receives Royal Assent so that they may apply to the next Parliament. As such, amendment 132 makes the necessary amendments to part 9 of the Bill. Amendment 134 is a technical amendment to the long title of the Bill to reflect the addition of the new clauses.

These amendments to the Bill clearly demonstrate that we are able to respond to the legitimate concerns of the public and that we are willing and able in this instance to put our own house in order. As such, I very much hope that all right hon. and hon. Members will be able to accept them.

Mr. Grieve: I have put my name to the Minister's two principal amendments—not to the consequential ones, but they are merely consequential. That is a firm expression of my view that they come as near as possible to meeting the necessity that we have identified, and the Government have identified, to do something about this matter. I am comforted by the fact that when the Secretary of State wrote to me in reply to an e-mail that I sent to him about the details of the new clauses, he pointed out that the intention behind them is exactly

[*Mr. Grieve*]

the same as that of new clause 53, albeit that it is fleshed out in greater detail, as I would expect. I was always conscious that in a matter of this sort a Government amendment would be required to resolve the legal minutiae, particularly regarding an issue that concerns revenue matters.

We entirely welcome new clauses 85 and 86. They are a sensible way forward to ensuring that the public are reassured that all Members of this House and the House of Lords are treated as if they were resident in the United Kingdom—like the vast majority of people in this country—for tax purposes.

The Minister also provided reassurance—at my prompting, I am glad to say, though I am sorry if I did not prompt him at quite the right points—to clear up the transitional arrangements, which excited some comment. One or two Members of the other place raised the matter with me to try to understand what it would involve. The Minister has now explained that more fully, and I am grateful to him.

To play devil's advocate, there is only one matter in the proposals about which I had some hesitation, although, on reflection, I can probably dispense with the hesitation. However, it is worth flagging up. There are currently provisions in the upper House for Members to take leave of absence. That enables them to go abroad to pursue their lives, professions, trades or businesses, but leaves them the option of returning and starting to sit in the House again when their leave of absence ends. I should be grateful if the Minister endorsed, in his winding-up speech, that the new provisions effectively mean that that system of leave of absence would no longer be possible if, during the course of it, the person went abroad and became domiciled there for business purposes, because he would be required to continue to be deemed UK-resident, even though he was not playing an active part in the life of the other place.

David Howarth: I am not too sure whether that point works, given that new clause 85 is a deeming clause. The person concerned would therefore be treated for tax purposes as resident and domiciled, regardless of the facts.

Mr. Grieve: I understand the hon. Gentleman's point. My understanding from raising the matter with the Government is that, although in future Members of the other place could seek leave of absence, as they have done in the past and still do, there would be no possibility, once the Bill was enacted, of their being non-domiciled in this country for tax purposes during that leave of absence. They would not be treated as not being domiciled in this country—they would continue to receive tax demands and be required to pay UK tax as if they were still here. Their only avenue out in those circumstances would be to resign from the House of Lords. That would mean that they could not—as they could hitherto—return to the service of the House on their return from some foreign appointment.

One could argue that that has a measure of not only novelty but—because it affects someone who is not playing an active role in the other place—unfairness. The other way of looking at it is that if one chooses to remain a Member of the other place, one must simply accept that, under the new rules, one will be deemed to

be resident in this country for tax purposes until one decides to resign. As I can envisage some difficulties in adapting the provisions to take account of leave of absence, I assume that the Government have decided to ignore that. However, I ask the Minister for a rationale behind the Government's approach to the matter. He did not provide one in his opening speech this evening, but it would be helpful if he could do so because I do not believe that anyone has complained in the past of mischief in the case of a peer who has leave of absence being away from the UK or not domiciled, but perhaps the Government think that somebody has done so.

We will support new clause 85. We have signed it and, if it is put to the vote, we will back the Government. We wish it a fair passage on to the statute book. I hope that, consequently, we can bring to an end a sorry episode of constant suspicion of individuals in the other place, some of which may prove totally unfounded in some cases—

Mr. Winnick: Or founded.

Mr. Grieve: It may be founded or unfounded. The hon. Gentleman interrupts from a sedentary position, and I simply say to him that some people may be surprised by who decides to go and who decides to stay.

However, it is essential that the uncertainty be brought to an end. The public are entitled to reassurance that those who legislate pay tax in this country, like any other citizen. On that, we wholly support the Government. Indeed, that is why we tabled new clause 53.

David Howarth: I, too, welcome the Government's movement on the subject and support the proposal. However, I fear that they have chosen the wrong method to bring about a result that hon. Members of all parties want. I ask the Government to think again about that method because it does not reach the heart of the problem.

As I understand it, the Government propose a deeming clause so that, regardless of whether a Member of the House of Lords or the House of Commons is, in fact,

“resident, ordinarily resident or domiciled”

in this country, they will be treated as

“resident, ordinarily resident or domiciled”

for tax purposes. The transitional provisions simply deal with the position of someone who might wish to resign as a consequence of being treated in that way.

I have a problem with the deeming provision. It is about domicile rather than residence. Residence is about the present and the immediate past, but domicile is different. Domicile is about long-term intentions—the place in which people are settled permanently in their own minds. It is ultimately about loyalty to one place or another. It is also true—this is relevant to the comments of the hon. and learned Member for Beaconsfield (Mr. Grieve)—that one can have more than one residence, but only one domicile.

The law of domicile goes back to an idea about personal law—law that applies to a person, who carries it around with them and is judged according to it, wherever they are. It goes back to a definition of domicile in Halsbury, which states:

“Every individual is regarded as belonging, at every stage in his life, to some community consisting of all persons domiciled in a particular country”.

The phrase “belonging...to some community” is why I think that domicile is an important matter in itself for judging whether someone should be regarded as a proper person to sit in a country’s legislature.

There is a contradiction in saying, “My long-term intention is to live in another country and to be part of another community rather than this country, in this community where I want to act as a legislator.” There is a problem with that. There are different examples, which might have different consequences, but I think they all lead to the same problem.

Let us consider a person whose father had a domicile in a different country—a domicile of origin that is not Britain. Later, when the person reaches the age of 16, the law states that, at that point and any point afterwards, they are entitled to choose a different domicile. Let us say that that person then fails or declines to change their domicile from that of their father to domicile in this country. That is not a technicality about tax, but a reality about that person’s view of themselves, and of which country and community they wish to belong.

8 pm

That example has something in common with the situation of Mr. Zac Goldsmith. His position, as far as I understand it, is that his father’s domicile of origin was a different country, and that since the age of 16, he has had the opportunity to change that but has not done so. He now says that he is about to change his domicile, but he did not do so from when he was 16, which I believe was about 1981, to the present day. The question is not about paying tax, but about a person’s commitment to this country.

Other people are in a similar position. It is perfectly reasonable for a migrant to this country to have a domicile of origin in a different country, but once they come here, assuming they are of age, they are entitled to choose a different domicile. If they do not do so, especially over a long period, one must ask whether they have the commitment to this country that is required of someone who wants to sit in our legislature. That appears to be the case with Lord Paul, who came to this country in, I believe, 1966. Throughout that period, he has had the legal right to change domicile to this country but has not done so.

The position of Lord Ashcroft, of course, is rather more obscure, perhaps deliberately so, but it appears to be a different sort of case—one in which someone starts with a domicile of origin in this country. One could be born in Sussex to a British father, and therefore, I suppose, have a domicile of origin in Britain, but then one might move to a different country—to Belize, for example, or to the Turks and Caicos islands—and develop an intention permanently to live there for the rest of one’s life. Making a domicile of choice somewhere else would be an intention not to live in Britain. One could argue that of the Goldsmith-Paul and Ashcroft examples, the latter shows even less commitment to this country, because it is a case not of someone being landed with a domicile by their family or origin and then having to decide what to do about it, perhaps without realising what the law is, but of someone consciously going out to develop a domicile of choice in a different country.

Being generous, it is possible to argue that someone who has chosen a domicile in a different country might still have the requisite amount of commitment to this

country if they refuse to take advantage of their domicile for tax purposes. This is the importance of the remittance basis of tax: a person living in this country might have a long-term intention to live in a different country, but they do not want to take advantage of that for tax purposes. That might show a sufficient commitment to this country. However, someone who has a long-term intention not to be domiciled here and takes advantage of that for their personal advantage is not the kind of person who has sufficient commitment to be a Member of our legislature.

Philip Davies (Shipley) (Con): The hon. Gentleman’s argument falls down in relation to the European Union, because 80 per cent. of our laws now come from there rather than this place. The European Commission is made of people who have no commitment to, and do not pay tax in, this country, but who still pass laws that affect this country. Presumably, according to his line of argument and criteria, European commissioners should introduce laws in this country only if they are paying tax here.

David Howarth: I do not accept the premise of the hon. Gentleman’s argument, because I do not know how we would measure a percentage of laws. Nor do I accept that laws passed in Europe are not passed by this country—that is also wrong, because this country passed an Act of Parliament allowing it to happen. The fundamental question is who should be in the legislature of this country when it passes something like the European Communities Act 1972. Such a person should have a degree of commitment to living in this country.

Mr. Grieve: Dare I say that the hon. Gentleman seems to be following a rather esoteric path? The reasons why we have such odd rules that allow all sorts of strange people to come here and become peers and Members of Parliament are, firstly, our imperial past, particularly in respect of Commonwealth citizens—we have never modernised the rules in that regard but have left them as they are—and secondly, our mediaeval past, which is about personal fealty. People could move around and pledge personal fealty, and fulfil it.

What fascinates me—dare I say it?—is the rather nationalist view the hon. Gentleman is expressing. I find it strangely out of keeping with the principles that I normally associate with the Liberal Democrats.

David Howarth: I do not think the Liberal Democrats have ever said it was a good idea for someone who had no connection with a local authority area to stand for election to that local authority. Perhaps I am expressing some Whig principles, but we have stood by those principles for a very long time.

There is a real problem. What we are talking about is not whether people pay tax in a certain way, but the underlying problem of their commitment. That is why I am not entirely happy with how the Government have chosen to deal with the problem—it does not require that commitment from individuals, but simply says that they are to be treated as if they have it whether or not they do. The measure tends to treat the symptoms, not the underlying disease.

Mike Penning (Hemel Hempstead) (Con): I am slightly curious, because I know the hon. Gentleman is a good European. Surely the concept of the European Union is

[Mike Penning]

free movement within the European Union. The hon. Gentleman's argument would prevent that movement ethic, because a person would be precluded from moving around by the fact that he must have a commitment back here. If a person is committed to the European Union, he should be able to go around the European Union.

David Howarth: I remind the hon. Gentleman that we are talking about people in the legislature—Members of Parliament and Members of the House of Lords. I rather doubt that a person living in Sicily would take into account the chances of becoming a Member of the House of Lords when deciding whether to move to Britain. We are talking about law-making, not general economic activity.

Bob Spink (Castle Point) (Ind): The hon. Gentleman will be delighted to hear that I want to move him away from Europe—I am sure you will be pleased about that, too, Mr. Illsley. He was talking about commitment, which is important. However, is it not more important to consider the authority of those who set taxes? We rule the country, as it were, and fix the laws, by the authority of the people. They do not want other people to pass laws on what taxes they will pay if those others themselves seek to avoid paying those taxes, like so many Conservatives.

David Howarth: I thank the hon. Gentleman for that point and simply add this: the fact that people were seeking to avoid tax is important, not whether they actually ended up paying tax on one basis or another.

The Liberal Democrats made a slightly different proposal that did not involve the deeming provision. It would simply have meant that if someone admits to being a non-dom and takes advantage of that for tax purposes, they should resign from the Lords—they would simply not be allowed to be a Member of the Lords. If they are not willing to say whether they are non-doms or not, they should be suspended from the Lords until they do so. If they make a declaration about their status but lie about it, that should be a crime and they should be disqualified from the Lords. That is a straightforward approach. It is not vindictive or retrospective, but it is firm in its central purpose, which is to say to people who do not have that real level of commitment to this country that they should not sit in our legislature.

One can quibble about the detail in all these proposals. I accept that the Government's proposals are better than the present situation, and better than the Conservatives' proposals, which lack any transparency. However, a different approach would come closer to the reality at the heart of the matter, and I ask the Government to think about whether what we are doing here is legislating about reality or appearance.

Mr. Gordon Prentice (Pendle) (Lab): I just want to say a few words to start with for my many supporters out there. I fear that I have been stitched up procedurally, and it may not be possible to vote on my new clause. I know that that will disappoint my many supporters, and it grieves me. I support Government new clauses 85 and 86, but so do the Conservatives and the Liberal

Democrats. My new clause is in the same grouping, and the first vote will be on Government new clause 85. I shall not ask my friends to vote against my Government, so that will go through, and that will effectively kill all the other new clauses and amendments in that group. That is the stitch-up.

My new clause proposes an approach that the others do not, and it would have retrospective effect, but I shall come to that. My Government have come to this issue very late—two or three months before a general election—but we have known that this has been a festering problem for years. Even last year, when Lord Campbell-Savours tabled amendments to the Political Parties and Elections Act 2009—which capped at £7,500 the donations that non-doms could make to political parties—the Government had to be forced into accepting that position. My friend the Secretary of State for Justice told me that I had the numbers—not that the argument was right, but that I had the numbers. What a tragedy it is that my Government act on that basis.

Mr. Wills: My hon. Friend has fought a successful campaign and deserves credit for his diligence and persistence, but he should give the whole picture. I do not know what my right hon. Friend the Justice Secretary said, but we have always talked about the principle behind this issue, and my hon. Friend should at least give us credit for that.

Mr. Prentice: In the real world, when these changes take effect really matters. I had a private Member's Bill more than two years ago—the Disqualification from Parliament (Taxation Status) Bill—which ran into the usual procedural problems. However, the Government had an opportunity to take up that Bill and, with our huge majority and given the demands for action by Labour Back Benchers, to make it law. The cap on donations was too late and although the new clauses are welcome, they do not go far enough and nor are they retrospective.

8.15 pm

A few years ago, we woke up to the problem that there were legislators in this Parliament who were not paying UK taxes. That was an affront to those inside and outside this place. Indeed, I know for a fact that one legislator is a tax exile. Moreover, he is a tax exile on leave of absence. It is Lord Laidlaw, a former vice-chairman of the Conservative party, who was ennobled in 2004 after promising the House of Lords Appointments Commission that he would become a UK resident for tax purposes. He reneged on that promise.

HOLAC's annual report for 2006-07 said:

"During spring 2004, the Commission vetted a list of party-political nominees. One of the individuals on the list, Irvine Laidlaw (now Lord Laidlaw of Rothiemay) was not resident in the UK for tax purposes. Following an exchange of correspondence and a face-to-face meeting, the Commission accepted an assurance from Lord Laidlaw that he would become a resident in the UK for tax purposes from April 2004. On the basis of this assurance, the Commission found no objection to his appointment. The Commission would have taken a different view on Lord Laidlaw's nomination if it had known that he would not be resident in the UK for tax purposes from April 2004. In June 2004 he was appointed to the House of Lords."

Lord Laidlaw still does not pay UK taxes. He is a self-confessed tax exile living in Monaco. He has given £3 million to the Conservative party, and I have said

publicly many times that it should return that tainted money. To take money from someone who sits in the UK Parliament but does not pay UK taxes is a scandal.

Bob Spink: Does that breach of trust by Lord Laidlaw give the hon. Gentleman any confidence in the promise made by Tory candidate Zac Goldsmith along the same lines?

Mr. Prentice: I do not want to get sucked into that issue—[HON. MEMBERS: “Go on!”] No, I have read all the stuff in the newspapers about Zac Goldsmith not receiving a benefit from his non-dom status and how it was all a big mistake that would be put right, but I do not want to go there. I just want to draw attention to something that is on the record, because it is a scandal that a tax exile has been bankrolling the Conservatives’ campaign and they will not give the money back.

Lord Stevenson, the then chair of HOLAC, wrote to Tony Blair, then Prime Minister, about the issue:

“The Commission has always required that nominees to the House of Lords must be resident in the UK for tax purposes. Following a review of our processes in 2005”—

following the Laidlaw scandal—

“we will not vet nominees who are not resident in the UK for tax purposes; nominees need to be UK resident and paying taxes before the Commission will consider their nomination.”

That is the effect of the scandal of the former vice-chairman of the Conservative party who was given a peerage in 2004. HOLAC will no longer even accept nominations if the person is not a UK resident for tax purposes.

I turn now to Lord Ashcroft, whose case has some similarities to that of Lord Laidlaw. Lord Ashcroft gave an undertaking to the Political Honours Scrutiny Committee, the predecessor body of the House of Lords Appointments Commission, that he would become a UK resident for tax purposes in 2000. However, unlike with Lord Laidlaw, we have no record of his giving any assurance that he has done that. Now we are in an Alice in Wonderland situation, where for 10 years we have found it impossible to establish whether Lord Ashcroft has properly been elevated to the peerage, even though what I have described was, in a sense, a condition of his being elevated to the peerage.

Like many other colleagues, I have read all 36 pages of the report from the Information Commissioner, who agrees with me that more information should be put into the public domain about the nature of the undertaking that was given by Michael Ashcroft—now Lord Ashcroft—and the form that that undertaking took. Let me remind the Committee—this is relevant and I want to get it on the record—that Michael Ashcroft was appointed to the House of Lords in 2000. A No. 10 statement was issued in March 2000 saying:

“In order to meet the requirements for a Working Peer, Mr. Michael Ashcroft has given his clear and unequivocal assurance that he will take up permanent residence in the United Kingdom again before the end of the calendar year”—

that is, before the end of 2000. The statement continued:

“He would be introduced into the House of lords only after taking up that residence.”

Then the statement said:

“These undertakings have been endorsed by the Leader of the Conservative Party”—

then the right hon. Member for Richmond, Yorks (Mr. Hague)—

“and conveyed to the Prime Minister and to the Political Honours Scrutiny Committee.”

That is very clear indeed; and yet for 10 years Lord Ashcroft has maintained that the matter is private and that no one else has the right to inquire into it, even though that undertaking was a condition of his elevation to the peerage.

The Information Commissioner will be asking for—or rather, not asking for, but ordering—the release of that information within the next 35 days. Let me make a public request to Lord Ashcroft now: he should not wait 35 days; he should just speak out now and tell us what we all want to know. He just needs to say, “Yes, I am a UK resident for tax purposes, and I have been for each of the past 10 years,” and then my new clause and this whole debate will be otiose and redundant. We will see what happens with Michael Ashcroft. I just want him to speak out and tell the truth, and I am sure that he will.

I know that colleagues are uncomfortable about retrospection, and I am too. However, we have on the amendment paper today an amendment or new clause—I cannot remember which—that allows for retrospection in MPs’ salaries. Legg, like it or not, is retrospective: he has gone back five years, which is retrospection with a capital R and in bold. The other thing about my new clause and retrospection is that it does not apply to the wider population, but to a small subset of the population: us and our colleagues in the House of Lords. I accept that it is in the public interest generally to avoid retrospective legislation, but there are cases where it is justified.

I thought at this stage that I would be looking at the back of the head of my friend the Member for Blackburn (Mr. Straw), but he is not here. However, I will make this point anyway. The Criminal Evidence (Witness Anonymity) Act 2008 was introduced by him and it has retrospective provisions. The Election Publications Act 2001 was also introduced, I think, by my friend the Member for Blackburn, who was Home Secretary in 2001, so there are many—well, not many; I am getting carried away—there are a number of Acts containing retrospective provisions of which my friend the Member for Blackburn was the author. There is also the Banking Act 2009, which gives the Treasury powers to make orders with retrospective effect. I have tried to do a little homework for this debate, because to me it is about an important issue. The House of Lords Select Committee on the Constitution has said:

“there is no absolute prohibition on retrospective legislation in British Constitutional law or practice. There does, however, need to be a compelling reason in the public interest for a departure from the general principle that retrospective legislation is undesirable.”

If ever there was an important issue that justified retrospective action, surely it is this one, where people have been in Parliament under what I would say were false pretences.

That is as much as I can do here; I now leave it to people outside. What a sad reflection it is on our procedures that I have to rely on the Information Commissioner, who is acting on the view that I put to him, which is that there is a public interest imperative in knowing how people who, unlike us, are not elected get into the legislature down there, in the other place. The Information Commission is doing a very good job.

Dr. Richard Taylor (Wyre Forest) (Ind): It is a great pleasure to follow the hon. Member for Pendle (Mr. Prentice). If he pushes his new clause 52 to a vote, I would certainly support it. Hon. Members must understand that I come at this issue from the point of view of independent election candidates, who fight on a very unlevel playing field. To my mind, new clause 52 would level the playing field for us independents and, perhaps, the smaller parties as well.

Let us look at the recent changes to the election expenses regulations. We now have a long campaign as well as a short campaign. In the long campaign we are allowed to spend £25,000, plus an amount for each constituent. What independent hopeful or smaller party has 25 grand to spend, unless they happen to be multi-millionaires? It is enough of a struggle to raise the £7,000 and a bit for the short campaign, so anything that placed more control on outside donors, with a retrospective focus on their tax status, would certainly make it rather more difficult for these super-rich people to donate to the main parties. I realise that that would not be popular with Members who belong to parties. However, in view of the desire to improve the reputation of the House and of our electoral system, I appeal to hon. Members to look at the use of rich supporters in the football league. It is well known that money buys the best footballers.

Kelvin Hopkins (Luton, North) (Lab): I thought that the 1832 Reform Act had got rid of the idea that votes could be bought. Perhaps they can no longer be bought directly, but elections can certainly be bought. Does the hon. Gentleman agree that certain seats will be won because of the money spent there?

Dr. Taylor: I will refer to the hon. Member as my hon. Friend, because he has just made the point that I was about to make. It appears that people can buy election results, but they cannot necessarily buy the best MPs. I am absolutely in favour of the hon. Member for Pendle's new clause, and I wish that he would press it to a vote.

8.30 pm

Mr. Wills: That was an interesting debate. Although it is sometimes hard to discern it, I believe that there is a broad measure of consensus on these matters. I know that my hon. Friend the Member for Pendle (Mr. Prentice) prefers his own new clause, but he did not actually raise too many concerns about the Government's proposals, apart from the issue of retrospectivity, which I will come to.

The hon. and learned Member for Beaconsfield (Mr. Grieve) made a point about leave of absence. He will be aware of the correspondence on that. I remind him that the policy intention behind the new clauses is to ensure that those who sit in the United Kingdom Parliament pay tax on the same basis as the majority of the population. I hope that he will accept that his concerns would come into play only when someone was working abroad on public service. They would not refer to someone taking a leave of absence to avoid, or even evade, paying tax in this country. We are talking about people who go away to work on public service and, for the most part, for only a short period of time.

I refer the hon. and learned Gentleman to what Lord Jay said to the House of Lords Appointments Commission, which I think everyone in this place and most people in the other place would accept. He rightly said that a position in the other place ought to be a job, not an honour. If someone stops doing that job, that is a matter for them. The option is clear: they can resign their position in the other place and not be covered by these provisions, or, if they wish to maintain a presence in the House of Lords, they should be covered by them. Apart from that, I am grateful for the hon. and learned Gentleman's support, and to him and his colleagues for putting their names to the new clause. This is the right way forward.

Bob Spink: I thank those on the Front Benches for their support, but has the Minister noticed that, although there is not a single Tory Member on the Back Benches at the moment, there is almost a full house of four independent Members here to support the premise that those who set taxes in this country should pay taxes in this country?

Mr. Wills: I certainly agree with the hon. Gentleman's point. I am sorry that the hon. and learned Member for Beaconsfield appears to be on his own in this matter.

Mr. Grieve: There is no need for the repetition of something that one member of my party need say only once. There is unanimity on this point.

Mr. Wills: I am grateful to the hon. and learned Gentleman.

The hon. Member for Cambridge (David Howarth) expounded at some length his view on the problems relating to deeming. He gave his argument full justification, and I will not repeat most of it. I am interested in his definition of "belonging", however. He seems to take exception to the symbolic perpetuation of the position of non-domiciles, saying that it somehow undermines their commitment to this country. He acknowledged that there could be perfectly good reasons for retaining that position that would not have any practical impact on the commitment of a Member of the other place to this country. I am interested to find out why a symbolic affirmation of commitment, in relation to the status of domicile, is more important than the huge practical manifestation of commitment through paying tax in this country. That is the point.

David Howarth *rose*—

Mr. Wills: I will give way, although I suspect that we shall hear a repetition of the hon. Gentleman's previous arguments. I just want to refer him to the main point, in the hope that he will support our proposals. The main point is that it is simply unacceptable that any Member of this Parliament should not be put in the position of the vast majority of the residents of this country and pay the specified taxes that we have identified.

David Howarth: That point is fine, but my point was that the way the Minister is doing things, the individuals concerned are being forced to pay tax, even though they do not want to be domiciled in this country.

Mr. Wills: I am not quite sure what the hon. Gentleman's problem is with being forced to pay tax. I think we could find very few people who actually want to pay tax. Most people accept it as a price of citizenship, and most of us do so willingly and happily. However, the idea is that we have laws in this country—[*Interruption.*] The hon. Gentleman can listen to the argument or not, as he wishes. I listened to him at great length, and he might at least do me the courtesy of trying to appreciate my argument.

Mr. David Drew (Stroud) (Lab/Co-op): Will my right hon. Friend give way?

Mr. Wills: I will in a moment, but first I wish the hon. Member for Cambridge to understand that the important point, which I hope he now accepts, is that the people who sit in this Parliament should pay tax in the way that the vast majority of UK residents do so. I therefore hope that he will support the provisions.

Mr. Drew: Is not the answer to do what they do in the States? Every member of the legislature has to produce a full statement of their income and expenditure and their tax records. Those are all on the record, including President Obama's from when he was a Senator. Why are we so timid and so lacking in transparency in this country?

Mr. Wills: Tempted as I am to enter into a new discussion with my hon. Friend, which I am sure would be illuminating and revealing, if he will forgive me I will stick to the new clauses and amendments in question. That is a matter for another time, I am sure.

Kelvin Hopkins: My right hon. Friend said a while ago that no one wants to pay more tax. I have argued with the Liberal Democrats on the doorstep, saying that I do want to pay more tax, but for social equality and better public services, not so that millionaires can get away with not paying tax.

Mr. Wills: That makes the point that nobody wants to pay tax so that billionaires can avoid paying it. I hope that almost everybody would agree with that.

My hon. Friend the Member for Pendle made a number of points, and I am glad for his contribution to the debate. He made an important point about retrospectivity, on which he has done a lot of work. As he says, there is no absolute prohibition on it, and it does happen from time to time. He mentioned one such situation. Nevertheless, it is a bad principle and axiomatically an affront to natural justice. There must be an overwhelmingly compelling case for it, and I am not sure that he made it. Our new provisions will deliver everything for which he has campaigned for a long time. He has been a diligent campaigner on the matter, and the Government have always accepted the principle behind the campaign. We have had problems finding a way to make the system effective so that it works in the way that most people want it to work. I am not sure that he has made a compelling case for breaching the fundamental principle against retrospectivity, because everything that he wants to achieve will be achieved in the Bill. I shall sit down shortly, so I suspect that there will be time for my hon. Friend to make the case for his

amendment, and then we will have a further discussion on it. I hope that he will reflect further on my fundamental point about retrospectivity.

Mr. Heath: It is retrospectivity that I wish to ask the Minister a question about. I can see that there should be a strong presumption against it when it means that a new requirement is applied retrospectively to a person who could not or should not have been able to foresee it. In this case, however, are we not talking about solemn undertakings given to a body of Parliament in order for people to take their seat? Should they not have anticipated that, one day, somebody would ask them whether they had complied with the undertakings that they had given?

Mr. Wills: I am not going to comment on one or two individual cases, because I am not familiar with all the details of them. All that I would say to the hon. Gentleman is that we are making law here, and hard cases make bad law. I hope that he will forgive the aphorism. We have to make law to cover the generality of the people who sit here. In the particular cases that he is talking about, all kinds of mechanisms have been set up.

That reminds me of a point that I wanted to pick up with my hon. Friend the Member for Pendle. He will correct me if I am quoting him wrongly, but I believe he said that it was a sad reflection that we had to rely on the Information Commissioner in such matters. It is not a sad reflection, as that is precisely why the Government set up the Information Commissioner's office—to ensure that people have access to the information to which they are entitled. That is a fundamental principle of our programme of constitutional reforms. We are proud of the Freedom of Information Act 2000 and we are going to enhance it, not row it back. It is not a sad reflection at all; it is a celebration of this Government's achievement with the Freedom of Information Act. I hope that my hon. Friend will recognise that when he comes to speak again shortly. He should be pleased with what the Information Commissioner's office has done; I would hope that he welcomes it.

Finally, I remind the hon. Member for Somerton and Frome (Mr. Heath) that there are other mechanisms to deal with alleged wrongdoing in particular cases. No doubt they will be pursued and I have no doubt that my hon. Friend the Member for Pendle, along with many others, will be pursuing the issue in the weeks and months to come.

I welcome what I took to be the welcome of the hon. Member for Wyre Forest (Dr. Taylor) for the Bill's provisions and indeed for the Political Parties and Elections Act 2009. I am grateful for his support, and I hope that the Committee will accept the amendments.

Question put and agreed to.

New clause 85 accordingly read a Second time, and added to the Bill.

New Clause 86

TAX STATUS OF MEMBERS OF THE HOUSE OF LORDS: TRANSITIONAL PROVISION

(1) This section applies if, before the end of the period of 3 months beginning with the day on which this section comes into force, a member of the House of Lords ("M") gives written

notice to the Clerk of the Parliaments that M does not want section [Tax status of MPs and members of the House of Lords] to apply to M.

(2) M shall not be a member of the House of Lords at any time after the notice is given and accordingly—

- (a) M shall not be entitled to receive writs of summons to attend the House, and
- (b) any writ of summons previously issued to M has no further effect.

(3) Section 33 (disclaimer) applies to M as if M were a person to whom section 30 has applied.

(4) If M is a person excepted from section 1 of the House of Lords Act 1999 (c. 34) by virtue of section 2 of that Act—

- (a) M shall no longer be excepted from section 1 of the 1999 Act, and
- (b) if M counted towards the limit under section 2(2) of the 1999 Act, that limit is reduced by one.

(5) If M is not such a person, M ceases to be disqualified by virtue of M's peerage (or dignity) for—

- (a) voting at elections to the House of Commons, or
- (b) being, or being elected as, a member of that House.

(6) In relation to M, any reference in section 1(3) or (4)(b) of the Representation of the People Act 1985 (c. 50) to a register of parliamentary electors is to be read as including—

- (a) any register of local government electors in Great Britain, and
- (b) any register of local electors in Northern Ireland,

which was required to be published on any date before the notice is given.

(7) If, after the notice is given, a peerage under the Life Peerages Act 1958 (c. 21) is conferred on M, subsection (2) above does not stop M being entitled to receive writs of summons to attend the House of Lords by virtue of that peerage.

(8) If, after the notice is given, M becomes the person who is to hold the office of Earl Marshal or perform the office of Lord Great Chamberlain, subsection (2) above does not stop M being entitled to receive writs of summons to attend the House of Lords by virtue of the peerage that led to M becoming the person who is to hold or perform the office in question.

(9) A person to whom regulation 4 of the European Parliament (House of Lords Disqualification) Regulations 2008 (S.I. 2008/1647) applies is to be treated as a member of the House of Lords for the purposes of this section.—(*Mr. Wills.*)

Brought up, read the First and Second time, and added to the Bill.

8.42 pm

The Chairman left the Chair to report progress and ask leave to sit again (Standing Order No. 9(3)).

8.47 pm

The Deputy Speaker resumed the Chair.

Mr. David Drew (Stroud) (Lab/Co-op): On a point of order, Mr. Deputy Speaker.

Mr. Deputy Speaker (Sir Michael Lord): Order. I will deal with the hon. Gentleman's point of order in a moment.

Progress reported; Committee to sit again tomorrow.

Mr. Andrew Robathan (Blaby) (Con): On a point of order, Mr. Deputy Speaker. May I ask how *Hansard* will record the last five minutes?

Mr. Deputy Speaker: I imagine that *Hansard* will treat the last five minutes as an informal suspension.

Mr. Drew: On a point of order, Mr. Deputy Speaker. The debate that we have just had finished very early. Some of us felt strongly that new clause 52 should have been put to a vote, but we were told very clearly that when the Government new clauses were put to the Committee and accepted, that would be prevented. That would have made some sense if we had had no time in which to vote, but there was plenty of time. May we have a ruling from you, Mr. Deputy Speaker, on why the procedure was dealt with in that way?

Mr. Deputy Speaker: I am sorry to say that those events occurred in Committee, and I am not able to comment on what happened during the Committee stage.

Mr. David Heath (Somerton and Frome) (LD): Further to that point of order, Mr. Deputy Speaker. One of the problems that we experienced when the Committee stage finished early was that, because of the timetable motion, we could not continue to deal with amendments and new clauses which were quite properly tabled for discussion in Committee. Is there any possibility that the House could revisit the timetable motion, so that we can make proper progress on a constitutional Bill on the Floor of the House while we are here waiting to debate it?

Mr. Deputy Speaker: I entirely understand the point that the hon. Gentleman has made, which is firmly on the record, but I am sure he will appreciate that there is nothing that I can do to deal with it at this point.

John McDonnell (Hayes and Harlington) (Lab): Further to that point of order, Mr. Deputy Speaker. I realise that you cannot comment now on procedures carried out when the House was in Committee, but may I ask you to request that the Speaker examine the *Hansard* record tomorrow and make a statement tomorrow about the procedure that has been applied? As a result of that procedure, a significant new clause tabled by a Back Bencher could not be put to a vote, although I believe it was the will of the House that that should happen. It would be helpful to have a ruling from the Speaker on the matter, or at least a statement that the procedure might be reformed in the future.

Mr. Deputy Speaker: I can say to the hon. Gentleman that Mr. Speaker always takes a very close interest in all the business of the House, but I will personally make sure that all these matters are drawn to his attention tomorrow morning.

Bob Spink (Castle Point) (Ind): On a point of order, Mr. Deputy Speaker. As a result of the procedural mix-up tonight, we have lost about six minutes during which time we could, and should, have been debating item 10 on the Order Paper on section 5 of the European Communities (Amendment) Act 1993, when arguments could have been made that we should not pass such motions, or move forward with that Act at all, until we have made progress on the common agricultural policy and root-and-branch reform of our relationship with the European Union. Will Mr. Speaker be minded to extend tonight's business by six minutes after 10 o'clock, so we that can make up that valuable time?

Mr. Deputy Speaker: The hon. Gentleman knows that I cannot deal with that matter now, and in any case we have not yet reached the business to which he refers.

Mr. Patrick McLoughlin (West Derbyshire) (Con): Further to that point of order, Mr. Deputy Speaker. Will you confirm that if the hon. Gentleman were to look at the Order Paper, he would see that we have not yet reached that point on our agenda—and when we do so, who knows what might happen?

Mr. Deputy Speaker: I entirely agree. That is precisely the point I have just made to the hon. Member for Castle Point (Bob Spink).

Business without Debate

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)),

ELECTRONIC COMMUNICATIONS

That the draft Communications Act 2003 (Disclosure of Information) Order 2010, which was laid before this House on 8 December, be approved. —(*David Wright.*)

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

SOCIAL SECURITY

That the draft Jobseeker's Allowance (Skills Training Conditionality Pilot) Regulations 2010, which were laid before this House on 15 December, be approved. —(*David Wright.*)

Question agreed to.

EAST OF ENGLAND REGIONAL GRAND COMMITTEE

Motion made, and Question put forthwith (Standing Order No. 117A(3)),

That the East of England Regional Grand Committee shall meet at Westminster on Tuesday 23 February between 9.00 am and 1.00 pm to take questions under Standing Order No. 117B (Regional Grand Committees (questions for oral answer)) and to hold a general debate on priorities for a future regional strategy. —(*David Wright.*)

The House divided: Ayes 284, Noes 83.

Division No. 67]

[8.52 pm

AYES

Abbott, Ms Diane	Begg, Miss Anne
Ainsworth, rh Mr. Bob	Beith, rh Sir Alan
Allen, Mr. Graham	Bell, Sir Stuart
Anderson, Mr. David	Benn, rh Hilary
Anderson, Janet	Berry, Roger
Armstrong, rh Hilary	Betts, Mr. Clive
Atkins, Charlotte	Blackman, Liz
Austin, Mr. Ian	Blackman-Woods, Dr. Roberta
Austin, John	Blears, rh Hazel
Bailey, Mr. Adrian	Borrow, Mr. David S.
Bain, Mr. William	Bradshaw, rh Mr. Ben
Balls, rh Ed	Brennan, Kevin
Banks, Gordon	Brooke, Annette
Barlow, Ms Celia	Brown, Lyn
Barron, rh Mr. Kevin	Brown, rh Mr. Nicholas

Brown, Mr. Russell	Hamilton, Mr. David
Browne, Mr. Jeremy	Hanson, rh Mr. David
Bryant, Chris	Harman, rh Ms Harriet
Buck, Ms Karen	Harris, Mr. Tom
Burgon, Colin	Harvey, Nick
Burnham, rh Andy	Havard, Mr. Dai
Butler, Ms Dawn	Healey, rh John
Caborn, rh Mr. Richard	Heath, Mr. David
Cairns, David	Hemming, John
Campbell, Mr. Alan	Henderson, Mr. Doug
Campbell, Mr. Ronnie	Hepburn, Mr. Stephen
Carmichael, Mr. Alistair	Hesford, Stephen
Caton, Mr. Martin	Heyes, David
Cawsey, Mr. Ian	Hill, rh Keith
Challen, Colin	Hillier, Meg
Chapman, Ben	Hodgson, Mrs. Sharon
Chaytor, Mr. David	Holmes, Paul
Clapham, Mr. Michael	Hood, Mr. Jim
Clark, Ms Katy	Hoon, rh Mr. Geoffrey
Clarke, rh Mr. Tom	Hope, Phil
Clelland, Mr. David	Hopkins, Kelvin
Coaker, Mr. Vernon	Horwood, Martin
Coffey, Ann	Howarth, David
Cook, Frank	Howarth, rh Mr. George
Cooper, Rosie	Howells, rh Dr. Kim
Corbyn, Jeremy	Hoyle, Mr. Lindsay
Crausby, Mr. David	Humble, Mrs. Joan
Creagh, Mary	Iddon, Dr. Brian
Cruddas, Jon	Illsley, Mr. Eric
Cryer, Mrs. Ann	Irranca-Davies, Huw
Cummings, John	James, Mrs. Siân C.
Cunningham, Mr. Jim	Jenkins, Mr. Brian
Cunningham, Tony	Johnson, rh Alan
David, Mr. Wayne	Johnson, Ms Diana R.
Davies, Mr. Dai	Jones, Helen
Dean, Mrs. Janet	Jones, Mr. Kevan
Denham, rh Mr. John	Jones, Mr. Martyn
Dhanda, Mr. Parmjit	Jowell, rh Tessa
Dismore, Mr. Andrew	Joyce, Mr. Eric
Dobbin, Jim	Kaufman, rh Sir Gerald
Dobson, rh Frank	Keeley, Barbara
Donohoe, Mr. Brian H.	Keen, Ann
Doran, Mr. Frank	Kemp, Mr. Fraser
Dowd, Jim	Khan, rh Mr. Sadiq
Drew, Mr. David	Kidney, Mr. David
Eagle, Angela	Kilfoyle, Mr. Peter
Eagle, Maria	Knight, rh Jim
Efford, Clive	Kumar, Dr. Ashok
Ellman, Mrs. Louise	Ladyman, Dr. Stephen
Engel, Natascha	Lamb, Norman
Etherington, Bill	Lammy, rh Mr. David
Featherstone, Lynne	Laws, Mr. David
Field, rh Mr. Frank	Laxton, Mr. Bob
Fitzpatrick, Jim	Lazarowicz, Mark
Flelo, Mr. Robert	Lepper, David
Flint, rh Caroline	Levitt, Tom
Flynn, Paul	Linton, Martin
Follett, Barbara	Lloyd, Tony
Foster, Mr. Don	Lucas, Ian
Foster, Michael Jabez	Mackinlay, Andrew
(<i>Hastings and Rye</i>)	Mactaggart, Fiona
Francis, Dr. Hywel	Malik, Mr. Shahid
Gapes, Mike	Mallaber, Judy
George, rh Mr. Bruce	Mann, John
Gerrard, Mr. Neil	Marsden, Mr. Gordon
Gilroy, Linda	Martlew, Mr. Eric
Godsiff, Mr. Roger	McAvoy, rh Mr. Thomas
Goldsworthy, Julia	McCabe, Steve
Goodman, Helen	McCafferty, Chris
Griffiths, Nigel	McCarthy, Kerry
Grogan, Mr. John	McCarthy-Fry, Sarah
Hall, Patrick	McDonagh, Siobhain

McDonnell, John
 McGovern, Mr. Jim
 McGuire, rh Mrs. Anne
 McIsaac, Shona
 McKechin, Ann
 McKenna, Rosemary
 McNulty, rh Mr. Tony
 Meale, Mr. Alan
 Merron, Gillian
 Michael, rh Alun
 Miliband, rh David
 Miliband, rh Edward
 Miller, Andrew
 Moffatt, Laura
 Mole, Chris
 Moon, Mrs. Madeleine
 Moore, Mr. Michael
 Morden, Jessica
 Morgan, Julie
 Morley, rh Mr. Elliot
 Mulholland, Greg
 Mullin, Mr. Chris
 Munn, Meg
 Murphy, Mr. Denis
 Murphy, rh Mr. Paul
 Norris, Dan
 O'Brien, rh Mr. Mike
 O'Hara, Mr. Edward
 Olnor, Mr. Bill
 Osborne, Sandra
 Owen, Albert
 Palmer, Dr. Nick
 Pearson, Ian
 Pelling, Mr. Andrew
 Plaskitt, Mr. James
 Pope, Mr. Greg
 Pound, Stephen
 Prentice, Bridget
 Prentice, Mr. Gordon
 Prescott, rh Mr. John
 Primarolo, rh Dawn
 Prosser, Gwyn
 Purchase, Mr. Ken
 Purnell, rh James
 Raynsford, rh Mr. Nick
 Reed, Mr. Andy
 Reed, Mr. Jamie
 Reid, rh John
 Rennie, Willie
 Riordan, Mrs. Linda
 Robertson, John
 Robinson, Mr. Geoffrey
 Rogerson, Dan
 Rooney, Mr. Terry
 Rowen, Paul
 Roy, Mr. Frank
 Roy, Lindsay
 Ruddock, Joan

Russell, Bob
 Ryan, rh Joan
 Salter, Martin
 Seabeck, Alison
 Shaw, Jonathan
 Sheerman, Mr. Barry
 Sheridan, Jim
 Simon, Mr. Siôn
 Skinner, Mr. Dennis
 Slaughter, Mr. Andy
 Smith, Ms Angela C.
(Sheffield, Hillsborough)
 Smith, Geraldine
 Smith, rh Jacqui
 Smith, Sir Robert
 Snelgrove, Anne
 Soulsby, Sir Peter
 Southworth, Helen
 Spink, Bob
 Starkey, Dr. Phyllis
 Stewart, Ian
 Straw, rh Mr. Jack
 Stringer, Graham
 Stuart, Ms Gisela
 Sutcliffe, Mr. Gerry
 Swinson, Jo
 Tami, Mark
 Taylor, Ms Dari
 Taylor, Matthew
 Taylor, Dr. Richard
 Teather, Sarah
 Thomas, Mr. Gareth
 Thurso, John
 Timms, rh Mr. Stephen
 Todd, Mr. Mark
 Touhig, rh Mr. Don
 Truswell, Mr. Paul
 Ussher, Kitty
 Waltho, Lynda
 Webb, Steve
 Whitehead, Dr. Alan
 Williams, rh Mr. Alan
 Williams, Mrs. Betty
 Williams, Stephen
 Willott, Jenny
 Wills, rh Mr. Michael
 Wilson, Phil
 Winnick, Mr. David
 Winterton, rh Ms Rosie
 Wright, Mr. Anthony
 Wright, David
 Wright, Dr. Tony
 Wyatt, Derek
 Younger-Ross, Richard

Tellers for the Ayes:
 Mr. George Mudie and
 Mr. Dave Watts

NOES

Arbuthnot, rh Mr. James
 Atkinson, Mr. Peter
 Bacon, Mr. Richard
 Bellingham, Mr. Henry
 Benyon, Mr. Richard
 Binley, Mr. Brian
 Bone, Mr. Peter
 Boswell, Mr. Tim
 Bottomley, Peter
 Brokenshire, James
 Browning, Angela

Burns, Mr. Simon
 Burrowes, Mr. David
 Burt, Alistair
 Carswell, Mr. Douglas
 Cash, Mr. William
 Clappison, Mr. James
 Crabb, Mr. Stephen
 Davies, David T.C.
(Monmouth)
 Davies, Philip
 Dorries, Nadine

Duddridge, James
 Fabricant, Michael
 Field, Mr. Mark
 Fraser, Christopher
 Goodman, Mr. Paul
 Goodwill, Mr. Robert
 Gray, Mr. James
 Green, Damian
 Grieve, Mr. Dominic
 Hands, Mr. Greg
 Harper, Mr. Mark
 Hayes, Mr. John
 Heald, Mr. Oliver
 Heathcoat-Amory, rh
 Mr. David
 Hogg, rh Mr. Douglas
 Horam, Mr. John
 Howarth, Mr. Gerald
 Howell, John
 Jack, rh Mr. Michael
 Jackson, Mr. Stewart
 Jones, Mr. David
 Knight, rh Mr. Greg
 Lait, Mrs. Jacqui
 Leigh, Mr. Edward
 Liddell-Grainger, Mr. Ian
 Loughton, Tim
 Main, Anne
 Maples, Mr. John
 Mates, rh Mr. Michael
 McLoughlin, rh Mr. Patrick
 Miller, Mrs. Maria
 Milton, Anne

Murrison, Dr. Andrew
 Ottaway, Richard
 Paice, Mr. James
 Paterson, Mr. Owen
 Penning, Mike
 Prisk, Mr. Mark
 Randall, Mr. John
 Robathan, Mr. Andrew
 Robertson, Mr. Laurence
 Rosindell, Andrew
 Scott, Mr. Lee
 Selous, Andrew
 Simpson, Mr. Keith
 Spicer, Sir Michael
 Stanley, rh Sir John
 Steen, Mr. Anthony
 Streeter, Mr. Gary
 Stuart, Mr. Graham
 Taylor, Mr. Ian
 Turner, Mr. Andrew
 Tyrie, Mr. Andrew
 Vara, Mr. Shailesh
 Walter, Mr. Robert
 Waterson, Mr. Nigel
 Whittingdale, Mr. John
 Wiggan, Bill
 Wilson, Mr. Rob
 Winterton, Ann
 Winterton, Sir Nicholas
 Yeo, Mr. Tim

Tellers for the Noes:
 Mr. Philip Dunne and
 Jeremy Wright

Question accordingly agreed to.

Mr. Deputy Speaker (Sir Michael Lord): We come to the motion on section 5 of the European Communities (Amendment) Act 1993. *[Interruption.]* Motion not moved.

Philip Davies (Shipley) (Con): On a point of order, Mr. Deputy Speaker. We have here a ludicrous situation in which the Government are trying to sneak things through at the end of the day's business. They are quite happy to move motions when there is no time for debate, but when there is roughly an hour to debate an issue, they do not want to move the motion. Can anything be done to make sure that motions on the Order Paper are moved when there is time to debate them in the House?

Mr. Deputy Speaker: I say to the hon. Gentleman that we have done everything within the normal rules of the House; the Government's actions are a matter for the Government.

PETITION

Swimming Pool (Canvey Island)

9.6 pm

Bob Spink (Castle Point) (Ind): The people of Canvey love our island and treasure its heritage. They are indebted to campaigners Lea and Liz Swann and to Councillor Dave Blackwell for trying to reverse a decision to destroy an important part of Canvey Island's seafront—

the tidal pool. I am indebted to the 127 people who attended the public meeting last week and voted unanimously to retain the pool to keep our children on Canvey Island safer. They are calling on the borough councillors to rescind their decision.

The petition states:

The Petition of Liz and Lea Swann, residents of Canvey Island and others,

Declares that they support and want to protect and enhance the Canvey Sea Front area and therefore object to the proposed removal of the swimming pool at the far end of Concord Beach; notes that the swimming pool is enjoyed by many local residents, particularly children, forms an important and historic part of the iconic Canvey Seafront, is important to local businesses that rely on the visitors for income during the summer months, and would cost very little to maintain; further declares that retaining the pool is by far the safer option and that this proposal has been made without any consultation of residents or businesses at all, that the council has not published any costs or proposals for consideration, has not consulted the Environment Agency on the environmental impact to the beach and surrounding properties, did not include Canvey Island's Town Councillors in discussions; that for these and many other valid reasons this proposal should be withdrawn by the mainland Conservative Borough Councillors, and that given the importance to the wider community of protecting this local beach attraction, the Council must properly and widely consult the public before making any decision.

The Petitioners therefore request that the House of Commons press the Government to urge Castle Point Borough Council, and the Conservative Council Group, to reject this proposal and instead spend public funds on the swimming pool's upkeep.

And your Petitioners, as in duty bound, will ever pray.

[P000725]

Children's Homes (Planning Applications)

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

9.8 pm

Ann Coffey (Stockport) (Lab): Children's homes should provide a safe, positive and caring environment for young people who are unable to live at home. It is important that they provide the highest standards of care. Over the years, care and inspection of children's homes has been subject to changes. Indeed, before the Care Standards Act 2000, homes with fewer than four children did not have to be registered at all. Quite rightly, inspection is becoming more rigorous, and I welcome the new draft minimum care standards, issued by the Department for Children, Schools and Families, on which Ofsted will base future inspections. That is happening in response to the changing nature of children's homes over the years.

When I first worked as a social worker in Stockport in the 1980s, small family-type care homes provided a family environment for quite young children. The carers were often a couple resident in the home. Now, of course, younger children are placed in foster families and the young people placed in children's homes are older. They present very difficult and challenging behaviour and often come into care with multiple problems and complex needs.

In Stockport, a high number of children and young people are placed in our children's homes from other local authority areas. Some 53 per cent. of all looked-after children are from outside the borough, compared with the national average of 35 per cent. Our percentage is one of the highest in the country. Many of the children who live in the homes about which residents have complained to me are from outside Stockport and are young offenders. Owners sometimes charge up to £4,500 a week per child and some advertise aggressively in other boroughs for "priority and prolific offenders".

In Stockport, we have more than 30 private registered children's homes—the third highest number in the country—and we can bear testament to the changing nature of those homes, given the problems that we have encountered with antisocial behaviour. It is important to improve outcomes for vulnerable, often difficult young people in care, but it is also important to ensure that proper consideration is given to the location of the home.

Standard 23 in the draft minimum standards, entitled "The design and location of the home", says:

"Location is carefully considered at the planning stage for a new home...The home is situated in a location which takes into account the safety and protection of children living there and the community."

That presumes the existence of some planning process, as well as a registration process.

Tonight I want to focus on the planning legislation that applies to children's homes. I decided to take up the issue again after a recent influx of letters and e-mails from distressed Stockport constituents who have suffered verbal abuse and other forms of antisocial behaviour from the residents of nearby children's homes. My constituents made the point that they were never consulted about the change of use.

[Ann Coffey]

One of my constituents lives with his mother next door to a children's home. He told me about their "monumentally distressing situation". He and his mother have been subjected to much abuse and damage to their home. He described how the home for young people came into existence without local people knowing anything about it or being given any say in the change of use from a private dwelling house. It turns out that the house next door was classified under the Town and Country Planning (Use Classes) Order 1987 to be in use class C3—a dwelling house, which covers use by a single person or by people living together as a family that has not more than six residents living together as a single household and can include a home where care is provided to residents.

My constituent wrote to Stockport council and was told that no planning breaches had occurred, as a domestic property could be converted, under use C3, into a facility for care for up to six residents living as a single household, without anyone seeking planning permission or consulting local residents. However, a planning application would have been required if residential accommodation and care to people in need of care were being provided, other than use within class C3, as that would fall within class C2. Apart from being a somewhat circular definition, that is very confusing. When is a children's home a residential provision where care is being provided—that is, a C2 use—and when is it a single household where care is provided and therefore a C3 use? It seems to depend on the number of persons, according to the local planning authority.

The then Office of the Deputy Prime Minister issued a circular in March 2005, adding some guidance on use classes C2 and C3. I quote:

"The amended Order does not make any changes to class C3: Dwelling houses. This class groups together use as a dwelling house, whether or not the sole or main residence, by single person, any number of persons living together as a family, or by no more than 6 persons living together as a single household. The key element in the use of a dwelling house for non-family purposes is the concept of a single household. The single household concept will provide more certainty over the planning position of small group homes which play a major role in the Government's community care policy which is aimed at enabling disabled and mentally disordered people to live as normal lives as possible in touch with the community.

In the case of small residential care homes or nursing homes, staff and residents will probably not live as a single household and the use will therefore fall into the residential institutions"—that is, C2—

"regardless of the size of the home. Local planning authorities should include any resident care staff in their calculation of the number of people accommodated."

Clearly, the guidance all hangs on the definition of a single household, not care staffing, as care can be provided both in a dwelling house and in a residential home. What is this entity, a single household? In its briefing note to me, the House of Commons Library said that the definition of

"living together as a single household"

is one for case law and not always straightforward. The researcher quoted the Sweet and Maxwell "Encyclopedia of Planning Law and Practice," which states:

"The control limit of six persons defines the scope of the right, but does not imply that any excess in numbers must constitute a breach of planning control. Where, for example, premises have

been put to this use and six people have lived together as a single household, there will subsequently be a material change in use only where the total number of residents increases to the point where it can be said that the use has intensified so as to become of a different character, or the residents no longer live as a single household, (which may then fall to be regarded as a hostel use, or house let in lodgings)."

So there we have it—as clear as mud! This does not shed any light on what defines a single household. However, it is this definition and not numbers or care which is key to determining C2 or C3 use.

The lack of clarity has been a particular issue with houses in multiple occupation where high concentrations have increased antisocial behaviour and had adverse environmental impact on the wider community. It has resulted in an increase in houses in multiple occupation without any planning process because they have been deemed to fall into C3 use, a dwelling house with people living together as a single household. In response to the problems, the Department for Communities and Local Government issued a consultation on HMOs and possible planning responses. The responses were published last week, on 27 January, and the most popular planning request was that the use classes order be amended to provide a specific definition of an HMO which removed the ambiguity of the term

"living together as a single household".

Following the recent complaints about a children's home in my constituency, I wrote to the Under-Secretary of State for Communities and Local Government, my hon. Friend the Member for Dudley, North (Mr. Austin), and received a reply on 8 October last year which made it plain that the position was not as clear-cut as Stockport council had initially indicated, and that a range of factors on a case-by-case basis should be taken into account in determining whether a change of use from dwelling house use to residential institution had taken place.

I am pleased to say that Stockport has now issued new planning guidance, which states:

"All proposals for new buildings for children's homes will require planning permission. Frequently, however, the proposal is to use an existing residential dwelling house for the purpose. In such instances it will be necessary to determine whether a change of use of the building, requiring planning permission, is involved. This requires a judgement, having regard to the provisions of the latest government advice and guidance and any relevant case law. The Use Classes Circular updated in March 2005, clarifies that proposals for small care homes should be assessed/determined as a class C2, 'Residential Institutions', use class, distinct from the Class C3 'Dwelling Houses' class. Accordingly, in most cases, planning permission will be required for the change of use".

This will be welcomed by all my constituents. I congratulate Stockport council on issuing this new planning advice.

However, the problem is not just a Stockport problem. It is a national issue. Last week I tabled a parliamentary question asking how many planning applications for children's homes under C2 had been submitted, granted and refused in each local authority in England and Wales in the past five years, but I was told that this information was not held centrally. This makes it very difficult to establish the extent of the problem.

It is right that, in the interests of the welfare of the young people placed as well as the wider community, the suitability of the location is considered. That can be done only through a planning application and the process of consideration of that application. My right hon.

Friend the Secretary of State for Children, Schools and Families said last week that the Government response on the draft national minimum standard is due in June. If standard 23 is accepted, the presumption that all applications for children's homes will have been through a thorough planning application will have implications for the current interpretation that children's homes are C3 use and no planning approval is required to open one.

I agree that the use classes order must strike a balance between the categories that are too broad, which leave local planning authorities with too little control of changes, and the categories that are too narrow, which increase the number of planning applications. I understand that tension, but, if planning authorities try to deal with the difficulties of community opposition to a children's home by simply not introducing a planning process, local people's hostility to children's homes will continue.

Although avoiding a planning process may be less difficult in the short term, it will not be easier in the long term if children's homes turn out to be in unsuitable locations, because the residents will blame the local council for failing to consider their interests. The best way of getting community support for children's homes is to ensure that there is a proper planning process, and that local residents' comments are taken into account and reflected in planning conditions. The wider community would then feel that it had some influence and control over the process, because it clearly does not have any at the moment. A proper planning process would also mean that any failure to comply with planning conditions could be reported to Ofsted, which would take that into account in its inspection of the home. That would help raise standards.

There should be a proper planning process for children's homes. A Greater Manchester police analysis showed that 81 per cent. of children missing from home in Stockport are missing from children's homes, compared with a conurbation average of 65 per cent. of children running away having gone missing from children's homes.

Helen Southworth (Warrington, South) (Lab): I congratulate my hon. Friend on securing this important debate and recognise her contribution to the Government's support for children who either go missing or run away from care or from home. Would planning approval for a change of use provide police forces with the information that they need on the number and location of children's homes in their area? A senior police officer told me last week that he had not been able to obtain from the registration authority the information on the location and number of children's homes in his police force area, and that he had had to resort to checking the Yellow Pages and other advertising media in order to identify their location. Would my hon. Friend's proposals have any wider benefits than those that she has already identified by virtue of their helping those authorities that needed to work together?

Ann Coffey: I thank my hon. Friend for that intervention. She is absolutely right: it is very important that the inspection of children's homes takes into account the widest possible range of comments from the local agencies that are involved with the children from the home in question. A proper planning process would enable the police and other local agencies to comment on what

was happening in that neighbourhood and provide better details to inform the planning decision on whether the location was appropriate for a home. Furthermore, the owners of a home would therefore try their very best to ensure that a proper management system was in place, because without one they would break their planning conditions, and that in turn would affect their registration. That process would be important in raising standards.

Our local authority has a larger number of children missing from home, compared with the conurbation average of 65 per cent. of children running away having gone missing from children's homes. That reflects the complex difficulties of those young people, the high level of private provision in Stockport and the difficulty that those private homes have in managing such children. It also gives some indication of the pressure on local agencies. I welcome the measures in the Children and Young Persons Act 2008 to restrict out-of-borough placements. That should help, but it will not resolve planning process issues.

Young people in the care system face huge challenges and often come from very dysfunctional families. Children's homes must have proper management systems and provide the high-quality care that is needed to improve the life chances of those young people. The registration process is integral to the establishment of those high standards, and so is the planning process. The Government have consulted on planning responses to HMOs and recognised the problems caused by high concentrations of those homes. However, I urge my hon. Friend the Minister to undertake a similar consultation on the possible planning responses to children's homes, and to remove the current ambiguities of the single household—a singularly unhelpful definition that has had its time. That would also ensure that people, wherever they live, have the protection of planning laws that respond to the challenges of providing high-quality children's homes in appropriate locations. Times have changed since 1987, and the planning laws need to be adapted. I urge my hon. Friend to bring about the necessary changes.

9.24 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Ian Austin): I thank my hon. Friend the Member for Stockport (Ann Coffey) for securing this important debate on planning and children's homes. She has spoken eloquently of the issues that arise in providing accommodation for looked-after children. It is clear that this matter is of particular concern in Stockport because of the relatively high concentration of such children in that area.

I am very sympathetic to the problems that my hon. Friend has described. While we must address the needs of vulnerable children, we must also assess the needs of the community in which they live. The aim of the Government's policy on looked-after children is to ensure that all children's homes are properly run and situated in locations that take into account the safety and protection not only of the children living there but of the local community. As she said, all children's homes are subject to national minimum standards that are underpinned by regulations governing the running of the home. I understand that she has been active in commenting on the draft national minimum standards that were the subject of recent consultation, and she is to be commended for that.

[Mr. Ian Austin]

The standards call for those running children's homes to prepare and implement a policy that sets out measures of control, restraint and discipline and to show how the home will promote appropriate behaviour. They also require a home and its registered manager to maintain appropriate links with the local community to ensure good relations with neighbours. The regulatory system thereby aims to tackle problems of the sort that my hon. Friend has described by ensuring that children's homes are run in a way that promotes good behaviour and addresses antisocial behaviour when it occurs and maintains links with the host community to foster good relations.

Children's homes must be registered with Ofsted, which is responsible for registering and inspecting care homes. In considering an application for registration, Ofsted will look carefully at the fitness of the applicant and the skills and experience of the proposed manager. Where homes do not meet the required standards, Ofsted has a range of enforcement powers at its disposal. Action needs to be taken against poor homes, in the interests not only of local communities that may be affected but of the children living there. Ofsted has a key role to play in driving up standards through the inspection of children's homes.

Through the Children and Young Persons Act 2008, Ofsted has been given further powers to take action against homes that do not meet standards or regulations. These include new powers such as restricting new admissions to a home. Further provisions will ensure that all local authorities are notified of enforcement action being taken by a home in cases where the chief inspector has brought proceedings or where a notice to cancel registration has been issued. These measures should lead to greater transparency and will improve the information available to local authorities in making decisions about commissioning placements. I would expect any local authority to investigate instances where a children's home has been badly run or is the subject of complaints from the local community.

My hon. Friend has raised the planning aspects of providing accommodation for looked-after children, particularly in relation to concerns about the operation of the Town and Country Planning (Use Classes) Order 1987. The planning system is primarily concerned with the use of land and the effect on amenity of any alteration or changes to the use of land. It may be helpful if I explain briefly how the order works. It operates by grouping together into classes land uses that have similar amenity impacts. The order allows changes between certain land uses where the amenity impacts of such would be minimal, without the need for planning permission. In most cases, the permissible change of use is within the same class, but there are cases where movement between classes is permitted. For example, premises currently used as a restaurant—class A3—could be converted to a shop, which would be class A1, without the need to seek planning permission, because the impact of a shop on the surrounding area would be likely to be the same or less than that of a restaurant.

The order is intended to be a deregulatory mechanism that allows changes of use with minimal impact in terms of land use and amenity. This removes the need

for the time and expense of making a planning application and allows local authorities to concentrate their planning resources where they are most needed. However, it is for local planning authorities to decide on a case-by-case basis which class a particular use falls into. When a change of use occurs, the local planning authority must consider whether a material change has occurred that would require planning permission. The planning guidance from Stockport council, which my hon. Friend quoted, recognises that. It is an important principle that material change of use is the test for whether planning permission is required.

Under the use classes order, I would expect most children's homes to fall into the same use class as other residential institutions, such as nursing homes or training centres—class C2. It applies when there are more than six occupants, or when the occupants are not considered to be living together as a single household.

However, as my hon. Friend said, it is also possible that some smaller children's homes could fall into the same class as dwelling houses—class C3. That use class provides for dwelling houses used by a single person or a family, but also for small groups of people living together as a single household, including cases where there is an element of care. As she has been advised, there is discretion in the way in which local planning authorities apply that. It is important to retain some discretion to avoid unintended consequences, given the variety of living arrangements that broadly have the same planning impact.

Depending on the particular circumstances, there may be occasions when a house previously occupied by a family could be changed to a children's home, which would take the premises into class C2 and so require planning permission. There could also be instances of such a change resulting in a children's care home that would still be classified as C3 in planning terms. For example, it would be difficult to argue that significantly different planning impacts arise from a family of six living in a house on the one hand, and four or five children with a carer living there on the other.

My hon. Friend has drawn attention to the need to consider carefully the location of a home for looked-after children, in relation to the needs of children and young people and to those of the host community. I absolutely agree that such considerations should be carefully applied, and they can take place in other ways, in addition to the planning system.

For example, the draft standards that my colleagues in the Department for Children, Schools and Families are considering include draft standard 23, which says among other things that

“location is carefully considered at the planning stage for a new home”,

and that

“the home is situated in a location which takes into account the safety and protection of children living there and the community.”

The importance of that is already stated in the “Children Act 1989 Volume 4: Statutory Guidance on Residential Care”. Those provisions are not about blanket planning requirements, but are intended to make providers of children's homes consider the location when setting up a children's home.

For example, particular thought should be given to the suitability of the location to providing an environment helpful to each child's development, by giving access to

schools, shops and amenities. The standard also lays down that thought should be given at the planning stage to any aspects of design and location which might assist in maintaining a responsible, positive relationship with the neighbourhood.

As my hon. Friend pointed out, the nature of children's homes has changed over the years and I am sure that it will continue to change. It is therefore right that local authorities have the discretion to determine whether a material change of use has occurred on a case-by-case basis so that we can achieve a balance between giving local authorities strong powers to shape their local areas and not being unduly burdensome on users of the planning system.

Helen Southworth: Will my hon. Friend give particular consideration to the point that I made earlier? It is so important that local authorities and police forces work together to protect vulnerable children. An aspect of that, considering the police of the 24/7 authority, to which missing children are reported, is that they know where children's homes are located in their area and can build up a relationship with them. Will the Minister consider how he can use the levers in his Department to help with that?

Mr. Austin: I thank my hon. Friend for raising that important point, which she mentioned earlier. I hope that she accepts that I am not an expert in the way in which the police and local authorities react to those matters. I am surprised, because I would have thought that, if the standards require proper management, it is reasonable to expect what my hon. Friend suggests to happen automatically. I will ask ministerial colleagues who are responsible for those matters to contact my hon. Friend and perhaps meet her to discuss them.

Helen Southworth: I should also like to mention comments that have been made in the past few weeks on national indicator 71, in which my hon. Friend's Department has a key interest, on support for runaway and missing children. It has been in place since April last year, and the evidence I am getting from local authorities, police forces and charities working with vulnerable children is that it is driving change very effectively. Will he consider how he can support that?

Mr. Austin: My hon. Friend is an acknowledged expert on such issues and probably knows more than any other hon. Member about how those things work. I would be happy to look at the details and perhaps to arrange for her to meet officials in my Department so that she can provide evidence as to how those measures are working on the ground.

Ann Coffey: Will the Minister and some of his officials meet me to explore further how the planning responses to the HMO document might impinge on the planning applications for children's homes, particularly as they are clear that the single household definition is unhelpful? As he knows, the definition also applies to whether a children's home application is determined as C2 or C3 use. It would be helpful if I had the opportunity to discuss the matter further with him.

Mr. Austin: I would be very happy to meet my hon. Friend to discuss this matter and also to ensure that she can have proper discussions with officials.

Question put and agreed to.

9.36 pm

House adjourned.

Written Ministerial Statements

Monday 1 February 2010

HOME DEPARTMENT

Control Orders (Lord Carlile's Fifth Report)

The Secretary of State for the Home Department (Alan Johnson): In accordance with section 14(3), 14(4) and 14(5) of the Prevention of Terrorism Act 2005, Lord Carlile of Berriew QC has completed the report on the operation of the Act in 2009, which will be laid before the House today. I am also laying before the House the Government's memorandum to the House Affairs Committee on post-legislative scrutiny of the Act.

JUSTICE

Women's Diversionary Fund

The Minister for Pensions and the Ageing Society (Angela Eagle): Two years ago I announced our commitment to a fundamental change in how the criminal justice system deals with women. In December last year we reported on the substantial progress made through the Government's strategy to divert women away from crime.

Today, I am announcing the creation of a Women's Diversionary Fund, a £2 million joint funding venture between the Ministry of Justice and the Corston Independent Funders' Coalition. The Women's Diversionary Fund will offer grants of up to two years and will assist us in consolidating good progress and in taking forward our strategy to divert women from crime, and reduce reoffending.

This exciting partnership between the Ministry of Justice and the alliance of charitable trusts forming the coalition represents a commitment on both sides to transform further the way women are treated by the criminal justice system. By working together in this exceptional way we will build on the initiatives already announced.

The fund will focus on:

- service development or continuation, meeting gaps and further developing services; and
- building organisational capacity.

This new initiative will support further growth in community services for women and contribute to building the confidence of courts in alternatives to custody.

Interpreters (Expenditure)

The Parliamentary Under-Secretary of State for Justice (Bridget Prentice): Errors have been identified in the written answers given by the Minister of State, Ministry of Justice, my hon. Friend the Member for Liverpool,

Garston (Maria Eagle) to the hon. Members for Wycombe (Mr. Goodman) on 9 May 2008, *Official Report*, c. 1270-71W and for Romsey (Sandra Gidley) on 2 June 2008, *Official Report*, c. 640-41W and by my right hon. Friend the Secretary of State for Justice and Lord Chancellor to the hon. and learned Member for Beaconsfield (Mr. Grieve) on 16 March 2009, *Official Report*, c. 955-56W and the hon. Member for Ashford (Damian Green) on 20 April 2009, *Official Report*, c. 337W on the subject of interpreters expenditure.

All the information the Ministry of Justice holds on interpreters expenditure is provided in the table below. I have written to the Members who received incomplete information and provided them with a full response.

Expenditure on interpreters in England and Wales by the Department and its agencies:

	<i>The Expenditure for Financial Years 2007-08 and 2008-09</i>	
	<i>To the nearest £ 000</i>	
	<i>2008-09</i>	<i>2007-08</i>
Ministry of Justice HQ	26	19
HM Courts Service (HMCS)	638	704
HMCS Crown Courts paid from Central Fund Budget	4,503	4,034
Tribunals Service	5,283	6,126
Office of the Public Guardian	40	40
National Offenders Management Service ¹	966	868
Total	11,456	11,791

¹ This figure includes translation costs as well as interpretation costs. The amounts are not separately recorded and can only be disaggregated at disproportionate costs.

The information in the table excludes the following expenditure:

It is not possible separately to identify expenditure on interpreters by magistrates courts from other magistrates court costs financed from the Central Fund Budget without incurring the disproportionate cost of examining every transaction, the supporting records for which are held locally. Sample exercises have been undertaken in the past to estimate the proportion of magistrates court expenditure that relates to interpreters but they have yielded inconsistent results.

The NOMS figure excludes expenditure by the National Probation Service which is held locally by 42 probation boards and trusts who use separate and different accounting systems. Information could only be determined at disproportionate cost through examination of local records.

Suspects, charged individuals and victims

Her Majesty's Courts Service meets interpreters' costs for victims, which are provided above. The police meet interpreters' costs for suspects and charged individuals. Police costs are funded by the Home Office.

TRANSPORT

Transport Security

The Parliamentary Under-Secretary of State for Transport (Paul Clark): My right hon. and noble Friend the Secretary of State for Transport, Lord Adonis, has made the following ministerial statement:

I would like to update the House on one of the specific decisions made by the Government following the recent review of aviation security—the introduction of advanced imaging technology (AIT), also known as body scanners at UK airports.

The requirement to deploy AIT machines at Heathrow and Manchester airports comes into effect today and I expect additional scanners to be deployed at these airports and to be introduced at Birmingham airport over the course of this month. This will be followed by a nationwide roll-out of scanners in the coming months. These scanners are designed to give airport security staff a much better chance of detecting explosives or other potentially harmful items hidden on a passenger's body.

The Department for Transport has introduced an interim code of practice covering privacy, health and safety, data protection and equality issues. The code will require airports to undertake scanning sensitively, having regard to the rights of passengers. This is available in the Libraries of both Houses and on the Department's website.

Given the current security threat level, the Government believe it essential to start introducing scanners immediately. However, I

wish to consult widely on the long-term regime for their use, taking full account of the experience of the initial deployment. The Department will, therefore, shortly be launching a full public consultation on the requirements relating to the use of scanners as set out in the interim code of practice and will consider all representations carefully before preparing a final code of practice later in the year. I am grateful for the representations already received from the Equality and Human Rights Commission.

In the immediate future, only a small proportion of airline passengers will be selected for scanning. If a passenger is selected for scanning, and declines, they will not be permitted to fly. However, the interim code of practice stipulates:

“Passengers must not be selected on the basis of personal characteristics, that is; on a basis that may constitute discrimination such as gender, age, race or ethnic origin”.

Petition

Monday 1 February 2010

OBSERVATIONS

COMMUNITIES AND LOCAL GOVERNMENT

Planning and Development (Sutton)

The Petition of residents living in Belmont, Cheam, Sutton, Stoneleigh and Worcester Park in the London Borough of Sutton, and others,

Declares that the quality of life of residents is harmed by the designation of garden land as brownfield land, because it allows inappropriate development to take place. Suburban back gardens have ecological, environmental and social value that should be protected from unwanted development.

The Petitioners therefore request that the House of Commons calls upon Her Majesty's Government to change planning policy guidance and planning law to allow local councils to develop and implement planning policies that protect private gardens from development which is out of character with the surrounding area.

And the Petitioners remain, etc.—[Presented by Mr. Paul Burstow, *Official Report*, 4 February 2009; Vol. 487, c. 942.]

[P000313]

Observations from the Secretary of State for Communities and Local Government:

During the passage of the Planning Act in November 2008, the Government committed to carry out a review to establish the nature and extent of development on garden land. We said that if the evidence confirmed a problem we would look at how best to remedy the situation, provided that any changes should not have the effect of undermining our policy objectives on housing. On 19 January the Government published the results of the review and announced that planning policy statement 3 had been strengthened, to make it clear that there is no presumption that land that is previously developed is suitable for development, or that all of the curtilage should be developed.

In doing so we have reinforced the message in planning policy statement 3 that local authorities are best placed to consider whether different types of land are suitable for housing. The power to take the decision on whether to grant applications for development on gardens lies with local authorities. The local authorities need to be able to defend decisions on any planning application, whether for garden land or otherwise, based on established strong local policies.

Written Answers to Questions

Monday 1 February 2010

NORTHERN IRELAND Departmental Manpower

Mr. Philip Hammond: To ask the Secretary of State for Northern Ireland how many layers of management reporting from the most senior to the most junior there

are in his Department and each of its agencies; how many officials are employed in each such layer; and how much was spent on salaries and associated employment costs of staff at each such layer in the latest year for which information is available. [312828]

Paul Goggins: The number of staff in each management layer and the amount spent on salaries and associated employment costs in the Northern Ireland Office (NIO) and its agencies is set out in the following table. Please note that the NIO (core) accounting system does not detail individual grade costs within the SCS grade, B grade and D grade. Salaries and associated employment costs include salaries and wages, employers national insurance contributions and employers' pension costs.

<i>Northern Ireland Office (core Department)</i>		
<i>Grade</i>	<i>Staff numbers (actual staff numbers not full-time equivalent)</i>	<i>Salary and associated costs 2008-09 (rounded to nearest £)</i>
Permanent Secretary (SCS)	1	
Director General (SCS)	2	
Director (SCS)	9	
Deputy Director (SCS)	22	5,024,790
Grade A	156	8,956,203
Grade B1	201	
Grade B2	165	14,658,159
Grade C	263	7,992,110
Grade D1	292	
Grade D2	169	8,922,290
<i>Compensation Agency</i>		
<i>Grade</i>	<i>Staff numbers (actual staff numbers not full-time equivalent)</i>	<i>Salary and associated costs 2008-09 (rounded to nearest £)</i>
Deputy Director (SCS)	1	86,357
Grade A	5	236,790
Grade B1	3	131,967
Grade B2	10	392,910
Grade C	22	600,180
Grade D1	21	414,414
Grade D2	13	224,180
<i>Youth Justice Agency</i>		
<i>Grade</i>	<i>Staff numbers (actual staff numbers not full-time equivalent)</i>	<i>Salary and associated costs 2008-09 (rounded to nearest £)</i>
<i>Civil servants</i>		
Deputy Director (SCS)	1	95,085
Grade A	2	128,360
Grade B1	5	267,442
Grade B2	14	459,524
Grade C	14	329,950
Grade D1	43	731,226
<i>Non-civil servants</i>		
Director (Grade A)	2	131,584
Assistant Director/Other Management (Grade B1)	11	508,089
Project Managers/Managers (Grade B2)	93	3,668,733
Teacher/Driver/Instructor/ Social Workers (Grade C)	98	2,541,551
Care workers/ domestic staff (Grade D1)	113	3,791,885

Note:

In addition the YJA also pay an annual service charge of £1,132,000 in relation to the NILGOSC pension scheme.

Forensic Science NI

<i>Grade</i>	<i>Staff numbers (actual staff numbers not full-time equivalent)</i>	<i>Salary and associated costs 2008-09 (rounded to nearest £)</i>
Deputy Director (SCS)	1	111,833
Grade A	14	894,077
Grade B1	47	2,159,183
Grade B2	28	810,142
Grade C	42	1,099,520
Grade D1	53	809,903
Grade D2	5	94,383

Northern Ireland Prison Service

<i>Grade</i>	<i>Staff numbers (actual staff numbers not full-time equivalent)</i>	<i>Salary and associated costs 2008-09 (rounded to nearest £)</i>
<i>Admin grades</i>		
Director (SCS)	1	149,276
Deputy Director (SCS)	3	316,874
Grade A	27	1,290,107
Grade B1	35	1,660,818
Grade B2	81	2,527,984
Grade C	112	2,554,263
Grade D1	124	2,444,403
Grade D2	34	660,205
<i>Uniform grades</i>		
Governor 1	2	209,037
Governor 2	4	381,405
Governor 3	4	221,705
Governor 4	15	878,309
Governor 5	22	1,399,973
Principal Officer	72	4,087,588
Senior Officer/Senior PCO	176/15	8,865,298/320,139

Mr. Philip Hammond: To ask the Secretary of State for Northern Ireland what estimate he has made of the proportion of staff of (a) his Department and (b) its agencies managed out in the last five years who remain working in the public sector. [313850]

Paul Goggins: The Department is unaware of the current employment status of staff who have been “managed out”.

Departmental Official Cars

Norman Baker: To ask the Secretary of State for Northern Ireland what estimate he has made of the cost to his Department of providing official cars for the use of (a) Ministers and (b) officials in the last 12 months. [301185]

Paul Goggins: I refer the hon. Member to the written ministerial statement regarding the cost of ministerial cars made by my hon. Friend the Parliamentary Under-Secretary of State for Transport (Paul Clark) on 16 July 2009, *Official Report*, columns 79-80WS.

The cost of providing official cars from the Government Car and Despatch Agency to Northern Ireland Office (NIO) Ministers in 2008-09 was £286,200.

The cost of providing official cars from the Government Car and Despatch Agency to NIO Officials in 2008-09 was £71,769.

Departmental Pay

Dr. Cable: To ask the Secretary of State for Northern Ireland pursuant to the answer of 7 December 2009, *Official Report*, columns 21-22W, on departmental pay, how many and what proportion of staff of his Department received both an annual performance bonus and an in-year bonus in 2008-09; what the largest combined bonus payment to an individual was; what proportion of staff received no bonus; and who was responsible for awarding such bonuses. [313130]

Paul Goggins: 13 per cent. of staff in the Northern Ireland Office, 264 in total, received a non-consolidated performance payment and a special performance payment in 2008-09. The combined largest bonus was £2,040. 36 per cent. of staff did not receive either of these payments. Performance payment recommendations are made by line managers and are approved by Directors in each business area.

Departmental Written Questions

David Simpson: To ask the Secretary of State for Northern Ireland what average time his Department took to answer questions for (a) ordinary written answer and (b) written answer on a named day in the last 12 months. [313673]

Paul Goggins: The information is not held in the format requested.

Between 1 January 2009 and 31 December 2009, the Northern Ireland Office (NIO) answered 73 per cent. of ordinary written questions on time.

Over the same period, 79 per cent. of named day questions were answered on time.

With effect from the current Session of Parliament, each Department will provide the Procedure Committee with sessional statistics on performance. This implements recommendation 24 of the 3rd report from the Procedure Committee, Session 2008-09.

SCOTLAND

Departmental Manpower

Mr. Philip Hammond: To ask the Secretary of State for Scotland how many employees in his Department are in transition prior to being managed out; how long on average the transition window between notification and exit has been in each of the last five years; what estimate he has made of the salary costs of staff in transition in each such year; and what proportion of employees in transition were classed as being so for more than six months in each year. [313235]

Ann McKechnin: The Scotland Office does not employ staff. All staff in the Scotland Office are on secondment from the Scottish Executive or the Ministry of Justice.

PRIME MINISTER

Armed Forces: Compensation

John Austin: To ask the Prime Minister what further consideration he has given to the matters raised in the letters from the hon. Member for Erith and Thamesmead of 15 April, 28 May and 8 December 2009 on the treatment of compensation payments and calculation of benefits in respect of service personnel killed in action. [313124]

The Prime Minister: I have asked my hon. Friend, the Parliamentary Under-Secretary of State at the Department of Work and Pensions (Helen Goodman) to meet my hon. Friend to discuss these matters.

WALES

Departmental Billing

Dr. Cable: To ask the Secretary of State for Wales what estimate he has made of the average length of time taken by his Department to pay invoices from (a) small and medium-sized enterprises and (b) all creditors in the last 12 months. [315126]

Mr. Hain: I refer the hon. Member to the answer I gave to the hon. Member for Glasgow, East (John Mason) on 18 January 2010, *Official Report*, column 8W. Payment of all invoices is monitored and published in our departmental annual report, a copy of which can be found in the Library.

Departmental Manpower

Mr. Philip Hammond: To ask the Secretary of State for Wales how many employees in his Department are in transition prior to being managed out; how long on average the transition window between notification and exit has been in each of the last five years; what estimate he has made of the salary costs of staff in transition in each such year; and what proportion of employees in transition were classed as being so for more than six months in each year. [313250]

Mr. Hain: Nil.

Industrial Health and Safety

Grant Shapps: To ask the Secretary of State for Wales pursuant to the answer of 19 January 2010, *Official Report*, column 215W, on industrial health and safety, if he will place in the Library a copy of the induction pack issued to new starters within his Department. [314018]

Mr. Hain: My Department's Induction Pack also contains the names and contact details of staff; information on security and evacuation procedures, and other sensitive information. On this basis, I am afraid that I am unable to place a copy in the Library of the House.

ENVIRONMENT, FOOD AND RURAL AFFAIRS

Departmental Advertising

Grant Shapps: To ask the Secretary of State for Environment, Food and Rural Affairs what estimate he has made of his Department's expenditure on (a) television, (b) radio, (c) print and (d) online advertising in (i) 2009-10 and (ii) 2010-11. [309933]

Dan Norris: The Department's estimated advertising spend for 2009-10 in the media specified is outlined in the table. Expenditure on advertising in these media for 2010-11 has yet to be agreed.

<i>Medium</i>	<i>Cost (£)</i>
Television	0
Radio	500,000
Print—campaigns	1,000,000
Print—recruitment and statutory notices	30,000
Online advertising	180,000

Departmental Billing

John Mason: To ask the Secretary of State for Environment, Food and Rural Affairs what proportion of invoices from suppliers his Department paid within 10 days of receipt in December 2009. [311259]

Dan Norris: In December 2009 the Department for Environment, Food and Rural Affairs paid 99.92 per cent. of invoices within 10 days.

Departmental Conferences

Mr. Baron: To ask the Secretary of State for Environment, Food and Rural Affairs which conferences held overseas have been attended by civil servants based in his Department in the last three years; and what the cost to the public purse was of such attendance at each conference. [305867]

Dan Norris: Information on the conferences overseas attended by civil servants and the cost of such attendance could be provided only at disproportionate cost.

Departmental Disclosure of Information

David Davis: To ask the Secretary of State for Environment, Food and Rural Affairs whether (a) agencies and (b) non-departmental public bodies for which his Department is responsible sell information on a commercial basis to (i) companies or individuals in the private sector and (ii) other organisations. [313224]

Dan Norris: DEFRA's agencies and NDPBs make most of their information available free of charge for non-commercial use. In some cases a small charge, to recover the marginal cost of supply, is levied. The Environment Agency, Royal Botanic Gardens, Kew, and CEFAS supply some of their data on a commercial basis for which a charge is made in accordance with the reuse of public sector information regulations.

HOUSE OF COMMONS COMMISSION

Bars

Michael Fabricant: To ask the hon. Member for North Devon, representing the House of Commons Commission on what dates (a) Bellamy's Bar, (b) Bellamy's Club Room and (c) the Astor Suite have been refurbished since 1997; and what the cost was of each such refurbishment. [313557]

Nick Harvey: Since 1997, (a) Bellamy's Bar, (b) Bellamy's Club Room and (c) the Astor Suite have been refurbished once. The refurbishment spanned two years: the Astor Suite and the Club Room (part) in summer 2007; the bar and completion of the Club Room in summer 2008. The total cost of the refurbishment was £480,000 including fees and furnishings.

Of the £480,000 spent on the refurbishment, it is estimated that approximately £168,000 of the work would be of continuing benefit in a new child care facility and efforts would be made to reuse the furniture which was provided at a cost of £66,000.

Departmental Manpower

Sir Nicholas Winterton: To ask the hon. Member for North Devon, representing the House of Commons Commission pursuant to the answer of 18 January 2010, *Official Report*, column 2W, on manpower, for what reasons the comparable information for 2000-01 to 2006-07 is not available. [312687]

Nick Harvey: Detailed data of this nature is normally held only for the current year and the three prior financial years in accordance with the parliamentary authorised records disposal practice.

Food: Salt

Mr. Greg Knight: To ask the hon. Member for North Devon, representing the House of Commons Commission if the Commission will take steps to ensure that all House of Commons food outlets mark salt awareness week from 1 to 7 February 2010; and if he will make a statement. [314210]

Nick Harvey: The House of Commons Catering and Retail Services will be marking Salt Awareness Week from 1-7 February 2010 in the cafeterias by displaying notices publicising salt awareness week and reminding customers that, routinely, a lower sodium product is substituted for salt in the preparation of the dishes.

CULTURE, MEDIA AND SPORT

Departmental Consultants

Julia Goldsworthy: To ask the Secretary of State for Culture, Media and Sport (1) how much consultants employed by his Department and its agencies have been paid (a) in total and (b) in reimbursable expenses in each of the last 10 years; [313994]

(2) how many consultants his Department and its agency employed in each of the last 10 years; and how many hours were worked by such consultants for his Department and its agencies in each such year. [314015]

Mr. Simon: The number of consultancy firms used by the Department, and by the Royal Parks, and the total associated cost, is set out in the table. The information for the Royal Parks includes all forms of consultancy, including arboriculture and ecology. Information on the number of consultants engaged, and the hours worked, is not available. Information on reimbursable expenses could be obtained only at disproportionate cost.

Financial year	DCMS		Royal Parks	
	Number of consultancy firms engaged	Spend (£000)	Number of consultancy firms	Spend (£000)
2008-09	17	1,220	107	111
2007-08	15	1,163	95	883
2006-07	13	886	65	834
2005-06	9	1,161	74	574
2004-05	16	644	75	626

Financial year	DCMS		Royal Parks	
	Number of consultancy firms engaged	Spend (£000)	Number of consultancy firms	Spend (£000)
2003-04	7	474	75	566
2002-03	6	469	39	632
2001-02	2	318	52	496
2000-01	7	194	50	558
1999-2000	¹ n/a	588	¹ n/a	596

¹ Information for this year is not available.

Departmental Housing

Sarah Teather: To ask the Secretary of State for Culture, Media and Sport how many (a) empty and (b) occupied residential properties his Department owns; and what recent estimate he has made of the (i) potential annual rental and (ii) total book value of those (A) empty and (B) occupied residential properties. [313797]

Mr. Simon: The Department owns five occupied residential properties in Windsor. Three of the properties were last valued at £35,000 each. Two of the properties are recorded in the departmental accounts with a token value of 1p.

Departmental Incentives

Dr. Cable: To ask the Secretary of State for Culture, Media and Sport pursuant to the answer of 30 November 2009, *Official Report*, columns 375-76W, on departmental pay, how many and what proportion of staff of his Department received both an annual performance bonus and an in-year bonus in 2008-09; what the largest combined bonus payment to an individual was; what proportion of staff received no bonus; and who was responsible for awarding such bonuses. [313128]

Mr. Simon: The number and proportion of employees receiving both a year end and in year non-consolidated performance payment is set out in the following table, along with the largest combined payment and the proportion of employees not receiving a payment.

	Number/ proportion/ payment
Number of employees receiving both in year and year non-consolidated payments in 2008-09	64
This number as a proportion of total headcount (percentage)	14
The largest combined non-consolidated payment paid to an individual in 2008-09 (£)	3,500
The proportion of staff not receiving a non-consolidated performance payment in 2008-09 (percentage)	30

Decisions on who receives non-consolidated performance payments are made through a series of committees chaired by the relevant head of directorate, or a director general. Decisions are based on written recommendations made by the employee's line manager as part of the annual performance assessment.

Museums and Galleries: Finance

Mr. Hunt: To ask the Secretary of State for Culture, Media and Sport pursuant to the answer of 25 January 2010, *Official Report*, column 536W, how much of the funding for the (a) British Film Institute National Film Centre, (b) British Museum World Conservation and Exhibition Centre, (c) British Library Newspaper Archive and (d) new Stonehenge Visitor Centre will be allocated in (i) 2009-10 and (ii) 2010-11. [314201]

Mr. Simon [holding answer 29 January 2010]: Based on the projects' most recent spending profiles, the Department is currently expecting to fund the following amounts in each year:

	2009-10	2010-11
(a) British Film Institute National Film Centre	500,000	1,600,000
(b) British Museum World Conservation and Exhibition Centre	3,500,000	3,000,000
(c) British Library Newspaper Archive	4,500,000	9,300,000
(d) Stonehenge Visitor's Centre	1,465,000	7,167,000

National Lottery: Bexley

Mr. Evennett: To ask the Secretary of State for Culture, Media and Sport how many organisations in the London borough of Bexley received grants from each different funding programme of the Big Lottery Fund in each of the last five years. [314679]

Mr. Simon: The information requested is not held by the Department and relates to matters that are the responsibility of the Big Lottery Fund.

Accordingly, I have asked the chief executive of the Big Lottery Fund to write direct to the hon. Member for Bexleyheath and Crayford.

Copies of the reply will be placed in the Libraries of both Houses.

Parliamentary Questions

Hugh Robertson: To ask the Secretary of State for Culture, Media and Sport with reference to the answer of 10 October 2008, *Official Report*, column 51W, on sports: finance, and pursuant to the answer of 25 January 2010, *Official Report*, column 540W, on sports: National Lottery, for what reason the information requested in the question tabled on 19 January 2010 is not held by his Department. [314488]

Mr. Simon: The detailed information requested is not held by this Department, but by the Big Lottery Fund.

Where Members request information that is held by the Department's sponsored bodies it is often not possible to respond to the timescales set out by parliamentary protocol. In order to respond quickly to Members, and ensure consistency, we ask the chief executives of the bodies in question to reply direct to the Member who tabled the question.

The Department then arranges for copies of the answer to be placed in the Libraries of both Houses.

COMMUNITIES AND LOCAL GOVERNMENT

Airports: Planning Permission

James Duddridge: To ask the Secretary of State for Communities and Local Government (1) what public inquiries have been instigated as a result of an Article 14 direction on a planning submission for aviation projects in each of the last five years; [314720]

(2) how many representations he has received requesting the planning application to extend London

Southend Airport to be called in under an Article 14 direction; [314718]

(3) how many times he has issued an Article 14 direction (a) in total and (b) for planning applications for airports; and how many such applications in each case have been called in in each of the last five years. [314719]

John Healey: The purpose of issuing an Article 14 Direction is to enable the Secretary of State to consider whether to call-in a particular planning application for his own determination. There is therefore no public inquiry procedure associated with it as such an inquiry would only follow if the Secretary of State subsequently decided to call-in the application.

The Secretary of State received 77 requests for the planning application in respect of Southend Airport to be called-in for his determination.

A total of 878 Article 14 Directions have been issued over the period from 1 January 2005 to 31 January 2010, of which three related to planning applications for airports. Of these, one airport-related application was subsequently called in. The following table gives the breakdown requested:

<i>Calendar year</i>	<i>All cases where Article 14 issued</i>	<i>Cases subsequently called in</i>	<i>Airport related cases Article 14 issued</i>	<i>Airport related cases subsequently called in</i>
2005	221	49	0	0
2006	145	34	0	0
2007	366	13	1	0
2008	77	19	1	1
2009—31 January 2010	69	13	2	0
Total	878	128	4	1

Community Development: Coventry

Mr. Jim Cunningham: To ask the Secretary of State for Communities and Local Government what steps the Government has taken in respect of community development in Coventry in the last 12 months. [313922]

Barbara Follett: The Department has worked with Coventry city council to support activities around building stronger and more cohesive communities within Coventry under the following programmes:

Connecting Communities which aims to reinvigorate and connect with those communities that are feeling the pressure from recession most acutely.

Advancing Assets for Communities which supports and strengthens public-third sector partnerships concerned with progressing the transfer of assets from local authority ownership and control to communities.

New Deal for Communities which aims to: reduce worklessness; reduce crime; improve health; improve skills; improve housing and the physical environment; and strengthen communities. Coventry New Deal for Communities aims to deliver sustainable resident-led regeneration in the wards of Wood End, Henley and Manor Farm.

Mr. Jim Cunningham: To ask the Secretary of State for Communities and Local Government how much the Government has spent on Government services delivered locally in Coventry in the last 12 months. [313923]

Barbara Follett: The Department does not hold data on how much has been spent in the last 12 months on Government services in Coventry.

Council Tax

Julia Goldsworthy: To ask the Secretary of State for Communities and Local Government what targets his Department has set for local authorities on the (a) administration and (b) collection of council tax. [314324]

Barbara Follett [holding answer 29 January 2010]: No targets are set for (a) the administration and (b) the collection of council tax. These are matters for individual local authorities. Between 1997-98 and 2008-09, the average collection rate in England has increased from 95.5 per cent. to 97.0 per cent.

Departmental Public Consultation

Grant Shapps: To ask the Secretary of State for Communities and Local Government how many citizens' juries or summits have been hosted by his Department since October 2008; on what date each event took place; and which Ministers were present at each event. [314592]

Barbara Follett: None.

Fire Services

Jim Cousins: To ask the Secretary of State for Communities and Local Government how many firefighters have been trained in decontamination techniques to help the general public since 2002; how many protective suits are available in each fire authority area; what expenditure has been incurred on such (a) training and (b) suits in each year since 2002; and how much is planned for 2009-10. [314010]

Mr. Malik: A census conducted by the National Audit Office in 2008 estimated that 7,653 firefighters were trained in mass decontamination. The Department has also provided training materials to every FRS to ensure that all firefighters, some 50,000, have received awareness training regarding CBRN (chemical, biological, radiological and nuclear) incidents.

CLG's New Dimension project has also supplied two types of protective suits: Gas Tight Suits (GTS) and Powered Respirator Protective Suits (PRPS), the number and location of which are indicated in the following table:

<i>Fire and rescue service</i>	<i>GTS</i>	<i>Number PRPS¹</i>
Avon Fire and Rescue Service	40	22
Bedfordshire and Luton Fire and Rescue Service	36	18
Buckinghamshire Fire and Rescue Service	36	18
Cambridgeshire Fire and Rescue Service	36	18
Cheshire Fire and Rescue Service	72	36
Cleveland Fire and Rescue Service	40	22
Cornwall Fire and Rescue Service	72	36
County Durham and Darlington Fire and Rescue Service	36	18
Cumbria Fire and Rescue Service	36	18
Derbyshire Fire and Rescue Service	72	36
Devon and Somerset Fire and Rescue Service	108	54
Dorset Fire and Rescue Service	36	18
East Sussex Fire and Rescue Service	36	18
Essex County Fire and Rescue Service	36	18
Gloucestershire Fire and Rescue Service	36	18
Greater Manchester Fire and Rescue Service	76	40
Hampshire Fire and Rescue Service	40	22
Hereford and Worcester Fire and Rescue Service	72	36
Hertfordshire Fire and Rescue Service	36	18
Humberside Fire and Rescue Service	40	22
Isle of Wight Fire and Rescue Service	36	9
Isles of Scilly Fire and Rescue Service	20	—
Kent Fire and Rescue Service	76	40
Lancashire Fire and Rescue Service	72	36
Leicestershire Fire and Rescue Service	40	22
Lincolnshire Fire and Rescue Service	36	18
London Fire and Planning Authority	368	188
Merseyside Fire and Rescue Service	40	22
Norfolk Fire and Rescue Service	36	18
Northamptonshire Fire and Rescue Service	36	18
Northumberland Fire and Rescue Service	36	18
North Yorkshire Fire and Rescue Service	36	18
Nottinghamshire Fire and Rescue Service	36	18

<i>Fire and rescue service</i>	<i>GTS</i>	<i>Number PRPS¹</i>
Oxfordshire Fire and Rescue Service	40	22
Royal Berkshire Fire and Rescue Service	36	18
Shropshire Fire and Rescue Service	36	18
South Yorkshire Fire and Rescue	40	22
Staffordshire Fire and Rescue Service	76	40
Suffolk Fire and Rescue Service	36	18
Surrey Fire and Rescue Service	40	22
Tyne and Wear Fire and Rescue Service	40	22
Warwickshire Fire and Rescue Service	36	18
West Midlands Fire and Rescue Service	112	58
West Sussex Fire and Rescue Service	36	18
West Yorkshire Fire and Rescue Service	40	22
Wiltshire Fire and Rescue Service	36	18
Total	2,464	1,247

¹ This figure includes 195 PRPS for training purposes.

Note:

Numbers of spare GTS and PRPS located centrally are not included in this table.

Funding given to FRSs for mass decontamination training is outlined in the second following table:

<i>Funding provided to FRSs for Mass Decontamination Training</i>	<i>£</i>
2002-03	—
2003-04	—
2004-05	2,639,400
2005-06	2,310,000
2006-07	2,528,015
2007-08	2,320,000
2008-09	2,366,400
2009-10	2,412,860
Total	14,576,675

The Department is unable to provide the overall cost specifically associated with the procurement of the GTS and PRPS but on average the cost of a GTS was around £560 per suit at the time of purchase in 2003-04 and the cost of PRPS, ordered from 2005-06 onwards, was approximately £880 per suit. Additionally, expenditure associated with the maintenance of the protective suits can not be separated out from other associated maintenance costs.

Fire Services: Finance

Mr. Stewart Jackson: To ask the Secretary of State for Communities and Local Government when he expects to announce his decision regarding the allocation of funding to fire and rescue authorities with regard to their statutory duties in respect of flooding. [313812]

Mr. Malik: Fire and rescue authorities do not have a statutory duty to respond to every type of emergency. Rather, they use their general power to respond to these emergencies, including flooding, under section 11 of the Fire and Rescue Services Act 2004. They use their local discretion in equipping themselves with the appropriate capabilities to meet the risks, such as flooding, identified through their local risk assessment processes, using the flexible funding arrangements of the Revenue Support Grant and their other resources.

At the national level, this Department has provided the fire and rescue service with 46 high volume pumps, used to great effect during flooding, and funded associated training and maintenance.

The Department for Environment, Food and Rural Affairs has made up to £2 million available to carry out the Flood Rescue National Enhancement Project, which aims to enhance the current flood rescue capability. A strategy for how this money will be best used is being developed, and organisations, including the fire and rescue service, could potentially receive some future funding.

Flood Control: Finance

John Howell: To ask the Secretary of State for Communities and Local Government which local authorities have made submissions to his Department for funding under the Bellwin Scheme as a result of the recent severe weather conditions; and what estimates have been provided of the amount each is likely to claim under the scheme. [314686]

Ms Rosie Winterton: Two local authorities, City of York council and Herefordshire council, have registered an intention to claim Bellwin assistance as a result of the recent bad weather and North Yorkshire county council has expressed an interest in possibly making an application. No estimates have yet been provided of the amount each is likely to claim under the scheme.

Non-domestic Rates: Garages and Petrol Stations

Mr. Dunne: To ask the Secretary of State for Communities and Local Government how many petrol filling stations which are (a) owned by (i) oil companies and (ii) major supermarket chains and (b) independent provided evidence of rental value for the 2010 revaluation of non-domestic rates. [314069]

Barbara Follett [holding answer 28 January 2010]: A statistical breakdown on the ownership of petrol filling stations and category of person who provided evidence of rental value is not held centrally and cannot be obtained other than at disproportionate cost.

Non-domestic Rates: Valuation

Justine Greening: To ask the Secretary of State for Communities and Local Government for what reasons the average rateable value of (a) rugby league grounds, (b) lifeboat stations, (c) aquaria, (d) arenas and (e) conference and exhibition centres on the 2010 Rating List changed between 29 May 2009 and 18 December 2009. [313638]

Barbara Follett [holding answer 27 January 2010]: The Valuation Office Agency continues to maintain and update the live 2005 rating lists and the draft 2010 rating lists to ensure that all rateable values remain accurate. This may include some reclassification of hereditaments between property classes. Rateable values may change where there are material changes to the property or the locality, and there will also be new additions and deletions from rating lists. Rateable values may also change where the Valuation Office Agency receives new information or continues to hold discussions

with ratepayers or their representatives. These discussions and amendments are done in an entirely open and transparent manner.

Planning Permission

Mr. Andrew Turner: To ask the Secretary of State for Communities and Local Government what average period elapsed between each change to (a) planning policy guidance and (b) planning policy statements proposed to his Department in the last three years and the entry into force of the change. [314193]

Mr. Ian Austin [holding answer 29 January 2010]: Communities and Local Government receives very large numbers of proposals for changes to planning policy. These suggestions may be a response to a consultation, or simply volunteered ad hoc. The period between the arrival of a proposal and any appearance it may make in a policy statement is not susceptible to analysis.

Regional Planning and Development: North East

Jim Cousins: To ask the Secretary of State for Communities and Local Government how much the Government has contributed through Bridging Newcastle Gateshead to costs for (a) the strategic housing staff capacity of the City of Newcastle and (b) (i) the EDAW consultancy and (ii) other consultancy costs incurred in (A) the preparation of the North Central Plan and (B) relation to the Benwell Scotswood Plan. [314013]

Mr. Ian Austin: Over the period 2006-07 to 2009-10 BNG has contributed £1,630,000 to the costs of strategic housing staff capacity of the city of Newcastle for the management and delivery of neighbourhood improvement projects.

EDAW have received £360,262 for the area action plan in Scotswood.

Lambert Smith Hampton received £200,000 for the preparation of the north central plan.

The Benwell/Scotswood area action plan is the area action plan in Scotswood referred to above and there are no other relevant consultancy costs.

Regional Planning and Development: West Midlands

Mr. Cash: To ask the Secretary of State for Communities and Local Government what requirements for aggregate extraction the West Midlands Regional Spatial Strategy places upon councils in (a) the West Midlands and (b) Staffordshire. [313441]

Mr. Malik: The annual apportionment for sand and gravel for the period 2001-2016 as set out in the West Midlands Regional Spatial Strategy is 10.125 million tonnes, with Staffordshire contributing 6.602 million tonnes. The corresponding figures for crushed rock are 5.812 million tonnes and 1.395 million tonnes.

The West Midlands Regional Assembly are currently considering the sub-regional apportionment for the period 2005 to 2020.

Mr. Cash: To ask the Secretary of State for Communities and Local Government how many houses local authorities in (a) Staffordshire and (b) the West Midlands are required to provide under the West Midlands Regional Spatial Strategy. [313444]

Mr. Malik: The West Midlands Regional Spatial Strategy (RSS) was last updated in January 2008. For the period 2007 to 2011, 15,280 homes (gross) are required to be built in the region each year, of which 2,500 are to be within the county of Staffordshire.

The West Midlands Regional Assembly consulted on a draft replacement to the RSS in early 2008. The West Midlands RSS Phase 2 Preferred Option proposed 365,600 homes (net) for the region during the period 2006 to 2026 and 54,900 for Staffordshire. The indicative annual average is 18,280 for the region and 2,745 for Staffordshire.

Between April and June 2009 an Examination in Public was held to consider the RSS Phase 2 Preferred Option. The panel reported in September 2009 and the Secretary of State's proposed changes are due to be published for consultation shortly.

Sleeping Rough

Fiona Mactaggart: To ask the Secretary of State for Communities and Local Government what his most recent estimate is of the number of street homeless people in England. [314025]

Mr. Ian Austin: In 1998 there were estimated to be 1,850 rough sleepers in England. Since then, as a result of the measures the Government have introduced, good progress has been made in reducing the total number of rough sleepers to 464 in 2009, based on local authority street counts.

Supermarkets: Planning Permission

Rosie Cooper: To ask the Secretary of State for Communities and Local Government what information his Department holds on the number of supermarkets which have applied for planning permission for the temporary erection of marquee or tent structures on their properties within the last three months. [313054]

Mr. Ian Austin: The Department does not hold this type of information.

Rosie Cooper: To ask the Secretary of State for Communities and Local Government how many planning enforcement notices have been issued by his Department and local planning authorities to supermarkets in Lancashire and Merseyside in the last 12 months; and how many resulted in enforcement action. [313055]

Mr. Ian Austin: No enforcement notices have been issued by this Department. Although local planning authorities provide my Department with statistics about the number of enforcement notices issued, these statistics do not differentiate between different kinds of breaches of development control. Planning statistics are available on the Communities website at:

<http://www.communities.gov.uk/planningandbuilding/planningbuilding/planningstatistics/developmentcontrolstatistics/>

Rosie Cooper: To ask the Secretary of State for Communities and Local Government what guidance his Department provides on whether the erection of temporary marquee or tent structures by supermarkets for the storage of goods requires planning permission. [313056]

Mr. Ian Austin: The Department has not issued guidance on whether planning permission is required for the erection of temporary marquee or tent structures by supermarkets for the storage of goods.

Temporary Accommodation: Sleeping Rough

Sarah Teather: To ask the Secretary of State for Communities and Local Government (1) what estimate his Department has made of the number of local authorities which provided accommodation for rough sleepers in accordance with their obligations under severe weather emergency procedures during the recent cold weather conditions; [313682]

(2) what recent steps he has taken to monitor the implementation by local authorities of their obligations to rough sleepers under the severe weather emergency procedures; and if he will make a statement. [313683]

Mr. Ian Austin: I refer the hon. Member to the reply I gave her on 19 January 2010, *Official Report*, column 288W.

Tree Preservation Orders

Dan Rogerson: To ask the Secretary of State for Communities and Local Government what the average time taken by the Planning Inspectorate was for dealing with complaints relating to tree appeals in the latest period for which figures are available. [314687]

Mr. Ian Austin: The average time taken for the Planning Inspectorate to reply to Tree Preservation Order Appeal complaints was 19 working days for complaints received in 2009. There were 56 complaints relating to Tree Preservation Order Appeals relating to 39 different appeals.

Dan Rogerson: To ask the Secretary of State for Communities and Local Government what the average time taken by the Planning Inspectorate was for dealing with fast track tree appeals in the latest period for which figures are available. [314688]

Mr. Ian Austin: The average time taken by the Planning Inspectorate for fast track tree appeals is 18 weeks, from receipt of the appeal to despatch of the decision. This figure is based on decisions issued under the fast track procedure between 1 April 2009 and 31 December 2009.

Waste Management: Planning Permission

Miss McIntosh: To ask the Secretary of State for Communities and Local Government what recent guidance his Department has issued to planning authorities on handling planning applications for waste treatment plants. [314367]

Mr. Ian Austin: General guidance on handling all planning applications, including those for waste treatment plants, is set out in our 2004 statement “General principles for the planning system”.

As part of the Government response to the Killian Pretty Review, we are currently consulting on a draft new Planning Policy Statement to provide a clear national policy framework for development management. This includes a draft policy annex on determination, and will replace the 2004 guidance.

Wind Power: Planning Permission

Mr. Gale: To ask the Secretary of State for Communities and Local Government with reference to the answer from the Minister of State for Business, Enterprise and Regulatory Reform, of 19 February 2008, *Official Report*, column 559-60W, on wind power: noise, when he expects to announce permitted development rights and regulations in respect of small-scale wind generators. [314685]

Mr. Ian Austin: The Government are working to the timetables set out in the Green Energy (Definition and Promotion) Act 2009 for the introduction of permitted development rights for wind turbines. This Act came into force on 12 January 2010. It requires that, in England, the Town and Country Planning (General Permitted Development) Order 1995 be amended to provide for the grant of permitted development rights for domestic wind turbines within six months of the Act's coming into force. It also requires the Secretary of State to consider amending the Town and Country Planning (General Permitted Development) Order 1995 to facilitate the installation of microgeneration equipment on non-domestic land in England, with this consideration beginning within six months of the Act's coming into force.

INTERNATIONAL DEVELOPMENT

Children: Protection

Richard Burden: To ask the Secretary of State for International Development what plans his Department has to develop and implement a child protection strategy as part of its policies. [313746]

Mr. Michael Foster: Children and their rights are an integral part of our development strategies. The recent White Paper “Eliminating World Poverty: Building Our Common Future” includes commitments to launching a new Education for Development Strategy, which is forthcoming in early 2010. Universal primary education is a key strategy for addressing child protection issues.

Through the AIDS strategy, “Achieving Universal Access”, published in 2008, the Department for International Development (DFID) restates its commitment to meeting the needs of orphans and vulnerable children. This includes the expansion of social protection programmes that provide effective and predictable support for the most vulnerable households, including those with children affected by AIDS, to ensure they have long term access to essential basic services and protection from abuse.

DFID does not have plans to develop and implement a specific child protection strategy. DFID has an institutional strategy with UNICEF. This provides annual core funding to UNICEF of £21 million to support their mission to improve the lives of children, their families and communities, including programmes specifically focused on protecting children from violence, exploitation and abuse.

Richard Burden: To ask the Secretary of State for International Development what assessment he has made of the contribution of the policies in his Department's White Paper to the realisation of children's rights. [313777]

Mr. Michael Foster: The Department for International Development's (DFID's) 2009 White Paper promotes the realisation of children's rights through a range of policies. These include:

- Launch of a nutrition strategy to integrate nutrition and food security, especially for women and young children.

- Launch of a new UK global education strategy, including a commitment to support 8 million children in school in Africa by 2010.

- Commitment to support 50 million poor people (including children) through social assistance and related measures.

- Disease prevention policies, including supporting the Global Alliance for Vaccines (GAVI) to secure a predictable funding base, supporting an Advanced Market Commitment for pneumococcal vaccines, and a commitment to deliver 10 million bed nets each year from 2010 to 2013.

DFID assesses policies on a thematic basis. The timetable for forthcoming policy evaluations can be found in the publication “Evaluation Department, Forward Work Programme 2009/10 and list of Evaluation topics proposed for 2010/12”, which is available at:

www.dfid.gov.uk

Richard Burden: To ask the Secretary of State for International Development how many (a) projects and (b) programmes which contribute to enabling child rights his Department has funded in the last three years. [313790]

Mr. Michael Foster: The Department for International Development (DFID) supports the UN Convention on the Rights of the Child (CRC) and works towards fulfilling children's rights through various means. Many DFID projects and programmes contribute to meeting the needs and rights of both children and adults and we do not track the number that contributes to enabling child rights as a separate category. Examples of DFID support that is enabling child rights include:

- Committing £8.5 billion for education from 2007-15.

- Working with multilateral agencies such as UNICEF. We have committed £55 million to UNICEF over five years to strengthen government capacity to realise child rights in India, including working with the government for child-friendly social policy.

- Working with and supporting civil society organisations such Plan UK (£7.1 million from 2009-11), Save the Children (£23.4 million from 2009-11) and Anti-Slavery International (£1.4 million from 2008-13).

Departmental Consultants

Julia Goldsworthy: To ask the Secretary of State for International Development how much consultants employed by his Department and its agencies have been paid (a) in total and (b) in reimbursable expenses in each of the last 10 years. [313989]

Mr. Michael Foster: The Department for International Development's (DFID's) expenditure on consultancy (as defined by central Government) is available from 2007-08 onwards. Consultancy expenditure prior to 2007-08 cannot be obtained without incurring disproportionate cost. The annual expenditure totals are provided in the following table:

	Total expenditure (£)
2007-08	21,200,000
2008-09	20,700,000

Reimbursable expenses paid to consultants are not recorded centrally and would incur disproportionate cost to collate.

Departmental Manpower

Mr. Philip Hammond: To ask the Secretary of State for International Development how many performance reviews were undertaken in respect of staff of his Department in each of the last five years; in how many cases performance was rated as unsatisfactory or

	Number of staff ¹	Staff performing least effectively		Staff performing least effectively who have since left DFID	
		Number	Percentage	Number	Percentage
2008-09	2,917	89	3.0	16	0.5
2007-08	2,779	60	2.1	28	1.0
2006-07	2,630	60	2.2	35	1.3
2005-06	2,495	67	2.5	39	1.6

¹ The total staff figures include HCS staff and those locally engaged by DFID overseas.

The data is not held in a format that allows a direct comparison to be made between those leaving as a direct result of their performance rating and those who may have left for other reasons.

Mr. Philip Hammond: To ask the Secretary of State for International Development what estimate he has made of the proportion of staff of his Department managed out in the last five years who remain working in the public sector. [313852]

Mr. Michael Foster: The Department for International Development (DFID) has not exited any staff in transition over the past five years.

Departmental Publications

Mr. Hands: To ask the Secretary of State for International Development what publications his Department has produced for hon. Members to send to their constituents in each of the last three years; at what cost; and for what purpose. [314175]

Mr. Michael Foster: The Department for International Development (DFID) has published a wide variety of publications in the last three years to promote the work of the Department and raise awareness of international development, as well as to meet our statutory reporting requirements. None of these publications have been expressly produced for hon. Members to send to their constituents.

below; how many staff left as a direct result of such a rating; and what percentage of full-time equivalent staff this represented. [313828]

Mr. Michael Foster: The Department for International Development (DFID) operates a continual appraisal process that requires a formal end of year performance review to be completed for all staff. For those who are considered to be performing least effectively¹, a range of support measures are set in place to help them improve their performance. Should these measures prove unsuccessful, then disciplinary action and ultimately dismissal, may occur.

Figures set out in the following table, for the last four years for which comparable data is available, show the numbers of staff who were performing least effectively and the numbers of those staff who have since left DFID.

¹ Performing least effectively is defined as follows: For members of the senior civil service (SCS), those receiving the lowest performance rating within a relative appraisal system (specified by the Cabinet Office). For staff in grades below the SCS, those assessed as "most in need of development" using DFID's own performance criteria.

Haiti: Earthquakes

Lindsay Roy: To ask the Secretary of State for International Development what his most recent assessment is of the humanitarian situation in Haiti; and if he will make a statement. [314424]

Mr. Michael Foster: This is a human tragedy of enormous proportions. For the survivors, conditions have been desperate and remain so for many. However co-ordination of the relief effort is improving and responding well to the humanitarian needs of the population.

Our most recent assessment of the humanitarian situation, shared by the UN, is that priority areas for assistance are now shelter, sanitation and food. Two emergency response field hospitals departed from Haiti on 27 January as priority health care needs have now shifted to post-operative and primary health.

An update on the United Kingdom's own relief effort was provided in the written ministerial statement by the Secretary of State (Mr. Alexander) on 25 January 2010, *Official Report*, column 42WS.

Human Rights: Children

Richard Burden: To ask the Secretary of State for International Development if he will incorporate child rights situational analysis into his Department's (a) country governance analysis and (b) country assistance plans. [314318]

Mr. Michael Foster: The Department for International Development's (DFID) Country Planning process requires a mandatory Country Governance Analysis (CGA). CGAs provide the UK with an overview analysis of the political, conflict, economic and social context of our partner countries. CGAs are drawn up using a variety of analytical tools, including social exclusion analysis, which incorporates an examination of the status of child rights. The situation of child rights in our partner countries is also considered in the design stages of DFID sectoral programmes, in particular for education and health support.

TRANSPORT

A14

Norman Baker: To ask the Minister of State, Department for Transport what estimate he has made of the cost of constructing a new dual carriageway between Ellington and Fen Drayton as part of the A14 improvement work. [311183]

Chris Mole: The A14 Ellington to Fen Ditton improvement scheme is a very large road project. In managing the costs of the project the Highways Agency follows good practice—for example by making use of range estimates and allowing for risks in the delivery of the programme, and by ensuring individual elements of the project are co-ordinated most effectively as part of the whole scheme.

This means that it is not possible to be precise about the cost of individual elements of the scheme viewed in isolation. But we estimate that the cost of constructing a new dual carriageway between Ellington and Fen Ditton within the current range forecast for the A14 Ellington to Fen Ditton improvement project is approximately £342 million to £470 million, if land costs and risk allowances across the project are calculated on a pro rata basis.

Norman Baker: To ask the Minister of State, Department for Transport what estimate he has made of the cost of widening the A1 to three lanes in each direction between the new Brampton interchange and the existing junction at Brampton Hut as part of the A14 improvement work. [311184]

Chris Mole: The A14 Ellington to Fen Ditton improvement scheme is a very large road project. In managing the costs of the project the Highways Agency follows good practice—for example by making use of range estimates and allowing for risks in the delivery of the programme, and by ensuring individual elements of the project are co-ordinated most effectively as part of the whole scheme.

This means that it is not possible to be precise about the cost of individual elements of the scheme viewed in isolation. But we estimate that the cost of widening the A1 to three lanes in each direction between the new Brampton interchange and the existing junction at Brampton Hut within the current range forecast for the A14 Ellington to Fen Ditton improvement project is approximately £13 million to £17 million, if land costs and risk allowances across the project are calculated on a pro rata basis.

Norman Baker: To ask the Minister of State, Department for Transport what estimate he has made of the cost of the demolition of the Huntingdon Railway viaduct as part of the A14 improvement work. [311185]

Chris Mole: The A14 Ellington to Fen Ditton improvement scheme is a very large road project. In managing the costs of the project the Highways Agency follows good practice—for example by making use of range estimates and allowing for risks in the delivery of the programme, and by ensuring individual elements of the project are co-ordinated most effectively as part of the whole scheme.

This means that it is not possible to be precise about the cost of individual elements of the scheme viewed in isolation. But we estimate that the cost of demolishing the Huntingdon Railway Viaduct within the current range forecast for the A14 Ellington to Fen Ditton improvement project is approximately £15.5 million to £21.3 million, if land costs and risk allowances across the project are calculated on a pro rata basis.

Norman Baker: To ask the Minister of State, Department for Transport what estimate he has made of the cost of improving local roads in Huntingdon following the demolition of the Huntingdon Railway viaduct as part of the A14 improvement work. [311186]

Chris Mole: The A14 Ellington to Fen Ditton improvement scheme is a very large road project. In managing the costs of the project the Highways Agency follows good practice—for example by making use of range estimates and allowing for risks in the delivery of the programme, and by ensuring individual elements of the project are co-ordinated most effectively as part of the whole scheme.

This means that it is not possible to be precise about the cost of individual elements of the scheme viewed in isolation. But we estimate that the cost of alterations to the local road network in Huntingdon within the current range forecast for the A14 Ellington to Fen Ditton improvement project is approximately £13 million to £17 million, if land costs and risk allowances across the project are calculated on a pro rata basis.

Norman Baker: To ask the Minister of State, Department for Transport what estimate he has made of the cost of widening the Huntingdon to Brampton Road following the demolition of the Huntingdon Railway viaduct as part of the A14 improvement work. [311187]

Chris Mole: The works proposed within Huntingdon as part of the A14 Ellington to Fen Ditton improvement do not require the widening of Brampton Road.

Norman Baker: To ask the Minister of State, Department for Transport what estimate he has made of the cost of noise mitigation measures to be implemented along the A1 at Brampton as part of the A14 improvement work. [311188]

Chris Mole: The A14 Ellington to Fen Ditton improvement scheme is a very large road project. In managing the costs of the project the Highways Agency follows good practice—for example by making use of

range estimates and allowing for risks in the delivery of the programme, and by ensuring individual elements of the project are co-ordinated most effectively as part of the whole scheme.

This means that it is not possible to be precise about the cost of individual elements of the scheme viewed in isolation. But we estimate that the cost of noise mitigation measures proposed along the A1 at Brampton within the current range forecast for the A14 Ellington to Fen Ditton improvement project is approximately £1.5 million to £2 million. This is included in the estimate for the widening of this section to three lanes.

Aviation: Fuels

Norman Baker: To ask the Minister of State, Department for Transport what restrictions apply to the jettisoning of aviation fuel over (a) British and (b) international waters. [313000]

Paul Clark: Article 129 of the Air Navigation Order 2009 prohibits aircraft flying over the United Kingdom from the dropping of articles to the surface unless permission has been given by the Civil Aviation Authority. However, the jettisoning of fuel in the case of an emergency is exempted from this requirement. The decision to jettison rests solely with the pilot but he may request guidance from air traffic control regarding where best to jettison the fuel. The pilot will be advised to fuel jettison at above 10,000 feet above ground level and away from cities and towns, preferably over water, where this is possible.

There are no specific requirements covering the jettisoning of fuel over international waters.

Norman Baker: To ask the Minister of State, Department for Transport how much fuel was jettisoned by aircraft while in the air on (a) outward journeys from and (b) inward journeys to Great Britain, in the last year for which figures are available. [313005]

Paul Clark: Fuel jettisoning will only take place in an emergency when an aircraft needs to lose weight in order for it to reach its maximum landing weight. In the 12 months from 1 November 2008 to 31 October 2009 the Civil Aviation Authority received 18 reports of aircraft jettisoning fuel. 17 of the aircraft concerned were outbound from the UK when they had to make emergency landings. The other aircraft was inbound. The CAA does not record the amount of fuel jettisoned.

Bus Services: Concessions

Sandra Gidley: To ask the Minister of State, Department for Transport how much his Department has contributed towards concessionary fares on bus services in (a) Test Valley borough, (b) Southampton City and (c) the ceremonial county of Hampshire in each of the last five years. [313787]

Mr. Khan: The Department for Transport has provided concessionary travel special grant funding of:

(a) £225,335 in 2008-09 and £230,649 in 2009-10 to Test Valley borough council;

(b) £1,059,068 in 2008-09 and £1,084,046 in 2009-10 to Southampton city council;

(c) A total of £4,943,603 in 2008-09 and £5,060,197 in 2009-10 to the Travel Concession Authorities in the ceremonial county of Hampshire.

The special grant funding is solely to cover the extra costs of providing England-wide travel since April 2008. Communities and Local Government (CLG) continues to provide the bulk of concessionary travel funding to local authorities through Formula Grant. Before 1 April 2008, funding for the statutory minimum bus concession was provided exclusively through the Formula Grant system.

Sandra Gidley: To ask the Minister of State, Department for Transport what percentage of bus journeys in (a) Test Valley borough, (b) Southampton City and (c) the ceremonial county of Hampshire were made on concessionary fares in each of the last five years. [313788]

Mr. Khan: Concessionary trip statistics have been collected from bus operators only since 2007-08. Revised figures for 2007-08 are planned for publication, alongside 2008-09 data, not later than June 2010. This date is later than would normally have been the case as a result of the development of new estimation methodologies that are being applied across a broad range of bus statistics.

However, it is not always possible to publish bus patronage statistics for individual Travel Concessionary Authority areas due to commercial confidentiality obligations to local bus operators.

Diesel Vehicles: Exhaust Emissions

Colin Challen: To ask the Minister of State, Department for Transport what steps he is taking to reduce diesel carbon particulates emitted from (a) Government and (b) private sector vehicles. [312851]

Mr. Khan: The Government have supported adoption of stringent European emissions standards for new vehicles. The forthcoming Euro 5 emissions standards for cars and vans, and Euro VI emissions standards for lorry and bus engines, will ensure that diesel particle emissions are reduced by more than 99 per cent. relative to current diesel vehicles.

In addition the Treasury are encouraging the early uptake of Euro 5 vans by means of a vehicle excise duty incentive. They also plan to introduce incentives to encourage the early uptake of Euro VI lorries and buses in due course.

EU Directive 2009/33/EC requires local authorities, operators of public transport services and public bodies to take account of the energy consumption and environmental impacts of vehicles, including particle emissions, in their procurement processes. The Department is currently consulting on implementation of this directive, which is due to come into force in December 2010, and on draft guidance to assist public bodies in complying.

East Coast Railway Line

John Mann: To ask the Minister of State, Department for Transport what changes he expects to be made to East Coast Main Line passenger rail services between Retford and London in May 2010 in respect of (a) daytime service frequency, (b) the number of services from Retford arriving in London before 10 am, (c) the

latest direct train to leave London for Retford on (i) weekdays and (ii) Saturdays, (d) services at peak commuter hours, (e) services on Saturday evenings and (f) the overall number of services operated. [313552]

Chris Mole: For May 2010, there is no material change to the weekday timetable for trains serving Retford. There may be changes to weekend timings because there are significant engineering works planned for the southern part of the route.

There is a major timetable change planned for May 2011 on the East Coast Main Line. The timetable is currently subject to consultation and further development, by the current operator, East Coast.

The number of services to and from London each day will remain broadly similar to today, although it is planned to have later services from London on Saturdays.

Immobilisation of Vehicles: Local Authorities

Mr. Amess: To ask the Minister of State, Department for Transport which local authorities in England and Wales use immobilisation as part of their parking enforcement activities; under what legislation this is regulated; and if he will make a statement. [313148]

Mr. Khan: All local authorities that have applied for and been given the power to enforce parking under the Traffic Management Act 2004 have the power to immobilise vehicles. No record is kept centrally of which local authorities use that power.

The provisions and power to immobilise illegally parked vehicles are set out in section 79 of the Traffic Management Act and two sets of regulations made under the Act: The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007 no 3483) and The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (SI 2007 no 3482). Under the General Regulations, there is a general power to immobilise vehicles which have been served with a penalty charge notice. A penalty charge notice can only be issued in respect of parking contraventions for the purposes of this power.

The Secretary of State's statutory guidance to local authorities on the civil enforcement of parking contraventions is that immobilisation should be used in limited circumstances, such as where the same vehicle repeatedly breaks parking restrictions and it has not been possible to collect payment for penalties.

Railways: North West

Mr. Wallace: To ask the Minister of State, Department for Transport what plans he has to reduce railway journey times between London and (a) Lancaster, (b) Preston and (c) Crewe. [314180]

Chris Mole: Journey times have already been significantly reduced. The recently modernised and resignalled West Coast Main Line has delivered far more 125 mph operation across the route bringing more capacity and faster journeys for millions of passengers.

Average journey times from Lancaster and Preston to London were reduced by half an hour to 2 hours 24 minutes and 2 hours 8 minutes respectively. The fastest London to Preston train now completes the journey in a very attractive two hours.

The fastest trains from Crewe now reach London Euston in 90 minutes, a journey time reduction of 15 minutes.

Railways: Standards

Norman Baker: To ask the Minister of State, Department for Transport what has been the average length of delay for trains classified as late in each of the last 10 years in respect of (a) short distance and (b) long distance journeys; and what percentage of delays in each such year have been the responsibility of (i) Network Rail and (ii) a train operating company and (iii) another organisation. [314348]

Chris Mole [*holding answer 29 January 2010*]: The Department for Transport does not hold information on average length of delay broken down by short distance and long distance journeys.

The percentage of delays for the last seven years for which data are available is shown in the following table for (i) Network Rail, (ii) Train Operating Companies (TOCs) to themselves and (iii) delays to TOCs caused by other TOCs. The Department does not hold these data prior to the last seven years.

MAA percentage share of total industry delay minutes incurred by major passenger operators

	(i) Network Rail delay	(ii) TOC on self delay	Percentage (iii) TOC on TOC by victim delay
2002-03	55	34	12
2003-04	55	33	13
2004-05	51	36	13
2005-06	53	34	13
2006-07	57	32	11
2007-08	59	30	12
2008-09	58	30	12

Source:

NPPR at Period 13.

Network Rail is responsible for performance data for the rail industry. The hon. Gentleman may wish to contact Network Rail's Chief Executive at the following address for such information:

Iain Coucher
Chief Executive
Network Rail
Kings Place
90 York Way
London
N1 9AG.

Roads: Coventry

Mr. Jim Cunningham: To ask the Minister of State, Department for Transport what steps the Government has taken to maintain roads serving Coventry in the last 12 months. [313926]

Mr. Khan: Maintenance of local authority roads in Coventry is a matter for Coventry council.

As part of the Local Transport Plan settlement, the Department for Transport provides capital funding for highways maintenance to local highway authorities. In 2008-09, the allocation to Coventry was £1.704 million, and in 2009-10 it is £1.874 million. In addition, the council may use revenue support grant provided by the Department for Communities and Local Government for highways maintenance.

Through the provision of advice, the Department has supported the procurement phase of Coventry's private finance initiative project to renew its street lighting.

The Highways Agency has two trunk roads in the area, parts of which pass through or are very close to the city of Coventry: the A45 between the A46 and M45 and the A46 between the Kenilworth bypass and M6. The following major maintenance schemes have been carried out over the last 12 months:

1. A45/A46 interchange at Stivichall (Festival Island)—carriageway resurfacing.
2. A45/A46 interchange at Stivichall (Festival Island) bridge expansion joint installation.
3. A45 carriageway renewal scheme between Memorial Island (A45/B4455 roundabout) and Ryton on Dunsmore—currently under way.

These schemes are in addition to the ongoing normal routine maintenance programme, which includes such duties as grass cutting, drain and debris clearance and minor carriageway repair; and the winter maintenance programme including gritting and snow clearance, as required.

Roads: Greater Manchester

Stephen Hammond: To ask the Minister of State, Department for Transport with reference to the Minister of State's announcement of 14 July 2009 of a £45 million cash injection for Greater Manchester's road network, from which budget within his Department this sum will be spent. [313691]

Mr. Khan: The Greater Manchester Highway Retaining Walls major maintenance scheme was recommended for funding by the North West Region from their Regional Funding Allocation. The Department for Transport has provided funding provision for the scheme from its local authority major schemes budget.

The Department will provide £40.5 million and the promoting local authorities will provide £4.5 million.

Roads: Repairs and Maintenance

Lindsay Roy: To ask the Minister of State, Department for Transport what plans he has to improve major arterial roads; and if he will make a statement. [314480]

Chris Mole: In January 2009 the Secretary of State announced a £6 billion programme of investment in the most important sections of the Strategic Road Network in England. In total, this programme consists of 29 schemes that will deliver over 520 additional lane miles on the main network. Copies of the announcement are available in the Library, and can be found online at the Department's website.

In addition to this, the Highways Agency delivers a range of schemes on regionally significant strategic roads. The most recent of these is the A46 between Newark and Widmerpool in the east midlands. Overall, the Highways Agency will spend £300 million on regional schemes this year.

Beyond the information provided on the Highways Agency national and regional schemes, most local roads that serve an arterial function are managed by local highway authorities. Improvements to these routes can be either funded through the Integrated Transport Block Settlement which the Department allocates to local authorities for schemes costing under £5 million or through the respective Regional Funding Allocation.

Schemes in Scotland and Wales are handled by the Devolved Administrations.

Roads: Snow and Ice

Mark Hunter: To ask the Minister of State, Department for Transport what consideration his Department has given to the effects on the environment of the use of (a) grit and (b) salt to remedy the effects of cold weather conditions on the roads. [312443]

Mr. Khan: The Department for Transport endorses 'Well-maintained Highways', the code of practice for highway maintenance management published by the UK Roads Liaison Group.

The section on winter service in this code includes guidance on the storage and spreading of salt and grit used in severe weather, to ensure that damage to the environment is kept to a minimum.

The use of salt to treat the road network to help prevent the formation of ice and build up of snow is acknowledged as the only viable wide scale treatment option. Notwithstanding this, the Highways Agency has recognised the potential impact of salt on the environment and this was part of its consideration in adopting the "pre-wet" salt application technique, within its new winter vehicle fleet. Due to its greater application accuracy, up to 25 per cent. less salt can be used to treat the network helping to minimise the environmental impact of winter maintenance activities.

Ben Chapman: To ask the Minister of State, Department for Transport what representations his Department has received from (a) local authorities and (b) Royal Mail on the condition of road surfaces following the severe weather conditions in January 2010. [313386]

Mr. Khan: The Department for Transport and Government regional offices have received six formal representations from local authorities about the condition of road surfaces following the severe weather conditions so far this winter. They are from Sheffield city council, North Yorkshire county council, North Tyneside Council, Southend-on-Sea borough council, Herefordshire council and Darlington borough council.

The Department has also received a representation from the Local Government Association.

Another authority, Peterborough city council, has contacted the consultants who have been engaged by the Department to advise authorities on preparation of claims under its emergency capital highway maintenance funding scheme.

No representations have been received from Royal Mail.

Safety Belts: Young People

Mr. Amess: To ask the Minister of State, Department for Transport pursuant to the answer of 6 January 2010, *Official Report*, column 326W, on driving: young people, if he will place in the Library a copy of the research to which the answer referred; and if he will make a statement. [314029]

Paul Clark: The research referred to is Road Safety Research Report 98 “Strapping Yarns: Why People Do And Do Not Wear Seat Belts” published in November 2008. The report is available on the Department for Transport’s website at the following link:

<http://www.dft.gov.uk/pgr/roadsafety/research/rsrr/theme5/reportno98.pdf>

a copy has been placed in the Libraries of the House.

FOREIGN AND COMMONWEALTH OFFICE

Afghanistan: Reconstruction

Daniel Kawczynski: To ask the Secretary of State for Foreign and Commonwealth Affairs pursuant to the answer of 5 January 2010, *Official Report*, column 182W, on Afghanistan: reconstruction, what the purpose of the Support to Informal Justice System project is; for what reason his Department decided to fund the project; how much it received from his Department in its first year of operation; for what reason its funding was reduced in 2009-10; and how much it has received from his Department in that year to date. [310164]

Mr. Ivan Lewis: Justice and security are key pre-requisites for stabilising local communities in Helmand and laying the ground for strong governance. The security environment is not permissive for the formal justice sector to operate in a meaningful way outside of the provincial capital. It has been estimated that approximately 95 per cent. of all disputes in Helmand are resolved without formal justice institutions: by community leaders, local government, elders or religious leaders. My Department thus supports the Informal Justice Sector in order to increase access to a basic justice service for the Afghan population living in Helmand’s districts, and to provide an alternative to the Taliban ‘service’ in the area of justice and dispute resolution.

The project received £222,438 in the financial year 2008-09 and was allocated £89,707 for 2009-10. Funding in the second year was reduced for a number of reasons:

(a) Increasing Afghanisation of the project, particularly in the districts.

(b) Equipment purchased in FY 2008-09 did not need to be replaced in FY 2009-10.

(c) Educational courses run in 2008-09 were not repeated in 2009-10.

(d) An overall underspend in FY 2008-09.

There is evidence that local communities are using these services to resolve disputes and that these mechanisms can successfully work with the formal justice system. Learning from these projects has been part of UK support to the Afghan Government in developing a national policy on traditional justice.

British Overseas Territories

Mr. Watson: To ask the Secretary of State for Foreign and Commonwealth Affairs how many visits he has made to UK overseas territories in the last 12 months; and what the purpose was of each such visit. [314496]

Chris Bryant: I refer the hon. Member to the reply I gave him on 18 January 2010, *Official Report*, column 100W.

Colombia: EU External Trade

Mr. Evans: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has had with (a) his Colombian counterpart and (b) his EU counterparts on a free trade agreement with Colombia. [314730]

Chris Bryant: My right hon. Friend the Foreign Secretary has not discussed the EU-Colombia Multi Party Agreement with his EU counterparts. He raised the issue in a meeting with the Colombian Foreign Minister in December 2009, reiterating the importance to the UK of linking a free trade agreement to improvements in the human rights situation.

I have held several informal discussions on this issue with my EU counterparts recently. In January this year I also raised it with Adriana Mejia, the Colombian Vice Minister of Foreign Affairs pointing out the UK requirement for a robust human rights clause that would enable suspension of the agreement if the terms of the clause are breached. This clause will also act as the catalyst for frank dialogue with Colombia on human rights issues going forward. I also talked about it in the margins of the London Conference on Afghanistan with the Colombian Foreign Minister, Jaime Bermudez, with whom I discussed the situation facing Liliana Obando.

Colombia: Human Rights

Mr. Evans: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has had with his Colombian counterpart on human rights in Colombia. [314729]

Chris Bryant: Earlier this month, I met Adriana Mejia, the Colombian Vice Minister of Foreign Affairs with responsibility for the Human Rights portfolio. I took the opportunity to welcome Colombia’s comprehensive response to their voluntary Universal Periodic Review of Human Rights from December 2008. However, I also raised the UK’s continued concerns on a number of areas, including the existence and implementation of the law of “rebellion” which leads to allegations of political prisoners. I also expressed regret at the recent release of those charged with the Soacha extrajudicial killings. Impunity is a serious problem in Colombia and I welcomed the statements from President Uribe expressing concern at the judicial system following the release. We also discussed the negotiations for the Free Trade Agreement between the EU and Colombia.

I also talked about the human rights situation in Colombia in the margins of the London Conference on Afghanistan with the Colombian Foreign Minister, Jaime Bermudez, with whom I discussed the situation facing Liliana Obando.

Departmental Manpower

Mr. Philip Hammond: To ask the Secretary of State for Foreign and Commonwealth Affairs how many performance reviews were undertaken in respect of staff of (a) his Department and (b) its agencies in each of the last five years; in how many cases performance was rated as unsatisfactory or below; how many staff left as a direct result of such a rating; and what percentage of full-time equivalent staff this represented. [313837]

Chris Bryant: All staff are appraised annually. Where performance is rated unsatisfactory at any point in the appraisal period, performance improvement procedures are followed. In almost all cases, implementation of these procedures results in full improvement of performance. From 2005 to 27 January 2010, 89 staff from the Foreign and Commonwealth Office (FCO) and FCO Services have been through performance improvement procedures. As this lead to fewer than five dismissals, in line with Cabinet Office guidance, details are not provided to avoid revealing the identity of individuals and on grounds of confidentiality.

Mr. Philip Hammond: To ask the Secretary of State for Foreign and Commonwealth Affairs what estimate he has made of the proportion of staff of (a) his Department and (b) its agencies managed out in the last five years who remain working in the public sector. [313855]

Chris Bryant: This information is not available to us. We do not keep records of where people are employed once they leave the Foreign and Commonwealth Office.

EC External Relations

Mr. Soames: To ask the Secretary of State for Foreign and Commonwealth Affairs to which EU Common Positions the Government subscribes; on what date the Government subscribed to each; and on what date each such position is due to expire. [314263]

Chris Bryant [holding answer 29 January 2010]: The following table sets out the Common Positions (CPs) to which the Government have subscribed in the context of the EU Common Foreign and Security Policy.

<i>Common Position (CP)</i>	<i>Date agreed</i>	<i>Date of expiry</i>
Common Position 2006/276/CFSP concerning restrictive measures against certain officials of Belarus and repealing CP 2008/844/CFSP	10 April 2006	31 October 2010
Common Position 2006/318/CFSP renewing restrictive measures against Burma	27 April 2006	30 April 2010
Common Position on Cuba	15 June 2009	15 June 2010
Common Position 2006/795/CFSP concerning restrictive measures against the Democratic People's Republic of Korea	20 November 2006	None
Common Position amending CP 2008/369/CFSP concerning restrictive measures against the Democratic Republic of Congo	14 May 2008	30 April 2010
Common Position 2004/694/CFSP renewing measures in support of the effective implementation of the mandate of ICTY	11 October 2004	10 October 2010
Common Position 2007/140/CFSP concerning restrictive measures against Iran	27 February 2007	None
Common Position 2008/873/CFSP renewing the restrictive measures against Ivory Coast	18 November 2008	None
Common Position 2008/109/CFSP Concerning restrictive measures imposed against Liberia	12 February 2008	None
Common Position 2004/133/CFSP renewing restrictive measures against extremists in FYROM	10 February 2004	None
Common Position renewing restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova	25 February 2008	27 February 2010
Common Position defined by the Council on the basis of Article J.2 of the Treaty on European Union concerning Sierra Leone	29 June 1998	None
Common Position concerning restrictive measures against Somalia and repealing CP 2002/960/CFSP	16 February 2009	27 February 2010
Common Position 2005/411/CFSP concerning restrictive measures against Sudan and repealing CP 2004/31/CFSP	30 May 2005	None
Common Position 205/888/CFSP concerning specific restrictive measures against certain persons suspected of involvement in the assassination of former Lebanese Prime Minister Rafiq Hariri	12 December 2005	None
Common Position concerning restrictive measures against Osama bin Laden, members of the Al-Qaeda organisation and the Taliban and other individuals, groups, undertakings and entities associated with them and repealing CPs 96/746/CFSP, 1999/727/CFSP, 2001/154/CFSP and 2001/771/CFSP	27 May 2002	None
Common Position 2004/161/CFSP renewing restrictive measures against Zimbabwe	19 February 2004	20 February 2010

Haiti: Earthquakes

Mr. Evans: To ask the Secretary of State for Foreign and Commonwealth Affairs what estimate he has made of the number of Britons killed or injured in the Haiti earthquake. [314693]

Mr. Ivan Lewis: We can confirm that two British nationals were killed in the Haiti earthquake.

Nigeria: Violence

Lindsay Roy: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent reports he has received of violence in the city of Jos and Plateau state, Nigeria; and if he will make a statement. [314422]

Mr. Ivan Lewis: We are deeply saddened by the recent loss of life caused by violence between ethnic groups in

the city of Jos and Plateau State, as expressed in my right hon. Friend the Foreign Secretary's joint statement with US Secretary of State Hillary Clinton, French Foreign Minister Bernard Kouchner and EU High Representative Baroness Ashton on 28 January 2010.

We welcome Vice President Jonathan's statement during his visit to Jos on 25 January 2010 that those responsible for crimes will be prosecuted, and that Nigeria will seek long-term solutions to inter-communal conflict in the country.

Peru: EU External Trade

Annette Brooke: To ask the Secretary of State for Foreign and Commonwealth Affairs what conditions will be placed on Peru to ensure its compliance with human rights requirements, with particular reference to the human rights of indigenous people, in negotiations on an EU-Peru free trade agreement; and what sanctions will be imposed if Peru does not meet those conditions. [314722]

Chris Bryant: The Government regard trade agreements as important for economic growth and prosperity in developed and developing countries, helping to reduce the poverty that is often the driver of conflict, displacement and human rights abuse. We continue to raise matters of the human rights of indigenous people and will insist on tough and enforceable human rights conditions as part of any EU Free Trade Agreement with the Andean region.

Sri Lanka: Politics and Government

Lindsay Roy: To ask the Secretary of State for Foreign and Commonwealth Affairs what his most recent assessment is of the political situation in Sri Lanka; and if he will make a statement. [314425]

Mr. Ivan Lewis: The Sri Lankan Election Commissioner announced on 27 January 2010 that President Rajapakse had won the presidential election with a clear majority. We are encouraging the president to use his new mandate to work towards a fully inclusive political solution which addresses the underlying causes of the conflict. It remains our view that this is the only way to achieve lasting peace in Sri Lanka. Genuine reconciliation between Sri Lanka's communities will depend in a large part on the government promoting and protecting the rights of all Sri Lankans.

We welcome the fact that election day was largely peaceful. However we will also be pressing the Government of Sri Lanka to ensure that investigations are carried out into the reported violations of election law during the election campaign, including the numerous incidents of violence, and to take measures to prevent electoral violations in the forthcoming parliamentary elections.

EU High Representative Baroness Ashton released the following statement on the election:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/106&format=HTML&aged=0&language=EN&guiLanguage=en>

Tibet: Politics and Government

Lindsay Roy: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has had with his Chinese counterpart on the political situation in Tibet. [314418]

Mr. Ivan Lewis: We discuss Tibet regularly with the Chinese authorities at all levels. My right hon. Friend the Prime Minister has raised Tibet with President Hu and Premier Wen. My right hon. Friend the Foreign Secretary has also discussed Tibet with State Councillor Dai Bingguo and Chinese Foreign Minister Yang Jiechi.

Our interest is in sustainable development and long-term stability for Tibet, which can be achieved only through respect for the rights of Tibetan people and genuine autonomy for Tibet. Substantive dialogue between Chinese authorities and representatives of His Holiness the Dalai Lama is the best way to achieve this. We welcome the announcement of the resumption of dialogue between the Chinese authorities and the representatives of the Dalai Lama and urge both sides to approach the dialogue in good faith.

Turkey: EU Enlargement

Mr. Watson: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent progress has been made on negotiations on the accession of Turkey to the EU; and if he will make a statement. [314495]

Mr. Ivan Lewis: In December 2009 the EU agreed to open the Environment Chapter of the accession negotiations with Turkey. Turkey has now opened 11 out of 35 accession Chapters.

The European Commission's most recent Progress Report for 2009 on Turkey's EU accession process noted several steps forward, for example in addressing the Kurdish and Armenian questions, a new judicial reform strategy, and improving energy security.

During my hon. Friend the Minister for Europe's visit to Istanbul he reiterated the UK's support for Turkey's EU membership and urged Turkey to continue making the necessary reforms and to abide by its commitments under the Ankara Protocol.

At the same time the report noted that renewed efforts on further reforms were needed and challenged Turkey to step up the pace of their reform programme and proactively contribute to a Cyprus settlement.

Zimbabwe: Politics and Government

Lindsay Roy: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has had with Commonwealth governments on the restoration of democracy in Zimbabwe; and if he will make a statement. [314423]

Mr. Ivan Lewis: My right hon. Friend the Foreign Secretary discussed Zimbabwe with his Commonwealth counterparts at the Commonwealth Heads of Government Meeting (CHOGM), which took place in Trinidad between 27 and 29 November 2009. Commonwealth Heads of Government welcomed the Global Political Agreement on power-sharing in Zimbabwe, and expressed the hope that this would be implemented faithfully and effectively. They looked forward to the conditions being created for the return of Zimbabwe to the Commonwealth.

We are in regular contact with members of the Southern African Development Community, many of whom are members of the Commonwealth, as part of an ongoing dialogue.

DEFENCE

Afghanistan: Peacekeeping Operations

Dr. Fox: To ask the Secretary of State for Defence pursuant to the answer of 7 December 2009, *Official Report*, column 88W, on Afghanistan: peacekeeping operations, whether the three helicopters were delivered to Afghanistan by 31 December 2009. [314322]

Mr. Bob Ainsworth [*holding answer 29 January 2010*]: The helicopters arrived in Afghanistan in early January 2010 and declared fully operational on 25 January 2010.

Aircraft Carriers

Angus Robertson: To ask the Secretary of State for Defence what expenditure his Department has incurred on the Queen Elizabeth class aircraft carriers during the (a) initial and (b) main gate decision period for the two new carriers. [314305]

Mr. Quentin Davies: Costs incurred for the Queen Elizabeth Class Aircraft Carriers up to the end of the Assessment Phase were £110 million (CDEL, Outturn), with a further £174 million (CDEL, Outturn) incurred up to the end of the Demonstration Phase. Following Main Gate approval in July 2007, the QE Class Manufacture Contract was placed in July 2008, defining the end of the Demonstration Phase.

Angus Robertson: To ask the Secretary of State for Defence if he will estimate his Department's research and development expenditure arising from its procurement of two new Queen Elizabeth class aircraft carriers. [314306]

Mr. Quentin Davies: The Queen Elizabeth class aircraft carriers utilise mostly mature equipment and technology. As a de-risking measure we have spent around £20 million on shore-based test facilities in the areas of mission systems, power and propulsion and highly mechanised weapon handling.

Armed Forces: Deployment

Dr. Fox: To ask the Secretary of State for Defence how many troops are deployed at each overseas location on operations. [312660]

Bill Rammell: The following table shows the number of troops deployed on operations at overseas locations:

Location	Endorsed number (as at 21 January 10) ¹
Afghanistan	9,500
Iraq	² 150
At sea	³ 1,050
Falklands/South Atlantic	1,500
Qatar	150
Cyprus	300
Bahrain	150
Oman	350
UAE	50

Location	Endorsed number (as at 21 January 10) ¹
Other	⁴ <50

¹ Rounded to the nearest 50 personnel.

² On 15 June 2009, (*Official Report*, column 21), the Prime Minister set out for Parliament the current number of UK military personnel expected to remain in Iraq to conduct Navy training and maritime support after the withdrawal of the bulk of our forces from southern Iraq and Baghdad. The UK/Iraq agreement was ratified by the Presidency Council on 23 October, following which the UK has reinserted up to 100 personnel into Iraq to deliver its mandate. Some British personnel are also in Iraq under the NATO Long Term Agreement as part of the NATO Training Mission—Iraq.

³ Numbers at sea in support of Operations Telic and Calash.

⁴ Small scale deployments in support of EU and UN missions, headquarters liaison officers and capacity building activities.

The precise number of personnel in each theatre fluctuates on a daily basis for a variety of reasons, including mid-tour rest and recuperation, temporary absence for training, evacuation for medical reasons, the roulement of forces, visits and a range of other factors. We do not, therefore, publish actual figures for personnel deployed in theatre.

Armed Forces: Discharges

Dr. Murrison: To ask the Secretary of State for Defence whether members of the armed forces attending a medical discharge board are permitted to attend with a (a) nominated colleague, (b) friend and (c) legal adviser; and if he will make a statement. [305034]

Mr. Kevan Jones [*holding answer 8 December 2009*]: The single service medical boards encourage service personnel to bring with them someone with whom they feel comfortable and who can give support during the appointment. The person can be a service person from their workplace or unit, or a civilian family member if they prefer. At times social workers, other medical support staff, or (more rarely) legal advisers, have attended. If the patient wishes, this person can be with them during the consultations and administrative interviews.

Armed Forces: Driving

Mr. Crabb: To ask the Secretary of State for Defence (1) how many military driving licences were converted into civilian driving licences in each year since 2005; [314288]

(2) how many military driving licences were not converted into civilian licences as a result of processing errors in each year since 2005. [314289]

Mr. Kevan Jones: The Ministry Of Defence (MOD) does not have a 'military driving licence' but does have the legal authority to conduct the national driving tests on MOD personnel. Successful candidates receive their UK national licence for the categories tested on.

The number of successful driving test passes, in all categories, from 1 April 2005 to 26 January 2010 is as follows:

	Number
1 April 2005 to 31 March 2006	24,498
1 April 2006 to 31 March 2007	25,352
1 April 2007 to 31 March 2008	24,646
1 April 2008 to 31 March 2009	25,191
1 April 2009 to 26 January 2010	19,310

Prior to October 2005 all MOD personnel passing a UK national driving test through the military system would have been issued with a Driving Standards Agency pass certificate by the MOD Driving Examiner. The successful candidate was responsible for sending their pass certificate and existing driving licence to the DVLA within the two-year life of the pass certificate in order to have their licence amended. There is no information available as to how many MOD personnel failed to have their licences amended after having successfully passed a driving test.

Since October 2005 the confirmation of a successful driving test for MOD personnel has been transferred electronically to the DVLA via the Military Automatic Driving Licence Issue (MADLI) system. The DVLA then process the licence amendments and an upgraded licence is sent out within four days. There is no evidence of driver licence processing errors since MADLI was introduced.

Armed Forces: Health Services

Dr. Murrison: To ask the Secretary of State for Defence what the cost of running each service medical board of survey was in the latest period for which figures are available. [304871]

Mr. Kevan Jones: The total costs of running each single service medical board are not collated centrally. As well as staff costs of board members, the composition of which will vary according to the specific case, these will include such items as accommodation, utilities, travel and subsistence, reprographics and administration, both personnel and processing. Comprehensive and verifiable figures could be provided only at disproportionate cost.

Dr. Murrison: To ask the Secretary of State for Defence how many personnel are assigned to the (a) Army, (b) Royal Air Force and (c) Royal Navy Medical Board of Survey. [304872]

Mr. Kevan Jones: The Naval Service Medical Board of Survey (NSMBOS) is based at the Institute of Naval Medicine, Alverstoke. Staff assigned to the board are as follows:

<i>Rank/grade</i>	<i>Number</i>	<i>Fullpart-time</i>
Surgeon Captain	1	Full-time
Surgeon Commander	1	Part-time ¹
Warrant Officer	1	Full-time
CPO	1	Full-time
C2 (civilian)	1	Full-time
E1 (civilian)	1	Full-time
E2 (civilian)	2	Full-time
Leading Medical Assistant	1	Full-time
Medical Assistant	1	Full-time

¹ Approximately 2.5 days per week.

Army Medical Boards are conducted as required at Army bases and units around the UK and in Germany, and are run by regional occupational health teams. The specific composition and staffing of these varies, although there are common denominators, such as a president who is a consultant occupational physician, usually a

colonel or lieutenant colonel, as well as a combination of clinical specialists as appropriate to the case, military and civilian medical officers, plus administrative staff.

The RAF Medical Board is based at RAF Henlow. Staff assigned to the board are as follows:

<i>Role</i>	<i>Rank/grade</i>	<i>Number</i>	<i>Fullpart-time</i>
Occupational Health Consultant (RAF)	Group Captain (Officer Commanding)	1	Full-time
Occupational Health Consultant (RAF)	Wing Commander (Deputy)	1	Full-time
Occupational Health Consultant (civilian)	n/a	1	Part-time ¹
General Practitioner (RAF)	Squadron Leader	1	Full-time
General Practitioner (civilian)	n/a	1	Part-time ²
Service Training Practice Manager	Squadron Leader Flight Sergeant (RAF medic)	1	Part-time ³ Full-time
Support staff	Sergeant (RAF medic)	1	Full-time
Support staff	Corporal (RAF medic)	1	Full-time
Support Staff	E1 (civilian)	2	Full-time
Support Staff	E2 (civilian)	3	Full-time

¹ Three days per week.

² Two days per week.

³ Four days per week.

Dr. Murrison: To ask the Secretary of State for Defence what the mean time between medical downgrading and appearance before a medical board of survey was for each of the armed forces in each year since 1997. [304873]

Mr. Kevan Jones: Individuals may normally be downgraded in a temporary reduced medical category for up to 12 months continuously for the same condition (18 months for the RAF); this will usually be done when a recovery of function would be expected within this time period. At any time during this period, and in any case at its expiration if full recovery has not taken place, the individual can be referred to the appropriate single Service Medical Board for award of a permanently reduced Joint Medical Employment Standard (JMES). The timing of referral will in all cases strike an appropriate balance between the needs of the individual service and those of the patient. The mean time between initial temporary downgrading and attendance at a Medical Board for award of a permanently reduced JMES in each year since 1997 is not held centrally, and could be provided at disproportionate cost.

Dr. Murrison: To ask the Secretary of State for Defence how many cases of each diagnosed condition each service medical board of survey considered in each year since 1997. [304874]

Mr. Kevan Jones: This information is not held centrally and could be provided only at disproportionate cost.

Dr. Murrison: To ask the Secretary of State for Defence how many complaints were filed against each

service medical board of survey by (a) attendees and (b) third parties acting on behalf of attendees since 1997. [304876]

Mr. Kevan Jones: Each of the single services has a process for handling complaints against medical board decisions. Redress of complaint and service complaints can be made only by the person involved, not on behalf of others, and so the following figures apply only to complaints by attendees.

Within the Naval Service, the Naval Service Medical Board of Survey (NSMBOS) has no record of any complaint filed against it. Current and historic data is not held centrally about service complaints concluded successfully at unit level and data could be provided only at disproportionate cost. There are no records of any service complaints about NSMBOS decisions being referred to higher level naval authorities for consideration.

Within the Army, service complaints are resolved at one of three levels: Level 1—the prescribed officer (usually the Commanding Officer (CO)); Level 2—the Superior Officer (SO); and Level 3—The Defence Council. The intent is that complaints are dealt with at the lowest level possible and resolution achieved quickly and, where possible, informally but the making of a service complaint in accordance with legislation is a legal right under section 334 of the Armed Forces Act 2006.

If either the CO or SO are unable to deal effectively with the complaint or lack the authority to grant the desired or any other appropriate redress, they may refer the complaint to the next level. At each of the first two levels, if the complainant is not satisfied with the proposed resolution of the complaint or the redress to be granted, they may apply to have the complaint referred to the next higher level for consideration. For serving personnel in the Army, the following data reflect those complaints against a decision made by a medical board which reached Level 3 (Defence Council); verified data are not available prior to 2000:

	<i>Level 3 complaints</i>
2000	3
2001	0
2002	0
2003	2
2004	0
2005	0
2006	0
2007	4
2008	4
2009	1

For the RAF, the numbers of personnel that have put a service complaint forward via the redress mechanism, regarding the Permanent Employment Standard awarded by the RAF Medical Board, since 2004 are as follows:

	<i>Complaints received</i>
2004	0
2005	3
2006	0
2007	3
2008	1
2009	1 ⁷

⁷ Including clarification of award.

Files are kept for five years and then destroyed. consequently records for the full period requested are not available.

Armed Forces: Housing

Willie Rennie: To ask the Secretary of State for Defence how many (a) single living and (b) service family accommodation units are awaiting demolition. [314183]

Mr. Kevan Jones: Service Family Accommodation (SFA) properties are only demolished as a last resort in cases where they are surplus to requirements but cannot be sold or otherwise disposed of.

While the majority of properties are located in the area surrounding a military site, some are located 'within the wire' of the site itself and so cannot be disposed of for security reasons.

This is the case with the 81 SFA properties currently awaiting demolition. They are located at RAF Digby and Prince William of Gloucester Barracks, Grantham and are due to be demolished by the end of March 2010.

Around 35,000 Single Living Accommodation (SLA) bed-spaces are now at the highest standard (Grade 1) and our intent is that by 2020 some 70 per cent. of UK personnel will be in Grade 1 SLA and the remainder in Grade 2. Some barrack blocks are routinely refurbished or demolished as part of our £1.4 billion modernisation programme, but the re-use or demolition of accommodation blocks which have been replaced is a matter for local commands and information is not held centrally.

Armed Forces: Uniforms

Mr. Lancaster: To ask the Secretary of State for Defence what steps his Department has taken to expedite the issuing of Mk7 helmets to troops serving within theatre. [314598]

Mr. Kevan Jones: 15,000 Mk7 helmets have been ordered, of which 5,000 were delivered to theatre last year. A further 7,000 will be delivered to theatre early this year.

Helmets are a personnel issue item, so theatre stocks are continually replenished as service personnel return to the UK with their helmet at the end of their tour of duty.

Army: Recruitment

Willie Rennie: To ask the Secretary of State for Defence how much funding his Department allocated for overseas travel expenses for Army recruitment teams in each of the last five years. [314184]

Bill Rammell: Army recruiting teams operate in the United Kingdom and do not incur any costs for overseas travel.

However, the Army's overseas pre-selection teams, which travel to countries that have a high number of people who have applied to join the Army, have incurred the following costs for flights, transport and accommodation charges for staff since 2005-06:

<i>Financial year</i>	<i>Cost (£)</i>
2005-06	42,507
2006-07	78,639
2007-08	197,589
2008-09	140,566

Overseas pre-selection teams tend to be more active during periods when the Army is finding it harder to attract sufficient numbers of recruits. In light of the relatively healthy manning position which exists in the Army at present, there have been no overseas visits by the overseas pre-selection teams in 2009-10.

Clyde Naval Base

Angus Robertson: To ask the Secretary of State for Defence (1) what plans he has for the conventional surface fleet based at Faslane other than the withdrawal of HMS Walney; [314303]

(2) what plans he has for the fleet of Sandown class mine hunters other than the withdrawal of HMS Walney. [314304]

Mr. Quentin Davies: The eight Sandown class mine hunter vessels are the only conventional surface ships based at Faslane. We have no plans to change this arrangement or to make any changes to the Sandown class other than the withdrawal from service of HMS Walney later this year.

Departmental Consultants

Julia Goldsworthy: To ask the Secretary of State for Defence how much consultants employed by his Department and its agencies have been paid (a) in total and (b) in reimbursable expenses in each of the last 10 years. [313993]

Mr. Kevan Jones: Summaries for the years 1995-96 to 2007-08 of the MOD's expenditure on External Assistance, of which consultancy is a part, are available in the Library of the House. These summaries also include the spend figures for the Department's agencies, but they exclude expenditure by non-departmental public bodies, which is not held centrally and could be provided only at disproportionate cost.

Information on reimbursable expenses paid to consultants is not held centrally and could be only provided at disproportionate cost. The circumstances in which reasonable expenses may be reimbursed are set out in contract terms and conditions and their payment is subject to subsequent scrutiny by a designated official.

Departmental Housing

Sarah Teather: To ask the Secretary of State for Defence what recent estimate he has made of the (a) potential annual rental and (b) total book value of the (i) empty and (ii) occupied residential properties owned by his Department. [313751]

Mr. Kevan Jones: The majority of the 70,000 service family accommodation (SFA) properties worldwide are leased rather than owned by the Ministry of Defence

(MOD) and therefore details of the potential annual rental and book value of these properties is a matter for the owners.

Where the MOD does own the SFA, such as in Scotland and Northern Ireland, it is solely for the purpose of housing entitled Service families. No estimate is made of how much income could be generated by letting out the properties on a commercial basis. SFA occupancy charges for personnel are set annually by the independent armed forces pay review body.

With regard to the value of the premises, details of all MOD holdings over £1 million, together with their latest asset valuations, can be found in chapter seven of the National Asset Register, on HM Treasury's website, last published in 2007:

www.hm-treasury.gov.uk

The requested information, and details of all property below £1 million in value, could be provided only at disproportionate cost.

Departmental Pay

Willie Rennie: To ask the Secretary of State for Defence pursuant to the answer of 26 January 2010, *Official Report*, column 796W, on departmental pay, how many senior fixed-term appointees in each organisation were paid bonuses of over £50,000 in 2008-09. [314600]

Mr. Bob Ainsworth: Two. The individuals are employed by the MOD in two separate organisations. Performance awards are judged against taut objectives, on a sliding scale with no awards until specific levels of performance are achieved. Performance is judged by remuneration committee with independent departmental validation at a senior level. These individuals and their organisations have played a critical role in supporting front line operations and contributed to savings of £57.5 million paid to the Department in 2008-09.

Departmental Public Consultation

Grant Shapps: To ask the Secretary of State for Defence how many citizens' juries or summits have been hosted by his Department since October 2008; on what date each event took place; and which Ministers were present at each event. [314594]

Mr. Kevan Jones: The Ministry of Defence has not arranged any citizens' juries or summits since October 2008.

Ex-servicemen: Homelessness

Dr. Ladyman: To ask the Secretary of State for Defence what estimate he has made of the number of homeless former service personnel in each year since 1992. [314389]

Mr. Kevan Jones: Independent research carried out in London in 2008 by the university of York shows that the proportion of veterans among the homeless population has fallen dramatically over the last 10 years. Veterans now represent some 6 per cent. of the homeless population in London compared with the 22 per cent. found in separate research in 1997. This is a real success story in

our strategy to tackle homelessness in London. However, the numbers of ex-service personnel who find themselves homeless are still too high, and we plan to continue to develop our relationships with the charitable sector to ensure we continue to address this very important issue.

The MOD is always interested in identifying ways in which veterans can be assisted. The Government's commitment was set out in the Service Personnel Command Paper, "The Nation's Commitment: Cross Government Support to our Armed Forces, their Families and Veterans", in July 2008.

Changes have been made to the law in England and Wales so that servicemen and women are now able to establish a local connection with the district in which they are or have just been serving for the purposes of applying for social housing and homelessness assistance while plans are in place to implement similar arrangements in Scotland. We are also working with the Department for Communities and Local Government to agree arrangements whereby empty MOD houses can be used by veterans for an interim period after they leave the service. In addition, a 25-unit supported housing facility for veterans, Mike Jackson House, was opened in Aldershot in 2008. Building work on a similar 31-unit scheme in Catterick started on 19 January 2010.

Fiona Mactaggart: To ask the Secretary of State for Defence what steps he is taking to minimise the number of ex-service personnel who are street homeless. [314023]

Mr. Kevan Jones: The MOD are always interested in identifying ways in which veterans can be assisted. The Government's commitment was set out in the Service Personnel Command Paper (The Nation's Commitment to our Armed Forces, their families and veterans) in July 2008.

Changes have been made to the law in England and Wales so that servicemen and women are now able to establish a local connection with the district in which they are or have just been serving for the purposes of applying for social housing and homelessness assistance while plans are in place to implement similar arrangements in Scotland. In addition we are working with the Department for Communities and Local Government to agree arrangements whereby empty MOD houses can be used by veterans for an interim period after they leave the Service. A 25-unit supported housing facility for veterans, Mike Jackson House, was opened in Aldershot in 2008. Building work on a similar 31-unit scheme in Catterick started on 19 January 2010.

Independent research carried out in London in 2008 by the University of York shows that the proportion of veterans among the homeless population has fallen dramatically over the last 10 years. Veterans now represent some six per cent of the homeless population in London compared with the 22 per cent. found in separate research in 1997. This is a real success story in our strategy to tackle homelessness in London. However, the numbers of ex-service personnel who find themselves homeless are still too high, and we plan to continue to develop our relationships with the charitable sector to ensure we continue to address this very important issue.

Ex-servicemen: Prisoners

Dr. Ladyman: To ask the Secretary of State for Defence what estimate has he made of the number of former service personnel in prison in each year since 1992. [314387]

Mr. Kevan Jones: The information requested is not held. However, the Defence Analytical Services and Advice (DASA) organisation have estimated that, as at November 2009, there were 2,207 veterans in prisons in England and Wales out of a total prison population of just over 81,000 offenders. This represents almost 3 per cent. of the prison population and was determined by matching a database of offenders aged 18 and over from the Ministry of Justice against a database of service leavers (regulars only) from the MOD (some 1.3 million records). This is the most comprehensive study to date on veterans in prisons and the estimate of 3 per cent. is in line with a Home Office survey of 2,000 nationally representative offenders at the point of release in 2001, 2003 and 2004, which reported the proportion of veterans to be 6 per cent., 4 per cent. and 5 per cent. respectively.

The DASA report is at:

<http://www.dasa.mod.uk/applications/newWeb/www/index.php?page=48&pubType=3&thiscontent=540&PublishTime=16:00:00&date=2010-01-25&disText=Single%20Report&from=listing&topDate=2010-01-25>

HMS Daring

Angus Robertson: To ask the Secretary of State for Defence pursuant to the answer of 5 January 2010, *Official Report*, column 35W, on Type 45 destroyers, whether the problems encountered during the test firing of the Sea Viper missile will affect the timetable for bringing HMS Daring into service; and what consideration he has given to fitting HMS Daring with a different missile system. [314377]

Mr. Quentin Davies: In-depth analysis of the most recent test firing of the Sea Viper Missile System in November 2009, using range and telemetry data, is ongoing. Pending the outcome of this complex investigation, HMS Daring's planned in-service date remains later this year. No consideration has been given to an alternative to the Sea Viper Missile System.

Angus Robertson: To ask the Secretary of State for Defence whether HMS Daring is to be fitted with a Phalanx system. [314378]

Mr. Quentin Davies: The Phalanx Weapons System has not been fitted to HMS Daring although the ship has been designed with the space and services margin to allow additional equipment, including Phalanx, to be fitted. Any such decisions would be made in accordance with the ship's operational requirements.

HMS Walney

Angus Robertson: To ask the Secretary of State for Defence pursuant to the answer of 5 January 2010, *Official Report*, column 35W, on warships, what the crew complement of HMS Walney is. [314302]

Mr. Quentin Davies: HMS Walney has a complement of 34.

Iraq and Afghanistan: Peacekeeping Operations

Mr. Gale: To ask the Secretary of State for Defence what the names are of service personnel who have died in the UK following injuries sustained on active service in (a) Iraq and (b) Afghanistan who are not included in the published statistics of those who have died on active service in each of those countries. [314426]

Mr. Bob Ainsworth: The names of service personnel who sustain injuries while serving in Iraq or Afghanistan and who subsequently and sadly then die as a result of those wounds are announced by the Ministry of Defence and eulogised in the same way as those killed in action. Details of all operational fatalities are published on the MOD website. Such individuals are also included in published statistics on fatalities as a result of operations. For example, someone who receives injuries as a result of hostile action, who is then aeromedically evacuated back to the UK and subsequently dies as a result of those wounds, would be announced in the same way as if they had died in Iraq or Afghanistan and would be included in the published statistics as DOW (died of wounds). Consequently there are no service personnel who have died in the UK following injuries sustained on active service in Iraq or Afghanistan who are not included in the published statistics.

Nimrod Aircraft

Dr. Fox: To ask the Secretary of State for Defence pursuant to his statement of 15 December 2009, *Official Report*, column 801, on the future defence programme, how his Department plans to fill the requirement for long-range rescue and maritime reconnaissance after the planned withdrawal of Nimrod. [309239]

Bill Rammell: The introduction of the MRA4 will bring a substantially more capable aircraft than the MR2 into the RAF's fleet. In the period of transition until the MRA4 enters service we intend to use other assets, as available, in the long-range search and rescue and maritime reconnaissance roles. We cannot comment on actual capability levels as this is classified information.

RAF Brize Norton

Mr. Gray: To ask the Secretary of State for Defence for how many days Brize Norton was closed owing to the recent bad weather; how many flights were diverted as a result; and to what destination each was diverted. [313929]

Bill Rammell: Between 1 and 17 January RAF Brize Norton closed on three occasions, the longest period of closure was 68 hours and the shortest was three hours. Details of the dates and times of the closures are shown in the following table.

<i>Closed</i>	<i>Opened</i>
5 January 2010 at 16:30 hrs	8 January 2010 at 12:55 hrs
11 January 2010 at 02:15 hrs	11 January 2010 at 05:15 hrs
13 January 2010 at 01:15 hrs	13 January 2010 at 13:54 hrs

During these periods of closure 14 flights were required to divert to other airfields: six to East Midlands Airport; four to Glasgow Prestwick Airport; two to Birmingham International Airport; one to Gatwick Airport; and one to JHC Flying Station Aldergrove.

Delivery of the Afghan airbridge was challenging during the bad weather, however, it continued to operate successfully with outbound flights transferring to East Midlands Airport.

Type 45 Destroyers

Angus Robertson: To ask the Secretary of State for Defence when he expects the first in class Type 45 destroyers to be fully operational. [314376]

Mr. Quentin Davies: HMS Daring is currently undertaking final trials and integration activity prior to achieving her in-service date, which is planned for later this year. At that point she will meet the Royal Navy's minimum operational requirement. A further period of crew training will then be carried out after which Daring will be available for deployment. I am unable to disclose further details as this would, or would be likely to, prejudice the capability, effectiveness or security of the armed forces.

HEALTH

Alcoholic Drinks: Misuse

Jim Cousins: To ask the Secretary of State for Health how many alcohol-related admissions there were to hospitals in each primary care trust area in (a) 2007 and (b) 2008; and what proportion these represented of all admissions in each area in each year. [314022]

Gillian Merron: The information requested is provided in the following table.

Number of admissions of patients with an alcohol-related diagnosis as a percentage of all finished admissions, by primary care trust of residence

<i>PCT name</i>	<i>2007-08</i>			<i>2008-09</i>		
	<i>Total hospital admissions</i>	<i>Alcohol-related hospital admissions</i>	<i>ARA as a percentage of total admissions</i>	<i>Total hospital admissions</i>	<i>Alcohol-related hospital admissions</i>	<i>ARA as a percentage of total admissions</i>
Ashton, Leigh and Wigan PCT	89,524	7,153	8.0	94,216	8,279	8.8
Barking and Dagenham PCT	40,288	2,825	7.0	42,758	3,014	7.0
Barnet PCT	59,922	2,963	4.9	84,360	4,416	5.2
Barnsley PCT	72,377	4,531	6.3	76,571	5,270	6.9
Bassetlaw PCT	26,336	2,168	8.2	29,665	2,343	7.9
Bath and North East Somerset PCT	37,632	2,650	7.0	39,407	2,979	7.6
Bedfordshire PCT	86,938	6,090	7.0	91,860	6,355	6.9
Berkshire East PCT	88,238	4,813	5.5	88,395	5,327	6.0
Berkshire West PCT	94,994	4,778	5.0	96,860	5,111	5.3

Number of admissions of patients with an alcohol-related diagnosis as a percentage of all finished admissions, by primary care trust of residence

<i>PCT name</i>	<i>2007-08</i>			<i>2008-09</i>		
	<i>Total hospital admissions</i>	<i>Alcohol-related hospital admissions</i>	<i>ARA as a percentage of total admissions</i>	<i>Total hospital admissions</i>	<i>Alcohol-related hospital admissions</i>	<i>ARA as a percentage of total admissions</i>
Bexley Care Trust	53,110	2,254	4.2	55,968	2,385	4.3
Birmingham East and North PCT	115,593	6,662	5.8	113,090	7,153	6.3
Blackburn with Darwen PCT	49,495	2,935	5.9	42,138	2,911	6.9
Blackpool PCT	54,918	3,051	5.6	57,769	3,484	6.0
Bolton PCT	70,815	5,438	7.7	75,285	5,275	7.0
Bournemouth and Poole PCT	100,996	4,658	4.6	108,439	5,298	4.9
Bradford and Airedale PCT	139,396	8,509	6.1	152,059	10,020	6.6
Brent Teaching PCT	63,894	3,738	5.8	70,789	4,202	5.9
Brighton and Hove City PCT	58,363	4,655	8.0	62,839	5,150	8.2
Bristol PCT	113,262	8,206	7.2	119,622	9,666	8.1
Bromley PCT	74,693	4,653	6.2	83,737	5,300	6.3
Buckinghamshire PCT	116,276	5,295	4.6	116,326	5,361	4.6
Bury PCT	54,757	3,687	6.7	57,828	4,103	7.1
Calderdale PCT	50,163	3,637	7.2	54,204	3,621	6.7
Cambridgeshire PCT	133,187	10,543	7.9	141,785	11,352	8.0
Camden PCT	45,058	3,088	6.9	47,298	3,018	6.4
Central and Eastern Cheshire PCT	107,255	8,060	7.5	123,808	8,874	7.2
Central Lancashire PCT	135,917	10,838	8.0	143,358	11,467	8.0
City and Hackney Teaching PCT	55,994	3,122	5.6	55,867	2,879	5.2
Cornwall and Isles of Scilly PCT	157,712	9,558	6.1	154,336	10,643	6.9
County Durham PCT	141,589	10,699	7.6	154,896	13,049	8.4
Coventry Teaching PCT	68,053	3,763	5.5	82,733	6,223	7.5
Croydon PCT	75,606	4,809	6.4	84,706	5,470	6.5
Cumbria PCT	143,005	11,137	7.8	152,386	11,385	7.5
Darlington PCT	27,983	2,155	7.7	30,176	2,463	8.2
Derby City PCT	65,934	5,320	8.1	74,680	6,580	8.8
Derbyshire County PCT	194,111	13,369	6.9	204,266	15,343	7.5
Devon PCT	205,008	13,312	6.5	217,880	14,081	6.5
Doncaster PCT	79,035	5,735	7.3	83,074	6,090	7.3
Dorset PCT	124,652	5,994	4.8	132,894	6,995	5.3
Dudley PCT	90,254	6,392	7.1	96,125	7,041	7.4
Ealing PCT	79,447	5,581	7.0	86,081	6,381	7.4
East and North Hertfordshire PCT	105,737	5,635	5.3	121,484	5,799	4.8
East Lancashire PCT	108,912	7,784	7.1	112,425	8,039	7.2
East Riding of Yorkshire PCT	89,784	5,125	5.7	94,397	5,208	5.5
East Sussex Downs and Weald PCT	88,350	6,536	7.4	93,079	6,736	7.2
Eastern and Coastal Kent PCT	161,183	12,005	7.4	178,740	13,336	7.5
Enfield PCT	57,838	2,762	4.8	77,415	4,104	5.3
Gateshead PCT	50,242	5,173	10.3	52,919	5,670	10.7
Gloucestershire PCT	137,676	9,968	7.2	153,462	10,936	7.1
Great Yarmouth and Waveney PCT	53,937	4,467	8.3	57,242	4,687	8.2
Greenwich Teaching PCT	60,413	3,028	5.0	55,439	2,809	5.1
Halton and St. Helens PCT	87,252	6,994	8.0	93,517	7,891	8.4
Hammersmith and Fulham PCT	38,894	2,749	7.1	41,312	2,915	7.1
Hampshire PCT	300,722	16,088	5.3	311,343	18,359	5.9
Haringey Teaching PCT	56,191	2,727	4.9	56,417	3,170	5.6
Harrow PCT	45,250	2,732	6.0	52,421	3,160	6.0
Hartlepool PCT	29,052	2,005	6.9	29,316	2,279	7.8
Hastings and Rother PCT	51,143	3,333	6.5	54,258	3,534	6.5
Havering PCT	52,392	3,710	7.1	56,240	4,088	7.3
Heart of Birmingham Teaching PCT	72,582	5,614	7.7	75,331	5,970	7.9
Herefordshire PCT	41,477	2,785	6.7	45,077	3,055	6.8
Heywood, Middleton and Rochdale PCT	65,500	5,082	7.8	67,818	5,682	8.4
Hillingdon PCT	62,593	4,407	7.0	68,701	4,840	7.0
Hounslow PCT	49,981	3,443	6.9	55,780	4,161	7.5
Hull PCT	76,444	4,997	6.5	77,583	4,840	6.2
Isle of Wight Healthcare PCT	19,887	1,129	5.7	31,124	1,428	4.6
Islington PCT	45,013	2,908	6.5	49,382	3,072	6.2
Kensington and Chelsea PCT	31,148	1,893	6.1	33,336	1,993	6.0
Kingston PCT	33,058	2,166	6.6	31,976	1,863	5.8
Kirklees PCT	96,878	5,072	5.2	103,199	5,840	5.7

Number of admissions of patients with an alcohol-related diagnosis as a percentage of all finished admissions, by primary care trust of residence

<i>PCT name</i>	<i>2007-08</i>			<i>2008-09</i>		
	<i>Total hospital admissions</i>	<i>Alcohol-related hospital admissions</i>	<i>ARA as a percentage of total admissions</i>	<i>Total hospital admissions</i>	<i>Alcohol-related hospital admissions</i>	<i>ARA as a percentage of total admissions</i>
Knowsley PCT	52,778	3,906	7.4	52,669	4,169	7.9
Lambeth PCT	62,910	3,538	5.6	66,233	3,309	5.0
Leeds PCT	187,306	11,046	5.9	202,576	12,816	6.3
Leicester City PCT	87,474	6,492	7.4	91,257	6,520	7.1
Leicestershire County and Rutland PCT	162,359	10,349	6.4	171,988	10,962	6.4
Lewisham PCT	68,935	3,638	5.3	72,763	3,996	5.5
Lincolnshire PCT	187,143	11,396	6.1	197,638	12,119	6.1
Liverpool PCT	144,965	11,945	8.2	144,152	13,054	9.1
Luton Teaching PCT	47,146	3,259	6.9	51,134	3,594	7.0
Manchester PCT	125,569	9,418	7.5	136,967	10,507	7.7
Medway Teaching PCT	53,911	3,755	7.0	56,156	3,983	7.1
Mid Essex PCT	77,275	4,281	5.5	89,777	4,931	5.5
Middlesbrough PCT	43,951	3,696	8.4	45,991	3,858	8.4
Milton Keynes PCT	59,689	3,435	5.8	62,336	3,315	5.3
Newcastle PCT	78,169	7,506	9.6	83,595	7,927	9.5
Newham PCT	77,723	3,842	4.9	78,283	3,954	5.1
Norfolk PCT	189,046	12,222	6.5	198,969	14,080	7.1
North East Essex PCT	68,208	3,784	5.5	71,738	3,950	5.5
North East Lincolnshire PCT	45,040	3,382	7.5	47,529	2,885	6.1
North Lancashire PCT	96,870	5,916	6.1	105,379	6,858	6.5
North Lincolnshire PCT	47,098	3,624	7.7	46,502	2,986	6.4
North Somerset PCT	56,144	4,084	7.3	58,156	4,577	7.9
North Staffordshire PCT	44,571	3,208	7.2	56,202	4,187	7.4
North Tyneside PCT	66,488	5,248	7.9	70,475	5,731	8.1
North Yorkshire and York PCT	184,460	11,500	6.2	201,026	12,669	6.3
Northamptonshire PCT	179,418	9,624	5.4	187,127	10,550	5.6
Northumberland Care Trust	95,586	6,888	7.2	99,402	7,490	7.5
Nottingham City PCT	69,171	4,871	7.0	73,958	5,477	7.4
Nottinghamshire County PCT	165,220	10,751	6.5	174,728	12,155	7.0
Oldham PCT	69,392	4,109	5.9	66,491	4,557	6.9
Oxfordshire PCT	140,011	6,544	4.7	136,285	7,129	5.2
Peterborough PCT	44,500	3,296	7.4	46,287	3,502	7.6
Plymouth Teaching PCT	63,675	4,976	7.8	70,491	5,436	7.7
Portsmouth City Teaching PCT	50,815	3,652	7.2	51,133	3,913	7.7
Redbridge PCT	55,423	3,581	6.5	59,439	3,898	6.6
Redcar and Cleveland PCT	40,317	3,297	8.2	42,455	3,550	8.4
Richmond and Twickenham PCT	35,172	2,084	5.9	37,083	2,223	6.0
Rotherham PCT	80,729	4,478	5.5	86,009	4,985	5.8
Salford PCT	73,170	5,537	7.6	75,053	6,147	8.2
Sandwell PCT	88,875	6,737	7.6	96,026	6,961	7.2
Sefton PCT	91,661	6,348	6.9	87,483	6,697	7.7
Sheffield PCT	145,485	6,967	4.8	152,496	8,879	5.8
Shropshire County PCT	71,109	4,380	6.2	75,726	4,616	6.1
Solihull PCT	52,907	2,946	5.6	52,185	3,168	6.1
Somerset PCT	137,600	8,452	6.1	148,804	9,276	6.2
South Birmingham PCT	79,314	6,236	7.9	83,905	6,446	7.7
South East Essex PCT	90,346	6,262	6.9	88,733	6,929	7.8
South Gloucestershire PCT	64,646	4,749	7.3	66,078	4,780	7.2
South Staffordshire PCT	151,441	8,927	5.9	163,241	10,486	6.4
South Tyneside PCT	47,450	3,745	7.9	49,968	3,961	7.9
South West Essex PCT	88,348	5,073	5.7	94,547	5,492	5.8
Southampton City PCT	56,295	2,465	4.4	60,040	3,259	5.4
Southwark PCT	63,616	3,382	5.3	69,354	3,259	4.7
Stockport PCT	78,746	5,493	7.0	81,717	5,779	7.1
Stockton-on-Tees Teaching	54,879	3,852	7.0	57,711	4,389	7.6
Stoke on Trent PCT	59,464	4,419	7.4	73,428	5,780	7.9
Suffolk PCT	136,353	9,570	7.0	139,751	8,982	6.4
Sunderland Teaching PCT	85,385	6,491	7.6	92,955	7,588	8.2
Surrey PCT	224,647	14,833	6.6	241,400	16,053	6.6
Sutton and Merton PCT	88,092	4,517	5.1	88,899	5,048	5.7
Swindon PCT	48,849	2,505	5.1	53,657	3,057	5.7

Number of admissions of patients with an alcohol-related diagnosis as a percentage of all finished admissions, by primary care trust of residence

PCT name	2007-08			2008-09		
	Total hospital admissions	Alcohol-related hospital admissions	ARA as a percentage of total admissions	Total hospital admissions	Alcohol-related hospital admissions	ARA as a percentage of total admissions
Tameside and Glossop PCT	64,724	5,476	8.5	71,202	6,000	8.4
Telford and Wrekin PCT	39,976	2,673	6.7	41,818	2,594	6.2
Torbay Care Trust	37,591	3,153	8.4	39,526	3,341	8.5
Tower Hamlets PCT	48,477	2,712	5.6	47,699	2,331	4.9
Trafford PCT	53,608	3,525	6.6	62,207	4,236	6.8
Wakefield District PCT	91,148	4,840	5.3	94,782	5,236	5.5
Walsall Teaching PCT	73,285	5,420	7.4	76,446	5,855	7.7
Waltham Forest PCT	52,680	3,116	5.9	56,946	3,444	6.0
Wandsworth PCT	59,111	3,308	5.6	61,077	3,372	5.5
Warrington PCT	52,178	4,518	8.7	55,923	4,615	8.3
Warwickshire PCT	119,048	7,235	6.1	132,782	9,347	7.0
West Essex PCT	69,944	4,174	6.0	73,489	4,933	6.7
West Hertfordshire PCT	108,946	6,055	5.6	128,169	7,041	5.5
West Kent PCT	138,909	8,225	5.9	148,637	9,015	6.1
West Sussex PCT	189,134	12,683	6.7	197,096	13,998	7.1
Western Cheshire PCT	67,560	4,650	6.9	70,679	4,869	6.9
Westminster PCT	44,943	2,752	6.1	48,539	2,908	6.0
Wiltshire PCT	101,967	6,131	6.0	109,587	7,444	6.8
Wirral PCT	97,888	8,428	8.6	102,029	8,686	8.5
Wolverhampton City PCT	69,545	4,386	6.3	74,011	4,628	6.3
Worcestershire PCT	126,015	9,756	7.7	141,381	11,023	7.8
Unknown/no fixed abode	414,978	12,400	3.0	257,431	9,656	3.8
Total residents of England	13,416,299	863,257	6.4	14,085,259	945,223	6.7

Notes:

Includes activity in English National Health Service Hospitals and English NHS commissioned activity in the independent sector.

Alcohol-related conditions

The number of alcohol-related admissions is based on the methodology developed by the North West Public Health Observatory. Figures for under 16s only include admissions where one or more of the following alcohol-specific conditions were listed:

Alcoholic cardiomyopathy (I42.6)
 Alcoholic gastritis (K29.2)
 Alcoholic liver disease (K70)
 Alcoholic myopathy (G72.1)
 Alcoholic polyneuropathy (G62.1)
 Alcohol-induced pseudo-Cushing's syndrome (E24.4)
 Chronic pancreatitis (alcohol induced) (K86.0)
 Degeneration of nervous system due to alcohol (G31.2)
 Mental and behavioural disorders due to use of alcohol (F10)
 Accidental poisoning by and exposure to alcohol (X45)
 Ethanol poisoning (T51.0)
 Methanol poisoning (T51.1)
 Toxic effect of alcohol, unspecified (T51.9)

Number of episodes in which the patient had an alcohol-related primary or secondary diagnosis

These figures represent the number of episodes where an alcohol-related diagnosis was recorded in any of the 20 (14 from 2002-03 to 2006-07 and seven prior to 2002-03) primary and secondary diagnosis fields in a Hospital Episode Statistics (HES) record. Each episode is only counted once in each count, even if an alcohol-related diagnosis is recorded in more than one diagnosis field of the record.

Ungrossed data

Figures have not been adjusted for shortfalls in data (i.e. the data are ungrossed).

Finished admission episodes

A finished admission episode is the first period of inpatient care under one consultant within one healthcare provider. Finished admission episodes are counted against the year in which the admission episode finishes. It should be noted that admissions do not represent the number of in-patients, as a person may have more than one admission within the year.

Primary diagnosis

The primary diagnosis is the first of up to 20 (14 from 2002-03 to 2006-07 and seven prior to 2002-03) diagnosis fields in the HES data set and provides the main reason why the patient was admitted to hospital.

Secondary diagnosis

As well as the primary diagnosis, there are up to 19 (13 from 2002-03 to 2007-08 and 6 prior to 2002-03) secondary diagnosis fields in HES that show other diagnoses relevant to the episode of care.

Data quality

HES are compiled from data sent by more than 300 NHS trusts and primary care trusts (PCTs) in England. Data are also received from a number of independent sector organisations for activity commissioned by the English NHS. The NHS Information Centre for health and social care liaises closely with these organisations to encourage submission of complete and valid data and seeks to minimise inaccuracies and the effect of missing and invalid data via HES processes. While this brings about improvement over time, some shortcomings remain.

Assessing growth through time

HES figures are available from 1989-90 onwards. The quality and coverage of the data have improved over time. These improvements in information submitted by the NHS have been particularly marked in the earlier years and need to be borne in mind when analysing time series.

Some of the increase in figures for later years (particularly 2006-07 onwards) may be due to the improvement in the coverage of independent sector activity.

Changes in NHS practice also need to be borne in mind when analysing time series. For example, a number of procedures may now be undertaken in outpatient settings and may no longer be accounted for in the HES data. This may account for any reductions in activity over time.

Assignment of Episodes to Years

Years are assigned by the end of the first period of care in a patient's hospital stay.

CJD

Bob Russell: To ask the Secretary of State for Health what estimate he has made of the number of people in England likely to be carrying infective prions that cause vCJD; whether an assessment has been made of whether any such people are likely to be blood donors; and if he will make a statement. [314082]

Gillian Merron: A study of stored tissue samples found abnormal prion protein in three appendices out of 12,674 samples. This suggests a prevalence of about 1 in 4,000, though with very wide confidence interval of between 1 in 1,400 and 1 in 20,000. On the expert advice of the Spongiform Encephalopathy Advisory Committee, this single study is given considerable weight, though a larger subsequent study suggests a lower range of estimates. Not all of the individuals in the first study would be of an age eligible to donate blood, nor is it clear whether presence of abnormal prion protein in appendix or tonsil indicates that the blood of such a donor would transmit variant Creutzfeldt-Jakob Disease (vCJD). So the prevalence of infective donors remains unknown, and all precautionary measures are assessed in the context of that fundamental uncertainty.

The Department commissioned and uses a study by DNV Consulting (London) which assessed the magnitude of the risk from infection with vCJD in blood and blood products. This was published in 2003 and is available at:

www.dnv.com/news_events/news/2004/riskofinfectionfromvariantcjdinblood.asp

Based on this, the Department has published its own risk assessments which underpin departmental policy. These can be found on the Department's website at:

www.dh.gov.uk/en/PublicHealth/Communicablediseases/CJD/CJDgeneralinformation/DH_4136944

Copies of these documents have been placed in the Library.

Departmental Housing

Sarah Teather: To ask the Secretary of State for Health what recent estimate he has made of the (a) potential annual rental and (b) total book value of the (i) empty and (ii) occupied residential properties owned by his Department. [313752]

Phil Hope: The Department currently owns 10 individual residential properties (nine being in one block of which one is occupied). No recent estimate has been made of the potential annual rental value of the block of nine as it is currently in the process of being sold. The estimated annual rental value of the remaining occupied property is £10,800. The current book value of the block of nine is £700,000 and of the individual property £250,000.

Departmental NDPBs

Bob Spink: To ask the Secretary of State for Health for how many non-departmental public bodies his Department is responsible. [314255]

Phil Hope: The Department has one agency, 10 executive non-departmental public bodies, nine strategic health authorities and 30 advisory non-departmental public bodies. Further detailed information is contained in the "Department of Health's Public Bodies 2009", a copy

of which has been placed in the Library. This document is also available on the Department's website:

www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_111365

Health Services: Anguilla

Bob Spink: To ask the Secretary of State for Health what estimate he has made of the number of (a) Anguillan nationals treated by the NHS and (b) UK nationals treated in Anguilla under reciprocal healthcare obligations in the last 12 months; and what the estimated cost was in each case. [314492]

Gillian Merron: In the last 12 months, there have been no patient referrals from Anguilla to the United Kingdom, incurring no cost to the national health service. The agreement does not provide for referrals from the United Kingdom to Anguilla. Under the agreement, residents of Anguilla and the United Kingdom can access emergency state healthcare in each country, however no reimbursements are sought from either country for treatment provided, and so the data relating to this is not collected centrally.

Health Services: Greater London

Kate Hoey: To ask the Secretary of State for Health if he will publish the management report on funding for health care in London undertaken for NHS London by McKinsey. [313894]

Mr. Mike O'Brien: This is a matter for NHS London, I have asked them to reply to the hon. Member.

Health Services: Isle of Man

Colin Challen: To ask the Secretary of State for Health what estimate he has made of the net financial effect on the NHS of the withdrawal of reciprocal health arrangements with the Isle of Man. [314584]

Gillian Merron: It is essential that all bilateral health care agreements represent value for money to the United Kingdom taxpayer. The net financial effect of withdrawing from the bilateral health care agreement with the Isle of Man will be a £2.82 million saving for the national health service.

Andrew Mackinlay: To ask the Secretary of State for Health pursuant to the answer of 20 January 2010, *Official Report*, columns 366-7W, on health services: Isle of Man, what types of personal data are contained in the dataset; and if he will publish a version of the dataset with personal data removed. [314590]

Gillian Merron: The dataset, originally provided by the Isle of Man Government, contains personal addresses and medical details over a large number of pages. We are therefore not able to publish this information in a redacted form given the disproportionate cost.

Health Services: Overseas Visitors

Bob Spink: To ask the Secretary of State for Health (1) what the cost to the NHS of treating non-UK residents for cardiovascular disease was in (a) the latest period for which figures are available and (b) each of the last five years; [314493]

(2) what the cost to the NHS was of treating non-UK residents for HIV in each of the last five years. [314499]

Gillian Merron: It is not possible to provide the information requested. Successive governments have not required the national health service to provide statistics on the number of non-United Kingdom residents treated or charged under the provisions of the NHS (Charges to Overseas Visitors) Regulations 1989, as amended, nor costs involved.

Hospitals: Parking

Anne Main: To ask the Secretary of State for Health what estimate his Department has made as part of its consultation on NHS car parking of the annual revenue raised by NHS hospital trusts from parking charges; what estimate it has made of the cost to NHS hospital trusts of providing free car parking; what consideration he is giving to the merits of providing funding to NHS hospital trusts to offset the revenue foregone through the introduction of free car parking; and over what period he expects any policy on introducing free car parking to be implemented. [314370]

Mr. Mike O'Brien: The consultation exercise on car parking for patients and their families at national health service hospitals estimates that current revenue from NHS patients and visitors is in the range from £140 million to £180 million per annum. Estimated costs for each option can be found in the consultation document and impact assessment, which have been placed in the Library and are available on the Department's website at:

www.dh.gov.uk/en/consultations/liveconsultations/dh_110557

Changes to car parking charges will be introduced over the next three years, as savings from back office costs allow.

Human Papilloma Virus: Vaccination

Mr. Robathan: To ask the Secretary of State for Health what reports he has received of (a) the safety of and (b) serious adverse reactions to the human papillomavirus vaccine; and if he will make a statement. [314586]

Gillian Merron: As of 27 January 2010, the Medicines and Healthcare products Regulatory Agency (MHRA) had received 3,402 suspected adverse reaction (ADR) reports for both human papillomavirus (HPV) vaccines (Cervarix and Gardasil) including 657 serious suspected ADR reports. The MHRA publishes regular weekly summaries of UK safety data on Cervarix, the vaccine in routine use in the United Kingdom, on its website at:

www.mhra.gov.uk/hpvpvaccine

MHRA takes into consideration European and worldwide safety data when assessing the safety of HPV vaccine in the UK. To date, the vast majority of suspected adverse reactions reported to MHRA in association with Cervarix HPV vaccine have related either to the signs and symptoms of recognised side effects listed in the product information or were due to the injection process and not the vaccine itself. For the isolated cases of other medical conditions reported, the available evidence does not suggest that the vaccine caused the condition

and these may have been coincidental events. More than 3.5 million doses of Cervarix vaccine have been given across the UK since September 2008. The Government's independent expert advisory committee, the Commission on Human Medicines, has advised that the balance of risks and benefits of Cervarix remains positive. It is anticipated that HPV vaccine will eventually save up to 400 lives a year. As with any vaccine, the MHRA will continue to closely monitor the safety of Cervarix vaccine.

The latest vaccine safety summary reports published by the MHRA have been placed in the Library. These are entitled: 'Suspected Adverse Reaction Analysis Cervarix Human Papillomavirus (HPV) vaccine' and 'Suspected Adverse Reaction Analysis Cervarix Human Papillomavirus (HPV) vaccine (brand unspecified)'.

Mental Health Services

Sandra Gidley: To ask the Secretary of State for Health (1) how many people have made use of NHS counselling services as part of the Improving Access to Psychological Therapies programme in each of the last two years; [313870]

(2) how many black and ethnic minority people made use of NHS (a) counselling, (b) psychotherapy and (c) psychological therapy services in each of the last five years; [313871]

(3) how many people have made use of the Improving Access to Psychological Therapies Programme in each of the last three years; [313875]

(4) if he will make an assessment of the merits of ring-fencing funding for counselling and psychotherapy services in the light of the economic downturn; and if he will make a statement. [313876]

Phil Hope: In the first year of the programme, October 2008 to October 2009, 102,693 people accessed Improving Access to Psychological Therapies (IAPT) services. This is in line with the plans to see 900,000 people in the first three years of the programme. In year two, we have launched a further 111 sites and by the end of 2010-11 all 152 primary care trusts (PCTs) will have an IAPT service. Information on the number of people accessing psychological therapy services was not collected centrally prior to the IAPT programme.

We monitor key performance indicators on a quarterly basis but only centrally collect data on the ethnicity of those accessing services as part of the annual IAPT Data Review. This review is due to report in the coming weeks and we expect to publish the results in March 2010.

The £173 million investment in psychological therapy services has focused on establishing services that are in line with National Institute for Health and Clinical Excellence (NICE) guidelines, thus offering evidence based treatments. Initially this has meant cognitive behavioural therapy has been the focus of the IAPT training programme and therefore the main offer from IAPT services. The recent update of the NICE guidelines for the treatment of depression means that a wider range of therapies, including therapy, couples therapy, interpersonal therapy, counselling, collaborative care and brief dynamic therapy, will soon also be available through IAPT services as they mature.

The funding for IAPT services has, to date, been through centrally allocated funds. From April 2010, the majority of the central investment will be allocated to all PCTs in their baseline allocation, while new services may receive additional centrally allocated funds as they come on stream in 2010-11. From the outset of the programme it was always envisaged that funding for IAPT services would move to PCTs at the earliest opportunity. The collection and publication of benchmarking data, the monitoring of regional delivery plans and the well established national health service performance framework mean that the ongoing ring-fencing of NHS money is not appropriate.

The economic downturn has highlighted the need to ensure people have access to psychological therapies and in March 2009 a £13 million package of measures was introduced to respond to the impact the economic downturn may have on people's mental health. Measures introduced include: introducing employment support functions into all IAPT services, the establishment of NHS Stressline, improving the information online about mental well-being and services, establishing IAPT services more quickly and training those working in primary care to better understand and address people's emotional well-being needs.

Mental Health Services: Finance

Mr. Stephen O'Brien: To ask the Secretary of State for Health with reference to the answer of 26 November 2009, *Official Report*, column 354W, whether the £11 million allocated to primary care trusts for the provision

of annual health checks to individuals with learning disabilities is ring-fenced. [314714]

Phil Hope: The sums paid to practices under the Learning Disabilities Health Check Scheme Directed Enhanced Service is not ring-fenced, rather primary care trusts (PCTs) will have to meet these costs from within their overall allocations, which increased by 5.5 per cent. on average in 2009-10, as set out in the NHS Operating Framework for that year.

MMR Vaccine

Justine Greening: To ask the Secretary of State for Health what the measles, mumps and rubella vaccination rate was for those aged under 18 (*a*) nationally, (*b*) in each region and (*c*) in each primary care trust in London in each of the last five years. [313685]

Gillian Merron: The uptake rate of the measles, mumps and rubella (MMR) and other vaccines is monitored through the COVER (coverage of vaccination evaluated rapidly) collection made by the Health Protection Agency. COVER reports rates of MMR vaccination at the age of two years (for one dose of MMR) and at five years (for one and two doses of MMR). The rate of MMR uptake is not collected after the age of five.

The following tables show COVER data for the past five financial years.

Table 1 shows national and regional data (strategic health authorities).

Table 2 shows data for London primary care trusts (PCTs).

	2004-05			2005-06			2006-07		
	Percentage immunised with (1 dose) of MMR by age:		Percentage immunised with 1st and 2nd dose of MMR by age:	Percentage immunised with (1 dose) of MMR by age:		Percentage immunised with 1st and 2nd dose of MMR by age:	Percentage immunised with (1 dose) of MMR by age:		Percentage immunised with 1st and 2nd dose of MMR by age:
	2 yrs	5 yrs	5 yrs	2 yrs	5 yrs	5 yrs	2 yrs	5 yrs	5 yrs
England	81	89	73	84	87	74	85	86	73
<i>Strategic health authority (SHA)</i>									
North East	85	92	80	87	91	80	89	88	80
North West	84	91	77	86	90	76	88	89	77
Yorkshire and the Humber	83	91	76	86	89	76	87	90	77
East Midlands	86	93	79	88	91	79	88	90	77
West Midlands	83	92	78	85	90	78	88	89	79
East of England	81	88	76	84	85	76	86	84	74
London	71	79	57	73	77	52	75	76	52
South East	81	88	72	—	—	—	—	—	—
South East Coast	—	—	—	83	84	71	84	82	71
South Central	—	—	—	86	87	74	88	86	73
South West	80	91	77	86	89	79	87	88	78

	2007-08			2008-09		
	Percentage immunised with (1 dose) of MMR by age:		Percentage immunised with 1st and 2nd dose of MMR by age:	Percentage immunised with (1 dose) of MMR by age:		Percentage immunised with 1st and 2nd dose of MMR by age:
	2 yrs	5 yrs	5 yrs	2 yrs	5 yrs	5 yrs
England	85	87	74	85	89	78

	2007-08			2008-09		
	Percentage immunised with (1 dose) of MMR by age:		Percentage immunised with 1st and 2nd dose of MMR by age:	Percentage immunised with (1 dose) of MMR by age:		Percentage immunised with 1st and 2nd dose of MMR by age:
	2 yrs	5 yrs	5 yrs	2 yrs	5 yrs	5 yrs
<i>Strategic health authority (SHA)</i>						
North East	88	92	82	88	93	85
North West	87	91	78	87	93	83
Yorkshire and the Humber	85	89	77	87	92	82
East Midlands	89	91	80	88	92	84
West Midlands	88	90	80	88	91	82
East of England	84	85	75	84	87	78
London	74	75	49	76	81	63
South East	—	—	—	—	—	—
South East Coast	83	84	72	85	87	76
South Central	86	88	75	88	90	79
South West	88	90	82	87	92	83

Note:

In 2005-06 South East SHA was divided into South East Coast and South Central as part of the reconfiguration process

Percentage immunised by their second and fifth birthday by London PCT

<i>PCT code</i>	<i>PCT name</i>	2004-05		2005-06			2006-07			
		Percentage immunised with MMR (1 dose) by age:	Percentage immunised with MMR (1st and 2nd dose) by age:	Percentage immunised with MMR (1 dose) by age:	Percentage immunised with MMR (1st and 2nd dose) by age:	Percentage immunised with MMR (1 dose) by age:	Percentage immunised with MMR (1st and 2nd dose) by age:			
		2 yrs	5 yrs	2 yrs	5 yrs	5 yrs	2 yrs	5 yrs	5 yrs	
5C2	Barking and Dagenham PCT	75	82	70	74	82	66	71	82	60
5A9	Barnet PCT	74	82	56	74	82	58	77	76	60
TAK	Bexley Care Trust	66	77	61	72	68	51	74	70	50
5K5	Brent Teaching PCT	80	85	71	80	84	—	79	76	—
5A7	Bromley PCT	67	82	46	73	77	47	77	74	46
5K7	Camden PCT	63	79	52	—	—	—	—	—	—
5C3	City and Hackney Teaching PCT	71	84	57	—	—	—	—	—	—
5K9	Croydon PCT	66	78	52	71	81	57	77	85	59
5HX	Ealing PCT	78	82	62	83	79	59	75	74	62
5C1	Enfield PCT	72	79	64	—	—	—	63	72	45
5A8	Greenwich Teaching PCT	69	77	44	59	61	33	71	65	39
5H1	Hammersmith and Fulham PCT	69	81	60	80	81	65	80	79	62
5C9	Haringey Teaching PCT	74	75	55	—	—	—	—	—	—
5K6	Harrow PCT	90	77	58	86	90	73	84	89	69
5A4	Havering PCT	74	87	76	79	82	71	71	82	60
5AT	Hillingdon PCT	74	87	64	77	85	62	78	83	62
5HY	Hounslow PCT	81	85	66	82	82	64	82	81	64
5K8	Islington PCT	69	83	62	—	—	—	—	—	—
5LA	Kensington and Chelsea PCT	50	70	33	52	63	—	80	68	39
5A5	Kingston PCT	86	84	67	91	85	72	89	84	75
5LD	Lambeth PCT	54	73	46	64	73	48	72	71	44
5LF	Lewisham PCT	56	72	43	64	73	47	67	71	48
5C5	Newham PCT	76	77	57	—	—	—	69	78	41
5NA	Redbridge PCT	82	85	75	—	—	—	—	—	—
5M6	Richmond and Twickenham PCT	74	78	61	78	77	64	80	73	61
5LE	Southwark PCT	60	77	48	63	76	50	64	68	47
5M7	Sutton and Merton PCT	78	81	66	82	77	64	92	77	68
5C4	Tower Hamlets PCT	66	79	53	—	—	—	—	—	—

(2) what assessment has been made of the effect of implementation of proposals for automatic generic substitution of medicines on the workload of (a) clinicians, (b) pharmacists, (c) nurse prescribers and (d) other health professionals; and if he will make a statement. [314190]

Mr. Mike O'Brien: In developing the proposals and analysis set out in the consultation document "The proposals to implement 'Generic Substitution' in primary care, further to the Pharmaceutical Price Regulation Scheme (PPRS) 2009" and its associated partial impact assessment, published on 5 January 2010, the Department was informed by information from stakeholders, including concerns relating to liability. Under the Department's preferred approach (option 3), there are mechanisms for ensuring that patients continue to receive the most appropriate treatment.

Therefore, we believe the liability risks associated with the proposed generic substitution arrangements should not be any greater than under current prescribing and dispensing arrangements. The Department has not issued guidance on liability for prescribing and does not anticipate that such a need will arise under the generic substitution arrangements.

The Department's assessment of the overall effect of implementation on the workload of health professionals is set out in the accompanying partial impact assessment.

We recognise that further evidence may be available in relation to both liability and impact on health professionals' workload, which is why we are holding a full public consultation, to which all those with an interest can input, including patients. The consultation document and partial impact assessment can be found on the Department's website at:

www.dh.gov.uk/en/consultations/index.htm

Copies have already been placed in the Library. Details of the consultation events are on the NHS Primary Care Commissioning website at:

www.pcc.nhs.uk/events

Prescriptions: Fees and Charges

Mr. Drew: To ask the Secretary of State for Health what recent progress has been made in implementing the commitment to exempt from prescription charges those with long-term conditions. [314332]

Patrick Hall: To ask the Secretary of State for Health when Professor Gilmore's review of prescription charges and his Department's response will be published; and whether asthma is to be included in the list of long-term conditions exempted from charges. [314561]

Mr. Stephen O'Brien: To ask the Secretary of State for Health when he plans to exempt from prescription charges those with long-term conditions; what assessment he has made of Sir Ian Gilmore's review of prescription charges; when he expects that review to be published; and if he will make a statement. [314566]

Mr. Mike O'Brien: Professor Gilmore has now submitted his report on exempting people with long-term conditions from prescription charges to the Department. The recommendations are currently being considered. We will publish our response shortly.

Dan Rogerson: To ask the Secretary of State for Health (1) what progress his Department has made towards exempting from prescription charges patients with long-term medical conditions; [314599]

(2) when he expects Professor Ian Gilmore's review of prescription charges to be published. [314681]

Mr. Mike O'Brien: The exemption for cancer patients came in on 1 April 2009. Professor Gilmore has now submitted his report on exempting people with long-term conditions from prescription charges to the Department. The recommendations are currently being considered. We will publish our response shortly.

Social Services: Vulnerable Adults

Ms Keeble: To ask the Secretary of State for Health what assessment his Department made of the quality of reports of serious case reviews on vulnerable adults in each local authority area in the last two years. [314050]

Phil Hope: No assessments have been carried by central Government on the quality of reports of serious case reviews. Serious case reviews are commissioned by local Safeguarding Adults Boards (SAB), which are set up by local authorities. SABs have a large number of local members, including representatives from the National Health Service, police and the voluntary sector. Many boards have jointly agreed protocols about when and how to commission a serious case review and will jointly agree terms of reference and will jointly agree the final report.

The Government have commissioned research by Kings College London and Social Care Workforce Research Unit on serious case reviews, which is on the Department's website at:

www.dh.gov.uk/en/SocialCare/Deliveringadultsocialcare/Vulnerableadults/Research/index.htm

A copy has been placed in the Library.

In response to the Government's consultation on strengthening protection for vulnerable adults, new legislation will be introduced to enshrine in law the need for each local area to work to a statutory SABs and we will set in train a programme of work to lead and support all agencies involved in safeguarding adults. There will also be a new cross Government ministerial group which will oversee the safeguarding of vulnerable adults, set priorities, work up new policy and provide national leadership.

Ms Keeble: To ask the Secretary of State for Health how many serious case reviews regarding safeguarding adults have taken place in each local authority in each of the last two years for which figures are available. [314051]

Phil Hope: The number of serious case reviews is not currently collected centrally.

We are informed by the Care Quality Commission (CQC) that, on 25 January 2010, recommendations were made to CQC's safeguarding committee to bring in procedures to collect data on all serious case reviews notified to CQC. Implementation is expected later this year.

Southend University Hospital NHS Foundation Trust

Bob Spink: To ask the Secretary of State for Health if he will visit Southend Hospital Trust to discuss (a) the time taken by nurses to respond to patient buzzers and (b) ways of improving standards of care on wards; and if he will make a statement. [314498]

Phil Hope: There are currently no plans to visit Southend University Hospital NHS Foundation Trust. Foundation trusts (FTs) are free from central Government control and accountable to Monitor for their operation. Boards are responsible for the day to day management of the trust, setting their own strategies and making their own decisions within a framework of national standards and local accountability. Any concerns or issues relating to the operation of an FT should be directed to the chairman of the organisation and the chairman of Monitor.

Strokes: Health Services

Jim Cousins: To ask the Secretary of State for Health how many and what proportion of stroke patients in each primary care trust area received thrombolysis treatment in the latest period figures are available; and when he expects the national target of 10 per cent. to be achieved. [313760]

Ann Keen: The latest period for which figures are available is 2008-09, coinciding with the first year of implementation of the stroke strategy, and these data have been placed in the Library. More recent information from the Safe Implementation of Thrombolysis in Stroke database suggests that, between 2007 and 2009, there has been a significant increase in the United Kingdom of the number patients treated with thrombolysis.

There is no national target for thrombolysis rates. This is a treatment that will only be suitable for a certain proportion of those who experience a stroke. For thrombolysis to be administered safely and with greatest effectiveness a number of conditions must apply, which are characteristic of a high quality stroke service as set out in the national stroke strategy. There has been good progress on all of these quality markers. We have taken steps such as the F.A.S.T campaign to raise awareness of the need to regard stroke as an emergency and the establishment of new elements of the payment by results tariff to give further support to the development of thrombolysis services.

WOMEN AND EQUALITY

Departmental NDPBs

Bob Spink: To ask the Minister for Women and Equality for how many non-departmental public bodies the Government Equalities Office is responsible. [314258]

Maria Eagle: The Government Equalities Office sponsors two non-departmental public bodies (NDPB), they are:
(i) The Equality and Human Rights Commission (EHRC)
(ii) The Women's National Commission (WNC)

The Equality and Human Rights Commission is an executive NDPB which exists under statute and has enforcement powers to stop discrimination whereas the Women's National Commission is an advisory NDPB and brings the voice of women to Government.

Equality and Human Rights Commission

Mr. Stewart Jackson: To ask the Minister for Women and Equality with reference to the answer to the hon. Member for Bromley and Chislehurst of 12 October 2009, *Official Report*, column 28W, on the Equality and Human Rights Commission, which private sector organisation was given permission to use the resources of the Commission; what payments that organisation made in respect of such usage; whether such usage was approved by a member of the Commission's board; and for what reason permission was given. [312053]

Maria Eagle: The Chair of the Commission, Trevor Phillips, was given permission to use Equality and Human Rights Commission (EHRC) offices for meetings in relation to non-Commission business on a maximum of six occasions per year. Since December 2007, only two such meetings were held at Commission premises, both in 2008. Following discussions, it was agreed to terminate this agreement in July 2009. No charge was made for the use of Commission's offices.

This arrangement was agreed by the former Chief Executive and Accounting Officer of the EHRC, Nicola Brewer.

This arrangement was made in view of the fact that the Chair was employed on a part-time basis and such use of the Commission building might occasionally be necessary in order to make optimal use of the Chair's time.

CABINET OFFICE

Aviation: Exhaust Emissions

Mr. Drew: To ask the Minister for the Cabinet Office what recent discussions she has had with the Advertising Standards Authority on its powers to verify claims made by airlines that they are able to prove a reduction in greenhouse gas emissions. [311957]

Joan Ruddock: I have been asked to reply.

None. The Advertising Standards Authority is an independent body regulated by the Office of Communications (Ofcom). The Department for Business, Innovation and Skills lead on issues regarding consumer protection, and share policy responsibility for Ofcom with the Department for Culture, Media and Sport.

Electoral Register

Chris Ruane: To ask the Minister for the Cabinet Office what the electoral registration rate was in each constituency in the UK, rated in descending order, in (a) 1997 and (b) the latest year for which figures are available. [311930]

Angela E. Smith: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Dennis Roberts, dated January 2010:

The Director General for the Office for National Statistics has been asked to reply to your question asking what the electoral regulation rate was in each constituency in the UK, rated in descending order, in (a) 1997 and (b) the latest year for which figures are available. I am replying in his absence. (311930)

The attached table shows the number of people who were registered to vote in parliamentary elections as a percentage of the estimated resident population aged 18 and over for each parliamentary constituency in the UK for 2007. This is the latest year for which estimates of the usually resident population are available by parliamentary constituency for the UK. Comparable figures are not provided for 1997 as population estimates by parliamentary constituency are only published from 2001 onwards. A copy of the table has been placed in the Library of the House.

These figures should not be interpreted as the electoral registration rate. The population eligible to vote in parliamentary elections includes British Citizens or qualifying Commonwealth citizens resident overseas and excludes foreign citizens (from outside the British Commonwealth and Republic of Ireland) resident within the UK.

In addition, figures for the registered electorate may be inflated because people who have more than one address may register in more than one place (e.g. students may register at parental and term-time addresses) and electoral registration officers vary in how quickly they remove people from the registers after they have moved away from an area or died. This may lead to percentages of over one hundred per cent and can affect the comparability of figures across parliamentary constituencies.

Public Bodies: Billing

Mr. Maude: To ask the Minister for the Cabinet Office whether an impact assessment has been made of the likely effects on public bodies of EU proposals to fine such bodies for not paying invoices on time. [312295]

Ms Rosie Winterton: I have been asked to reply.

The Department for Business, Innovation and Skills published an impact assessment on the EU proposal for combating late payment in commercial transactions in October 2009. It can be found at:

<http://www.berr.gov.uk/consultations/ria/index.html>

Survival Rate: Cancer

David Simpson: To ask the Minister for the Cabinet Office what the survival rate for each type of cancer was in (a) the UK, (b) each region of England, (c) Scotland, (d) Wales and (e) Northern Ireland (i) in 2000 and (ii) at the most recent date for which figures are available. [313645]

Angela E. Smith: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, dated 1 February 2010:

As Director General for the Office for National Statistics, I have been asked to reply to your recent question asking what the survival rate for each type of cancer was in (a) the UK, (b) each region of England, (c) Scotland, (d) Wales and (e) Northern Ireland (i) in 2000 and (ii) at the most recent date for which figures are available. [313645]

ONS does not produce cancer survival rates for (a) the UK. However, survival rates for breast, cervical and colorectal cancers in the UK for patients diagnosed in 1995-99 and followed up to 2001 were published in 2009 by the Organisation for Economic Co-operation and Development (OECD) in their 'Health at a Glance' publication.¹ and can be found on the OECD website at:

<http://www.oecd.org/dataoecd/32/7/43947803.xls>

The figures published by OECD for the UK may not be directly comparable with those published by ONS and other organisations for the constituent countries, because of differences in methodology.

The latest available one- and five-year survival rates for England, for 21 common cancers, for patients diagnosed in 2001-2006 and followed up to the end of 2007, are available on the National Statistics website at:

<http://www.statistics.gov.uk/StatBase/Product.asp?vlnk=14007>

Comparable survival rates for England for each preceding five year period back to 1998-2001 and followed up to 2003 can also be downloaded from this link.

The latest one- and five-year survival rates for eight common cancers by (b) government office region (and strategic health authority), for patients diagnosed in 1997-1999 and followed up to the end of 2004, are available on the National Statistics website at:

<http://www.statistics.gov.uk/statbase/Product.asp?vlnk=11991>

Comparable survival rates by government office region (and strategic health authority) for each preceding five year period back to 1994-1996 and followed up to 2001 can also be downloaded from this link.

Cancer survival rates for (c) Scotland are published by the Information Services Division, NHS Services Scotland. One-, three-, five- and ten-year survival rates by age group and period of diagnosis are produced for specific cancers. The latest information for patients diagnosed between 2000 and 2004 can be downloaded from this link:

<http://www.isdscotland.org/isd/183.html>

Cancer survival rates for (d) Wales are published by the Welsh Cancer Intelligence Surveillance Unit. One-, three- and five-year survival rates by period of diagnosis for individual cancers are produced. The latest information can be downloaded from this link:

<http://www.wales.nhs.uk/sites3/page.cfm?orgid=242&pid=28939>

Cancer survival rates for (e) Northern Ireland are published by the Northern Ireland Cancer Registry. One-, three-, five- and seven-year survival rates for the most common cancers are produced. The latest survival rates can be downloaded from this link:

[http://www.qub.ac.uk/research-centres/nicr/Data/Online Statistics/#d.en.26094](http://www.qub.ac.uk/research-centres/nicr/Data/Online%20Statistics/#d.en.26094)

¹ Woods L, Walters S, Steward, J, Gavin A, Cooper N, Brewster D, Coleman MP, Rachet B (2009) "Health at a Glance 2009 Organisation for Economic Co-operation and Development (OECD) Indicators: Cancer Survival for the UK": OECD

ENERGY AND CLIMATE CHANGE

Boilers: Wales

Jenny Willott: To ask the Secretary of State for Energy and Climate Change whether his Department has discussions with the Welsh Assembly Government on the guidance issued by his Department on the operation of the boiler scrappage scheme. [312846]

Joan Ruddock: Officials in the Department have shared guidance and analysis on the operation of the boiler scrappage scheme with officials in the Welsh Assembly Government.

Climate Change

David T.C. Davies: To ask the Secretary of State for Energy and Climate Change what historical data his Department uses in its climate change calculations. [311916]

Joan Ruddock: The Department of Energy and Climate Change draws on historical data provided in the published literature and by scientific experts, some under contract, as required.

Departmental Consultants

Gregory Barker: To ask the Secretary of State for Energy and Climate Change how much his Department has spent on strategic consultancy in (a) 2008-09 and (b) 2009-10. [311570]

Joan Ruddock: The Department for Energy and Climate Change has spent nothing on strategic consultancy in either 2008-09 or 2009-10.

Departmental Disclosure of Information

David Davis: To ask the Secretary of State for Energy and Climate Change which non-departmental public bodies for which his Department is responsible sell information on a commercial basis to (a) companies or individuals in the private sector and (b) other organisations. [313223]

Joan Ruddock: The Coal Authority is a public sector data holder and provider accredited by the Information Fair Trader Scheme. It provides a statutory information-provision service on a cost-recovery basis and charges for commercial information-provision at market rates consistent with fair-trade rules. It supplies information to a range of customers including companies, private individuals and other organisations.

Departmental Manpower

Mr. Philip Hammond: To ask the Secretary of State for Energy and Climate Change how many layers of management reporting from the most senior to the most junior there are in his Department; how many officials are employed in each such layer; and how much was spent on salaries and associated employment costs of staff at each such layer in the latest year for which information is available. [312833]

Joan Ruddock: The Department of Energy and Climate Change was created in October 2008 with staff from DEFRA and BERR. A single staffing structure was introduced from August 2009. This consists of seven layers below the senior civil service (administrative assistant, administrative officer, executive officer, higher executive officer, senior executive officer, Grade 7 and Grade 6) and four layers within the senior civil service (permanent secretary, director general, director and head of team). There are additionally a number of specialist grades among economists and statisticians—however, these have equivalents within the named layers.

The Department cannot provide information on staff numbers or salary costs by layer except at disproportionate cost.

Departmental Meetings

Sarah Teather: To ask the Secretary of State for Energy and Climate Change how many meetings he and his officials have had with their Treasury counterparts since December 2009 on the introduction of a feed-in tariff for micro-combined heat and power; and if he will make a statement. [314534]

Mr. Kidney: The ministerial team and officials from DECC regularly discuss the development of policies, including the proposed feed-in tariffs policy, with colleagues from other Departments including HM Treasury.

Electricity

Mr. Goodwill: To ask the Secretary of State for Energy and Climate Change (1) what mechanisms are in place to encourage consumers to improve their power factor; and whether he has plans to bring forward proposals for further incentives; [312345]

(2) if he will make an assessment of the merits of increasing the level of charges levied on consumers for excess reactive power in respect of the likely effects of such an increase on consumers' power factors. [312346]

Mr. Kidney [holding answer 21 January 2010]: Business consumers of electricity with poor power factors require more network capacity. This increases the initial cost of connecting to an electricity network and gives such customers an incentive to install power factor correction equipment to reduce these costs—it is for customers however to judge whether the cost of this equipment is justified.

Reactive energy 'consumption' is highest in industrial premises with poor power factors. Under their licences, electricity distribution network operators (DNOs) must have a common set of cost reflective charging arrangements for lower voltages, including for reactive power, in place by 1 April 2010 (arrangements for the highest voltage levels will be put in place by 1 April 2011).

Under this common charging methodology, DNOs will be obliged to charge all eligible customers with a poor power factor. Any increase in the level of charges could be expected to improve consumers' power factors and therefore reduce reactive power consumption. However any increase in charges would need to be demonstrated to be cost reflective.

Energy: Prices

Jim Cousins: To ask the Secretary of State for Energy and Climate Change what steps he is taking to prevent the closure of social tariff schemes by energy suppliers. [313755]

Mr. Kidney: Help with energy bills, including social tariffs and rebates, are some of the support measures that suppliers provide through the voluntary agreement negotiated by Government in 2008. This support has provided real help to the lives of some of the most vulnerable.

This is why we announced we would place the voluntary agreement on a statutory footing, and increase the resources suppliers are required to make available, when the voluntary agreement ends in March 2011. Primary

legislation to enable this is currently before Parliament as part of the Energy Bill, and subject to the successful passage of the Bill we will require suppliers to spend £300 million by 2013-14. This will mean additional help for more of the most vulnerable.

Fuel Poverty

Mr. Drew: To ask the Secretary of State for Energy and Climate Change what estimate he has made of the number of households in (a) Stroud constituency and (b) Gloucestershire which (i) were in fuel poverty in the latest period for which figures are available, (ii) have come out of fuel poverty since 1997 and (iii) re-entered fuel poverty since 1997. [310978]

Mr. Kidney: In 2006, the most recent year for which sub-regional figures are available, there were around 4,200 fuel poor households in Stroud, and 24,000 fuel poor households living in Gloucestershire. Corresponding figures for 1996 are not available.

Fuel poverty estimates are derived from a survey, which provides a means of producing aggregate data on numbers of households in fuel poverty, but does not allow for details of individual households moving in to or out of fuel poverty to be monitored, as a different sample of households are surveyed each year.

In England as a whole, fuel poverty has reduced from 5.1 million households in 1996, to 2.8 million households in 2007.

Government Departments: Energy

Paul Holmes: To ask the Secretary of State for Energy and Climate Change pursuant to the answer of 18 January 2010, *Official Report*, column 134W, on government departments: energy, which Departments have (a) applied for and (b) been awarded a grant through the (i) Low Carbon Technology Programme and (ii) Salix finance scheme; and how much funding has been awarded to each Government department through each scheme. [312797]

Joan Ruddock [*holding answer 25 January 2010*]: The information requested is as follows:

(i) The following central Government Departments and their agencies have applied for and been allocated funding from the Low Carbon Technology Programme for 2009-10. Every Department that applied for funding has received some level of funding. The amounts that they have been granted are listed:

	Funding (£)
Cabinet Office (including the COI)	873,000
Communities and Local Government (including grants to Government office for the north-east and Government office for the west midlands)	954,000
Ministry of Justice (Crown Prosecution Service)	164,000
Department for Children, Schools and Families	196,000
Department for Transport (Vehicle and Operator Services Agency)	192,000
Department of Health	326,000
Foreign and Commonwealth Office	244,000
HM Revenue and Customs	1,975,000
HM Treasury	18,000

	Funding (£)
Home Office	591,000
Ministry of Defence (including the Met Office)	8,451,000
Forestry Commission	1,525,000

Although this funding has been allocated to Departments for a range of projects, the actual spend amounts may be different, as the cost of work and capital items may be subject to change.

(ii) Through the Salix Finance scheme, the following Government Departments have applied for a repayable grant in 2009/10, and have had their applications approved. The Home Office applied for funding but has since withdrawn its application as it has found funding from its own budgets. The Ministry of Defence has applied for funding since the previous PQ was answered.

	£
MOD	2,700,000
DECC	182,000
MOJ (including National Offender Management Service)	2,523,000
DWP	451,000
BIS	516,000
Cabinet Office	1,317,000

These funds have been committed to the Departments by Salix Finance, though final amounts spent may change.

Hinkley Point C Power Station

Mr. Liddell-Grainger: To ask the Secretary of State for Energy and Climate Change with reference to his Department's letter to the hon. Member for Bridgwater of 7 December 2009 on Hinkley C, whether the decision on whether proposed associated facilities can be given consent as associated development under the Planning Act 2008 will ultimately be a matter for the Infrastructure Planning Commission. [314043]

Mr. Kidney: My right hon. Friend the Secretary of State's letter of 7 December 2009 provided general guidance on the nature of associated development and associated facilities, and did not represent specific guidance in relation to the potential application for a new nuclear power station at Hinkley Point C.

Where a national policy statement has effect, the Planning Act 2008 provides that it is for the Infrastructure Planning Commission to decide whether development is "associated development" in accordance with s.115 of the Act and having regard to any guidance issued by the Secretary of State. This guidance is currently set out in the 'Guidance on associated development', issued in September 2009, which includes examples of associated facilities and development as set out in Annex A of the following link:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/guidanceassocdevelopment.pdf>

Where an NPS is not yet designated, the Infrastructure Planning Commission would consider the application for associated development and facilities as part of their consideration of the application before making a recommendation to the Secretary of State for a decision.

Mr. Liddell-Grainger: To ask the Secretary of State for Energy and Climate Change whether the prohibition on obtaining consent for dwellings referred to in his Department's letter to the hon. Member for Bridgwater of 7 December 2009 on Hinkley C extends to (a) a prohibition on consent for housing falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 and (b) a prohibition on the granting of consent under the Planning Act 2009 for construction worker accommodation. [314081]

Mr. Kidney: My right hon. Friend the Secretary of State's letter of 7 December 2009, provided general guidance on the nature of associated development and associated facilities, and did not represent specific guidance in relation to the potential application for a new nuclear power station at Hinkley Point C.

Under the Planning Act 2008, a development consent order for nationally significant infrastructure can cover "associated development". For these purposes, "associated development" excludes the construction or extension of one or more dwellings. Where the decision maker is the Infrastructure Planning Commission (IPC), the IPC has to take its decision in accordance with section 115 of the Planning Act 2008 and have regard to the "Guidance on associated development", issued by the Secretary of State in September 2009.

Where an NPS is not yet designated, the Infrastructure Planning Commission would consider the application for associated development and facilities as part of their consideration of the application before making a recommendation to the Secretary of State for a decision.

Industrial Diseases: Compensation

Mr. Tom Clarke: To ask the Secretary of State for Energy and Climate Change how much has been paid in compensation to coalminers and their families in Coatbridge, Chryston and Bellshill constituency from each of his Department's two major personal injury compensation schemes since May 2005. [314419]

Mr. Kidney: The amount of compensation paid to coalminers and their families in Coatbridge, Chryston and Bellshill constituency under Coal Health Compensation schemes for chronic obstructive pulmonary disease (COPD) and vibration white finger (VWF) since May 2005 is shown in the following table.

	<i>COPD</i>	<i>£ million</i> <i>VWF</i>
Total damages paid	3.7	1.3

Micro-Combined Heat and Power

Mr. David Anderson: To ask the Secretary of State for Energy and Climate Change whether he and his officials have had meetings with colleagues at the Treasury on the introduction of a feed-in tariff for micro-combined heat and power since December 2009; and if he will make a statement. [310988]

Mr. Kidney: The DECC ministerial team, DECC officials and I, regularly discuss the development of

policies, including the proposed feed-in tariffs policy, with colleagues from other Departments including HM Treasury.

Microgeneration

Gregory Barker: To ask the Secretary of State for Energy and Climate Change which working groups and committees have been advising his Department on the Microgeneration Certification Scheme. [312472]

Joan Ruddock [*holding answer 21 January 2010*]: The Microgeneration Certification Scheme (MCS) is overseen by the MCS Steering Group and has 10 technical working groups which develop standards and advise the MCS Steering Group on technical matters in relation to microgeneration products and installations.

Members of the MCS Steering Group represent stakeholders that have a relevant interest in the microgeneration industry. They include representatives of all the key trade associations in the microgeneration industry, consumer groups, UKAS (United Kingdom Accreditation Service), MCS Certification Bodies, SummitSkills, The Energy Saving Trust, The Carbon Trust, manufacturers, devolved Administrations and the Department of Energy and Climate Change.

The technical working groups report to the MCS Steering Group. They are made up of experts on standards, and other technical experts in each relevant field. Each technical working group has its own chair.

The 10 MCS technical working groups are:

- WG1 Solar Thermal;
- WG2 Solar Photovoltaic;
- WG3 Wind;
- WG4 Micro Hydro;
- WG5 Biomass;
- WG6 Heat Pumps;
- WG7 Micro CHP;
- WG8 Renewable CHP;
- WG9 Fuel Cells;
- WG10 Roofing Issues.

Gregory Barker: To ask the Secretary of State for Energy and Climate Change what process was used to elect the Chair of the Microgeneration Certification Scheme; and what the role of the Chair of the Scheme is. [312473]

Joan Ruddock [*holding answer 21 January 2010*]: The Chair of the MCS Steering Group is elected by members of the Microgeneration Certification Scheme (MCS) Steering Group. Members of the MCS Steering Group represent stakeholders that have a relevant interest in the microgeneration industry.

The election process requires members of the MCS Steering Group to put forward nominations for the post of Chair. Nominees do not have to be members of the MCS Steering Group but must meet criteria appropriate for the post. The Steering Group members are sent ballot papers by post and asked to vote for one nominee. The process is managed by Gemserv, the MCS Administrator.

The current Chair, Gideon Richards, was appointed by this process on 22 June 2009. The role of the MCS

Steering Group Chairman is to chair all MCS Steering Group meetings. He undertakes to put key MCS decisions to a vote of the Steering Group and ensures that new MCS standards, and revisions to MCS standards, are approved by MCS Steering Group members.

The wider remit of the Chair of the MCS Steering Panel is to ensure that the needs of consumers, industry, certification bodies, manufacturers and other stakeholders are carefully balanced and that the MCS standards are maintained and developed in line with European and international requirements.

Dr. Pugh: To ask the Secretary of State for Energy and Climate Change how many Microgeneration Certification Scheme certificates have been issued to installers. [314337]

Joan Ruddock: As of 22 January 2010, Gemserv (MCS Administrator) has issued 519 MCS certificates to installer companies.

Dr. Pugh: To ask the Secretary of State for Energy and Climate Change what estimate he has made of the average cost to an installer of microgeneration products of the steps necessary to attain certification under the Microgeneration Certification Scheme. [314393]

Joan Ruddock: The cost for installer companies to become MCS certificated includes a range of variables, such as the type of technology being installed, the certification body's costs, quality assurance systems already in place, as well as other factors. An installer company can contact a MCS certification body—see list of CBs at:

<http://www.microgenerationcertification.org/Certification+Bodies>

to seek an estimate of likely costs for their specific requirements.

Product certification includes the following elements:

(a) Manufacturer to ensure that it meets the scheme requirements (MCS standards).

(b) Factory production control assessment.

(c) Verification of test protocols.

Further information is available on the scheme's website:

<http://www.microgenerationcertification.org>

Wind Power

Mr. Lancaster: To ask the Secretary of State for Energy and Climate Change what his Department's estimate is of the number of off-shore wind farms to be licensed over the next 10 years. [313955]

Mr. Kidney: It is not possible to estimate the number of licence applications that might be made over the next 10 years for offshore wind farms, because this will depend on the number of projects brought forward by developers. It is also not possible to know how many applications will then receive the necessary development consent orders, as the success of an application depends on a whole range of factors.

HOME DEPARTMENT

Airguns

Andrew Rosindell: To ask the Secretary of State for the Home Department how many air weapons have been seized by police in each year since 1997. [312758]

Mr. Alan Campbell: This data is not collected centrally.

Alcoholic Drinks: Prosecutions

Mr. Hunt: To ask the Secretary of State for the Home Department how many under 18-year-olds have been (a) arrested, (b) cautioned and (c) prosecuted for alcohol-related offences in each year since 1997. [313621]

Mr. Alan Campbell [holding answer 27 January 2010]: Information showing the number of offenders aged 10 to 17 years cautioned and proceeded against in England and Wales for alcohol-related offences from 1997 to 2007 (latest available) can be viewed in the following table.

The information requested on arrests is not collected centrally. The arrests collection held by the Home Office covers arrests for recorded crime (notifiable offences) only, broken down at a main offence group level, covering categories such as violence against the person and robbery.

Data for 2008 will be available very soon.

Number of persons aged 10 to 17 years cautioned and the number of persons proceeded against at magistrates courts for alcohol related offences¹, England and Wales, 1997 to 2007

	Cautioned ^{2,3}	Proceeded against ⁴
1997	3,325	3,324
1998	3,102	3,339
1999	2,677	3,579
2000	2,428	3,869
2001	2,337	4,209
2002	2,129	4,081
2003	2,440	4,324
2004	2,550	3,988
2005	1,927	3,321
2006	1,535	3,188
2007	1,664	3,380

¹ Includes offences of: Drunkenness, simple; Drunkenness, with aggravation; Offence by licensed person, etc.; Driving after consuming alcohol or taking drugs. Other offences against Intoxicating Liquor Laws.

² From 1 June 2000 the Crime and Disorder Act 1998 came into force nationally and removed the use of cautions for persons under 18 and replaced them with reprimands and warnings. These figures have been included in the totals.

³ The cautions statistics relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been cautioned for two or more offences at the same time the principal offence is the more serious offence.

⁴ The prosecutions statistics relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences the principal offence is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

Note:

Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

Source:

Justice Statistics Analytical Services—Ministry of Justice.

Asylum: Rape

Harry Cohen: To ask the Secretary of State for the Home Department what (a) national guidelines and (b) international agreements apply to women seeking asylum who have been rape victims; what account is taken of the provisions of such guidelines and agreements in assessing such applications; in what circumstances such women may be deported if their asylum applications fail; and what (i) support and (ii) advice is provided for such women who are held in immigration removal centres. [311434]

Mr. Woolas: All asylum and human rights claims, including those from women who assert they have been, or fear becoming, victims of rape are carefully considered in accordance with the UK's obligations under the 1951 refugee convention and the European convention on human rights (ECHR) and the UK's immigration rules. Every case is considered on its individual merits in the light of country of origin information based upon published and respected sources which are regularly reviewed and updated.

Although gender is not listed as a basis on which asylum can be sought under the 1951 convention, in some cases gender may be a factor in recognising membership of a "particular social group" or an identifying characteristic of such a group and there are forms of harm that are more frequently or only used against women and which may amount to persecution.

The UK Border Agency's case owner foundation training programme covers gender issues in the asylum claim and in addition case owners receive instruction on dealing sensitively with asylum applicants who claim to have been tortured or raped. There is specific written guidance for asylum decision makers on gender issues and victims of trafficking.

Where a decision has been made that a person does not require international protection, and there are no remaining rights of appeal or obstacles to their return, we expect unsuccessful asylum seekers to return voluntarily to their country of origin. If they do not return voluntarily we may seek to enforce their return.

All detainees arriving at an immigration removal centre are advised of their right to legal representation and how such representation can be obtained within 24 hours of arrival, and they are able to apply for bail as often as they wish.

Advice and support available to detainees held at Yarl's Wood, the main removal centre for women and families, include:

- twice-weekly legal advice surgeries funded by the Legal Services Commission;

- two full-time welfare officers;

- pastoral care provided by the on-site religious team;

- an on-site counsellor; and

- weekly focus groups where detainees can raise any concerns/issues/topics.

Borders: Personal Records

Chris Huhne: To ask the Secretary of State for the Home Department what the estimated number of passenger movements (a) into and (b) from the UK was in each of the last five years; and what percentage of them were subject to (i) an entry and (ii) an exit check. [306313]

Alan Johnson [*holding answer 14 December 2009*]: This capability is currently being rolled out through the e-Borders programme. We estimate that e-Borders is currently tracking, in advance of travel, 100 million passengers annually, which is equivalent to 45 to 50 per cent. of all passenger movements into and out of the UK. This figure is pending formal verification by statisticians.

The estimated numbers of passenger movements into and out of the UK by air, sea and Channel Tunnel are compiled by the Department for Transport and are available in their publication *Transport Statistics Great Britain: 2009 Edition*, which can be found at the following weblink:

<http://www.dft.gov.uk/pgr/statistics/datatablespublications/tsgb/>

A copy is available in the House Library.

Over the last five years the total estimated numbers of passenger arrivals and departures by air, sea and Channel Tunnel are as follows:

	Total number of passenger movements			Million
	Air	Sea	Channel Tunnel	Total
2004	167.1	26.6	15.1	208.8
2005	178.0	24.7	15.5	218.2
2006	185.4	24.5	15.5	225.4
2007	192.0	24.8	16.2	233.0
2008	189.8	24.3	16.3	230.4

Source:

Transport Statistics Great Britain: 2009 Edition—Table 2.2b (air), Table 5.11 (sea) and Table 6.8 (Channel Tunnel)

All passengers who seek entry or admission to the UK are subject to entry checks at the Border before being allowed into the UK.

Embarkation checks at the Border are carried out on an intelligence led basis. UKBA does not routinely record the numbers of passengers processed during these operations.

Closed Circuit Television: Local Government

Mr. Stewart Jackson: To ask the Secretary of State for the Home Department what guidance his Department and its agencies has given to local authorities on the use of CCTV cameras fitted with microphones. [311794]

Mr. Alan Campbell: No guidance has been issued by the Home Office. However, the Information Commissioner has included guidance on the use of CCTV cameras with microphones in his CCTV code of practice.

The code of practice offers guidance to all operators of CCTV cameras to ensure compliance with the Data Protection Act 1998. In addition, the Information Commissioner's Office provides guidance to any Data Controller in response to specific queries, which could include queries relating to the operation of CCTV cameras.

Departmental Internet

Chris Grayling: To ask the Secretary of State for the Home Department how much his Department spent on its website in 2009-10. [313559]

Alan Johnson: The Home Office website is
www.homeoffice.gov.uk

The amount spent on the main site and Home Office sub-sites is forecast to be £762,000 for the 2009-10 financial year.

Departmental Public Expenditure

Chris Grayling: To ask the Secretary of State for the Home Department pursuant to the answer of 18 January 2010, *Official Report*, column 32W, on departmental public expenditure, what forms of advertising the £2,453,007 spent in respect of the immigration points-based system was spent on. [313460]

Alan Johnson [holding answer 26 January 2010]: The introduction of the points based system (PBS) was a fundamental overhaul of our immigration system. In February 2008, the Home Office launched an advertising campaign to raise awareness of this among employers, and make them aware of their new obligations. The campaign consisted of three phases:

Phase one ran from 29 February to 31 March 2008. Advertising ran in national and trade press, on commercial radio and online.

Phase two: 21 July to 21 September 2008. This phase of the campaign included TV, radio, trade press, online and e-newsletter advertising, along with some direct mail (online and trade press continued into November).

Phase three: 19 January to 2 February 2009 consists of trade press advertising and online display advertising (trade and national press sites). There was also an online search optimisation programme that ran throughout January and February.

Jim Cousins: To ask the Secretary of State for the Home Department what expenditure his Department has incurred on plans for the containment of the effects of nuclear, biological and chemical agent contamination in each of the last three years; and what estimate he has made of such expenditure in 2009-10. [313898]

Mr. Hanson: We do hold figures specifically on the containment of the effects of contamination. Expenditure on work to respond to and recover from a chemical, biological, radiological and nuclear (CBRN) terrorist attack, including containment of the effects of contamination, was: £57.5 million in 2007-08; £56.2 million in 2008-09; and £56.1 million in 2009-10 to date.

Departmental Training

Grant Shapps: To ask the Secretary of State for the Home Department how many sessions of media training were organised for Ministers in his Department in each of the last three years. [312024]

Mr. Woolas: The number of media sessions that Ministers of the Home Department have attended over the last three years comes to a total of four.

DNA: Databases

Damian Green: To ask the Secretary of State for the Home Department how many samples not linked to a personal profile there were on the National DNA Database on the latest date for which figures are available. [313455]

Mr. Alan Campbell: If this question refers to the number of crime scene sample profiles on the National DNA Database (NDNAD) that have not matched to a subject sample profile, then at 31 December 2009, there were 354,132 crime scene sample profiles on the NDNAD which had been submitted by police forces in England and Wales. Of these, 144,522 had not matched with a subject profile.

The data provided are management information and have not been formally assessed for compliance with the Code of Practice for Official Statistics.

Entry Clearances

Dr. Evan Harris: To ask the Secretary of State for the Home Department what proportion of appeals against visa refusal decisions made by the (a) Nairobi and (b) Islamabad visa section were allowed in (i) January 2009, (ii) April 2009, (iii) July 2009 and (iv) October 2009. [312088]

Mr. Woolas: The information requested is given in the following tables. Immigration statistics for October 2009 will be published on 25 February.

UKBA monitors closely the reasons why appeals were overturned and uses the information to improve decision making quality.

<i>Nairobi</i>				
<i>Allowed appeals</i>				
<i>Post</i>	<i>Report year</i>	<i>Report month</i>	<i>Number</i>	<i>Percentage</i>
Nairobi	2009	January	17	31
Nairobi	2009	April	42	49
Nairobi	2009	July	30	28
<i>Islamabad</i>				
<i>Allowed appeals</i>				
<i>Post</i>	<i>Report year</i>	<i>Report month</i>	<i>Number</i>	<i>Percentage</i>
Islamabad	2009	January	1,375	54
Islamabad	2009	April	1,426	43
Islamabad	2009	July	1,142	46

Entry Clearances: Overseas Students

Mr. Hayes: To ask the Secretary of State for the Home Department if he will place in the Library a copy of his Department's guidance to immigration officials relating to admission policy at port of entry for students where the authenticity of the documentation supplied is under question. [311457]

Mr. Woolas: I have arranged for the general guidance available to Border Force Officers who encounter passengers presenting suspect passports and travel documentation, to be placed in the Library.

Where a Border Force Officer has concerns regarding the documentation presented by a passenger, they will refer to a specially trained Forgery Officer. If it is established that a document is not genuine, or that the passenger is not entitled to hold it, they will be refused leave to enter.

Mr. Sharma: To ask the Secretary of State for the Home Department whether applicants from South Asia for visas to study in the UK received a face-to-face interview prior to the issue of a visa from the beginning of December 2008 to December 2009. [311862]

Mr. Woolas: All applicants for a visa must attend a centre to provide fingerprints, photographs and other information. Our key principle is to lock in identity by biometrics. Entry Clearance Officers retain the option of requiring the applicant to attend an interview.

Entry Clearances: Tourism

Mr. Sanders: To ask the Secretary of State for the Home Department pursuant to the answer of 18 January 2009, *Official Report*, columns 44-5W, on visas: tourism, what the pilot schemes demonstrated to be the single most important driver to encouraging tourist visa applications. [312867]

Mr. Woolas: The pilot schemes identified no single most important driver to encourage tourist visa applications.

EU Immigration

Paul Holmes: To ask the Secretary of State for the Home Department what recent assessment he has made of the effectiveness of co-operation between his Department and EU institutions on immigration (a) policy and (b) operations. [311245]

Mr. Woolas: The Home Office is continuously engaged in close and effective cooperation with the EU institutions.

In the last six months the Home Office has successfully negotiated the next five-year EU work programme on Justice and Home Affairs, known as the Stockholm Programme, which reflects many UK priorities in the area of immigration and asylum policy.

We also engage in valuable practical and operational co-operation with EU partners, for example:

access to the Eurodac database, which has allowed the UK to remove over 8,850 asylum seekers to other member states since 2004;

negotiation of Readmission agreements between the EU and third countries to effect returns of illegal immigrants;

joint operations to protect EU borders organised by Frontex, the European Border Agency;

participating in visits to Ghana, Nigeria, Belarus and Kenya to enhance dialogue on migration issues and leading the first successful 'cooperation platform on migration' with Ethiopia to help build its capacity to tackle illegal immigration and human trafficking.

Graffiti: Coventry

Mr. Jim Cunningham: To ask the Secretary of State for the Home Department what steps the Government have taken to reduce the incidence of graffiti in Coventry in the last 12 months. [313925]

Mr. Alan Campbell: The Government have provided practitioners in all areas with a wide range of tools and powers to tackle anti-social behaviour including graffiti. For example we have introduced a ban on the sale of spray paints to under 16's in an attempt to tackle the source of the problem by taking away the means to graffiti. Local agencies can also take action against perpetrators by using a variety of antisocial behaviour interventions such as acceptable behaviour contracts and antisocial behaviour orders that can specifically prohibit individuals from doing certain things such as buying or possessing spray cans and visiting certain areas at certain times. We know that the tools and powers work and many areas are using them effectively to make a difference in local communities.

Coventry Community Safety Partnership has an overarching strategy and action plan to tackle and reduce antisocial behaviour (ASB) in the city, which has been developed and is delivered through a range of agencies who are members of a Coventry ASB strategic group. Coventry ASB Team utilises the full range of the tools and powers available to tackle antisocial behaviour. In addition Coventry's ASB action plan include tackling environmental crime, committed for example through fly tipping, graffiti and waste disposal: this is delivered by the enviro crime unit and city services action plans.

Homicide

Mr. Grieve: To ask the Secretary of State for the Home Department how many offences were recorded as homicide committed by a stranger attributable to quarrel, revenge or loss of temper in each year since 1997-98. [313335]

Mr. Alan Campbell: Available information is from the Homicide Index and relates to the number of homicides recorded by police in England and Wales (including British Transport Police where the offence was committed in England or Wales). The latest homicide chapter, published on 21 January 2010 and available at:

<http://www.homeoffice.gov.uk/rds/pdfs10/hosb0110.pdf>

looks at the position as at 24 November 2009. Included within this is a breakdown of currently recorded homicides by relationship of victim to principal suspect and apparent circumstances of offence for the period 1998-99 to 2008-09 (Table 1.06). This is reproduced in the following table, extended to include offences recorded in 1997-98.

Offences currently¹ recorded as homicide by apparent circumstances and relationship of victim to principal suspect: England and Wales 1997-98 to 2008-09²

Number

Apparent circumstances ³	Year offence initially recorded as homicide ²											
	1997-98	1998-99	1999-2000	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09
<i>Acquaintance</i>												
Quarrel, revenge or loss of temper	255	249	176	220	232	195	213	225	172	211	254	229
In furtherance of theft or gain	11	14	7	7	15	11	20	14	16	12	16	21

Offences currently¹ recorded as homicide by apparent circumstances and relationship of victim to principal suspect: England and Wales 1997-98 to 2008-09²

Number

<i>Apparent circumstances³</i>	<i>Year offence initially recorded as homicide²</i>											
	<i>1997-98</i>	<i>1998-99</i>	<i>1999-2000</i>	<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>	<i>2003-04</i>	<i>2004-05</i>	<i>2005-06</i>	<i>2006-07</i>	<i>2007-08</i>	<i>2008-09</i>
Attributed to acts of terrorism ⁵	0	0	0	0	0	0	0	0	0	0	0	0
While attempting to restrain or arrest individual ⁶	0	0	0	0	0	0	0	0	0	0	0	0
The result of offences of arson	1	1	1	2	4	1	7	7	4	6	6	5
Other circumstances ⁷	37	32	46	59	59	55	33	53	29	48	54	22
Irrational act ⁸	30	18	16	12	19	26	23	27	11	15	23	19
Not known ⁹	51	85	118	111	85	116	109	107	110	88	82	79
Total	385	399	364	411	414	404	405	433	342	380	435	375
<i>Stranger⁴</i>												
Quarrel, revenge or loss of temper	73	73	73	90	114	97	105	94	77	108	135	117
In furtherance of theft or gain	32	30	28	84	45	37	31	28	24	19	34	24
Attributed to acts of terrorism ⁵	0	0	3	0	0	0	0	0	52	0	0	0
While attempting to restrain or arrest individual ⁶	1	0	2	2	0	4	1	1	0	1	2	0
The result of offences of arson	1	0	3	4	6	9	5	16	7	4	6	1
Other circumstances ⁷	29	47	50	48	56	232	78	58	51	38	46	39
Irrational act ⁸	4	3	1	0	4	5	4	9	3	11	5	6
Not known ⁹	82	90	148	126	156	155	142	141	155	155	90	89
Total	222	243	308	354	381	539	366	347	369	336	318	276
<i>All relationships⁴</i>												
Quarrel, revenge or loss of temper	328	322	249	310	346	292	318	319	249	319	389	346
In furtherance of theft or gain	43	44	35	91	60	48	51	42	40	31	50	45
Attributed to acts of terrorism ⁵	0	0	3	0	0	0	0	0	52	0	0	0
While attempting to restrain or arrest individual ⁶	1	0	2	2	0	4	1	1	0	1	2	0
The result of offences of arson	2	1	4	6	10	10	12	23	11	10	12	6
Other circumstances ⁷	66	79	96	107	115	287	111	111	80	86	100	61
Irrational act ⁸	34	21	17	12	23	31	27	36	14	26	28	25
Not known ⁹	133	175	266	237	241	271	251	248	265	243	172	168

Offences currently¹ recorded as homicide by apparent circumstances and relationship of victim to principal suspect: England and Wales 1997-98 to 2008-09²

Number

Apparent circumstances ³	Year offence initially recorded as homicide ²											Number
	1997-98	1998-99	1999-2000	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	
Total	607	642	672	765	795	943	771	780	711	716	753	651

¹ As at 24 November 2009; figures are subject to revision as cases are dealt with by the police and by the courts, or as further information becomes available.

² Data are shown according to the year in which they were initially recorded as homicide by police. This is not necessarily the year in which the offence took place or the year in which any court decisions were made.

³ In some cases, the circumstances of a homicide could be classified in more than one row in the table and an assessment has been made of the principal circumstances, against which the offence is shown.

⁴ Including cases where there is no suspect.

⁵ Offences "attributed to acts of terrorism" include all bombings and political assassinations so attributed even where there is no individual suspect and also other homicides where there are strong grounds for believing that the suspects were terrorists. All 52 homicides recorded in 2005-06 relate to the 7 July London bombings.

⁶ Homicides "while attempting to restrain or arrest individual" only include cases where a police officer or a person actively assisting a police officer was killed. Cases in which an innocent bystander was killed during an arrest, or where it is thought that a member of the public may have been killed while attempting to apprehend the killer for some offence when no police officer was present, are included in "other circumstances".

⁷ It is not possible to show separately offences committed in the course of furtherance of a sexual attack as there is often insufficient information available.

⁸ The presented category "irrational act" no longer includes cases where circumstances were considered to be "motiveless".

⁹ Includes cases where no rational motive has been identified. Where no suspect has been found it is not always possible to establish the circumstances in which a homicide was committed or the reason for its commission.

Mr. Grieve: To ask the Secretary of State for the Home Department how many people convicted of homicide in each year since 1997-98 had previously been convicted of homicide; and what the (a) name of the offender, (b) date of first offence, (c) sentence for first offence, (d) release date, (e) date of second offence and (f) sentence for second offence was in each case.

[313336]

Mr. Straw: I have been asked to reply.

Much of the requested information is available from the Home Office's Homicide Index, which holds information about all offences initially recorded as homicide by police in England and Wales. Latest available statistics are presented in the Home Offices Statistics Bulletin "Homicides, Firearm Offences and Intimate Violence 2008/09", released on 21 January 2010 and which can be found at:

<http://www.homeoffice.gov.uk/rds/pdfs/l0/hosb0110.pdf>.

The term "homicide" covers the offences of murder, manslaughter and infanticide.

Table 1 replicates part of Table 1.11 from this Bulletin. It reflects the position as at 24 November 2009 and shows the numbers of suspects who were convicted of a homicide offence that had been recorded between 1998-99 and 2008-09 and who had previously been convicted of a homicide offence. The data includes all previous homicide convictions (where known) wherever they took place, but the second offence must have occurred in England and Wales to be included in this analysis.

Table 1: Suspects convicted of homicide, 1998-99 to 2008-09, who had been convicted of homicide on a previous occasion, by year in which second homicide offence was committed, England and Wales^{1,2}

Year in which second homicide offence was recorded	Number of offenders
1998-99	1
1999-2000	8
2000-01	1
2001-02	0
2002-03	2
2003-04	4
2004-05	4
2005-06	8
2006-07	2
2007-08	1
2008-09	0

Table 1: Suspects convicted of homicide, 1998-99 to 2008-09, who had been convicted of homicide on a previous occasion, by year in which second homicide offence was committed, England and Wales^{1,2}

Year in which second homicide offence was recorded	Number of offenders
Total	31

¹ Data are as at 24 November 2009; figures are subject to revision as cases are dealt with by the police and by the courts, or as further information becomes available.

² Data are shown according to the year in which police initially recorded the offence as homicide, which is not necessarily the year in which the offence took place or the year in which any court decision was made.

According to data held on the Homicide Index, two of these offenders received indeterminate sentences for public protection for their second homicide offences, one received an immediate custodial sentence of 14 years, and a fourth received a Restriction Order under the Mental Health Act 1983. The remainder received life sentences.

Table 2 shows, for the offenders covered in Table 1, the year in which their previous homicide offence was recorded.

Table 2: Suspects convicted of homicide, 1998-99 to 2008-09, who had been convicted of homicide on a previous occasion, by year in which first homicide offence was committed, England and Wales^{1,2}

Year in which first homicide offence was recorded	Number of offenders
1971	1
1973	1
1975	1
1977	1
1979	3
1982	1
1983	1
1985	1
1986	1
1988	1
1989	1
1991	2
1992	1
1993	4
1996	2
1997	2
1998	2
2000	2
2001	2

Table 2: Suspects convicted of homicide, 1998-99 to 2008-09, who had been convicted of homicide on a previous occasion, by year in which first homicide offence was committed, England and Wales^{1,2}

Year in which first homicide offence was recorded	Number of offenders
2002	1
Total	31

¹ Data are as at 24 November 2009; figures are subject to revision as cases are dealt with by the police and by the courts, or as further information becomes available.

² Data are shown according to the year in which police initially recorded the offence as homicide, which is not necessarily the year in which the offence took place or the year in which any court decision was made.

One of the offenders shown in Table 2 received a Restriction Order for his first homicide offence. For a further three offenders the custodial sentence lengths are not recorded on the Homicide Index. The custodial sentences given to the remaining offenders are shown in Table 3.

Table 3: Suspects convicted of homicide, 1998-99 to 2008-09, who had been convicted of homicide on a previous occasion, by length of custodial sentence on previous occasion, England and Wales

Sentence length for first occasion	Number of offenders
Over 12 months and up to and including 18 months	2
Over 18 months and up to and including three years	0
Over three years and less than four years	1
Four years	3
Over four years and up to and including five years	4
Over five years and up to and including 10 years	4
Over 10 years and less than life	1
Indeterminate sentence	0
Life	12

None of the 31 offenders identified on the Homicide Index as having been convicted of homicide between 1998-99 and 2008-09 with a previous homicide conviction, have been released from prison, according to data held by the Ministry of Justice.

Under the Data Protection Act 1998 we are unable to release personal information about individual offenders.

Hotels

Chris Huhne: To ask the Secretary of State for the Home Department how many hotel room bookings were made (a) by his Department and (b) on his Department's behalf in 2009; what the cost was to his Department of such bookings; and what estimate he has made of the cost of agents' fees in connection with such bookings; and if he will make a statement. [312734]

Alan Johnson: All hotel bookings by and on behalf of the Home Department, United Kingdom Border Agency (UKBA) and Criminal Records Bureau (CRB) are made through our currently contracted agents. The total number of hotel room bookings for 2009 were 40,229.

The cost to the Department, UKBA and CRB of hotel bookings was £3,672,695, equating to an average room rate of £91.

For the period from January to November 2009 (December 2009 information is not yet available), the total fee of the third party agents relating to booking hotel accommodation for Home Office headquarters, CRB and UKBA is estimated as £144,469.

Information on the number of hotel room nights booked by the Identity and Passport Service (IPS) for 2009 can be obtained only at disproportionate cost. The total cost of hotel bookings to IPS for 2009 was £1,169,066.47.

IPS does not pay any third party agent booking fees for booking hotel accommodation.

Expenditure is incurred in accordance with the principles of Managing Public Money and the Treasury handbook on Regularity and Propriety.

Human Trafficking

Mr. Hancock: To ask the Secretary of State for the Home Department what steps his Department has taken to inform the public about methods of informing authorities about suspected victims of trafficking. [313615]

Mr. Alan Campbell: The UK Human Trafficking Centre's 'Blue Blindfold' campaign has been used to raise awareness of trafficking and to encourage people to report suspicions to Crimestoppers or the police. Campaigns have been held in Westminster, Nottingham, Leeds and Bristol. Information is also available on-line

www.blueblindfold.co.uk

Human Trafficking: Children

Mr. Hancock: To ask the Secretary of State for the Home Department how many potential victims of trafficking under the age of 18 years have been accommodated by local authorities in each year since 1999. [313616]

Mr. Alan Campbell: Information on the number of potential child trafficking victims accommodated by local authorities in each year since 1999 is not recorded centrally. However since the National Referral Mechanism came into operation on 1 April 2009, and up to 31 December 2009, centrally held data shows that 81 potential victims of trafficking under the age of 18 were accommodated by local authorities.

Independent Safeguarding Authority

Mr. Maude: To ask the Secretary of State for the Home Department what estimate he has made of the number of applications the Independent Safeguarding Authority will process in its first 12 months. [312374]

Meg Hillier: For the period July 2010 to 31 March 2011 we currently forecast that approximately 1,100,000 individuals will apply to become ISA-registered through the Criminal Records Bureau. It is forecast that there will be relevant information on approximately 30,000 of these applicants which the ISA will need to consider. It is further estimated that the ISA will receive an additional 21,000 referrals from employers and other regulatory bodies or auto-bar cases that will also require its consideration.

Members: Correspondence

Sir Gerald Kaufman: To ask the Secretary of State for the Home Department when he plans to reply to the letter of 9 November 2009 from the right hon. Member for Manchester, Gorton with regard to Ms S. Riaz. [309156]

Alan Johnson: On 29 September, my right hon. Friend wrote a letter on behalf of Mr. Frederick Opoku, to which I issued a response on 10 November. His subsequent letter of 9 November on behalf of Mr. Opoku's representative (Ms Riaz) was not responded to as the query was answered in the reply of 10 November.

On 30 November, my right hon. Friend wrote a further letter on behalf of Mr. Opoku, to which I issued a detailed response on 12 January.

Mr. Hands: To ask the Secretary of State for the Home Department when the UK Border Agency plans to respond to the letter from the hon. Member for Hammersmith and Fulham dated 3 November 2009, on behalf of his constituent, Mr Bujar Mehmeti. [312426]

Mr. Woolas: The UK Border Agency wrote to the hon. Member on 8 January 2010.

National Identity Register

Mr. Maude: To ask the Secretary of State for the Home Department whether (a) biometric and (b) personal data of individuals stored on the National Identity Register will be removed from the Register if (i) they die and (ii) they decide not to renew their identity card. [312174]

Meg Hillier: Information will be retained for as long as is necessary, but only where it is consistent with the statutory purposes set out in the Identity Cards Act 2006. For example, the Identity Cards Act 2006 provides that the date of death may be held on the National Identity Register. This information may be required to help prevent an individual's identity being stolen after death.

Police: Security

Mr. Liddell-Grainger: To ask the Secretary of State for the Home Department what normal level of security clearance is required for UK nationals involved in dealing with human resources for police forces. [306346]

Mr. Hanson: The Association of Chief Police Officers provides vetting guidelines for the Police Service. Individual police forces are responsible for undertaking police vetting at a suitable level for the role. Levels of security for particular posts are a decision for individual chief police officers.

Prisoners: Foreigners

Alan Duncan: To ask the Secretary of State for the Home Department how many foreign national prisoners have been detained under immigration powers in (a) immigration removal centres and (b) prison for over 12 months. [313211]

Mr. Woolas: In 2009, for an average month, approximately 550 foreign national prisoners were detained in prison beyond the end of their sentence—so called time-served prisoners. In addition, for an average month, approximately 1,250 foreign national prisoners were detained in a UK Border Agency Removal Centre (IRC) (including Dover, Haslar and Lindholme). Of these two cohorts, for an average month in 2009, approximately a fifth is likely to have been detained for more than a year after the end of their sentence. This detention will have been in a prison, an IRC or a combination of both.

Protective Clothing

Jim Cousins: To ask the Secretary of State for the Home Department how many (a) nuclear, (b) biological and (c) chemical agent contamination protective clothing kits were available to civil authorities at the latest date for which figures are available. [313897]

Mr. Hanson: The Home Office has provided over 28,000 protective suits to the police services. Fire and ambulance services currently have over 17,000 and 12,000 suits respectively. Each of the emergency responders has different personal protective equipment suits, designed to meet their specific and differing needs.

Racial Harassment: Preston

Mr. Hendrick: To ask the Secretary of State for the Home Department what measures for the prevention of racial harassment his Department has introduced since 1997; and how many times these powers have been used in Preston. [310998]

Mr. Alan Campbell: Since 1997, the Government have introduced the following pieces of legislation to tackle racial harassment: the Crime and Disorder Act 1998 (as amended by the Anti-Terrorism, Crime and Security Act 2001); the Race Relations Act 2000, and the Criminal Justice Act 2003. The figures on the use of the powers relevant to this group of legislation are available at police force area level only. Therefore, the data in the following table provides information on Lancashire police force area and are reflective of the steps that both central and local government are taking to address significant underreporting of hate crime, including racist hate crime.

Number of defendants proceeded against at the magistrates courts for selected offences in the Lancashire police force area, 1998 to 2007^{1, 2}

Description	Statute	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Racially aggravated wounding or inflicting grievous bodily harm (inflicting bodily injury with or without weapon)	Offences against the Person Act 1861 s.20 as amended by Crime and Disorder Act 1998 s.2991(a) and (2)	—	—	2	1	—	—	1	—	—	—

Number of defendants proceeded against at the magistrates courts for selected offences in the Lancashire police force area, 1998 to 2007^{1, 2}

<i>Description</i>	<i>Statute</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Racially aggravated actual bodily harm (assaults occasioning ABH)	Offences against the Person Act 1861 s.47 as amended by Crime and Disorder Act 1998 s.29(1)(b) and (2)	—	4	10	9	10	12	8	11	15	20
Racially Aggravated Common Assault	Crime and Disorder Act 1998 s.29(1)(c) and (3)	1	3	11	14	20	27	43	36	35	68
Racially aggravated intentional harassment, alarm or distress	Public Order Act 1986 s.4A as amended by Crime and Disorder Act 1998 s.31(1)(b) and (4)	—	6	13	16	22	20	25	29	74	69
Racially Aggravated Offence of Harassment	Protection from Harassment Act 1997 s.2 as amended by Crime and Disorder Act 1998 s.32(1)(a) and (3)	—	—	3	3	7	16	11	11	4	4
Racially Aggravated putting people in fear of violence	Protection from Harassment Act 1997 s.4 as amended by Crime and Disorder Act 1998 s.32(1)(b) and (4)	—	—	3	3	2	1	—	2	1	1
Racially or religiously aggravated malicious wounding or GBH	Offences Against the Person Act 1861 s.20 as amended by Crime and Disorder Act 1998 s.29(1)(a) and (2)	—	—	—	—	—	5	3	4	12	8
Racially or religiously aggravated ABH	Offences Against the Person Act 1861 s.47 as amended by Crime and Disorder Act 1998 s.29(1)(b) and (2)	—	—	—	—	—	7	1	2	1	1
Racially or religiously aggravated common assault	Common Law and Crime and Disorder Act 1998 s.29(1)(c) and (3)	—	—	—	—	—	1	3	2	8	11
Racially or religiously aggravated intentional harassment, alarm or distress	Public Order Act 1986 s.4A as amended by Crime and Disorder Act 1998 s.31(1)(b) and (4)	—	—	—	—	—	3	1	13	6	10

Number of defendants proceeded against at the magistrates courts for selected offences in the Lancashire police force area, 1998 to 2007^{1, 2}

<i>Description</i>	<i>Statute</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Racially or religiously aggravated offence of harassment	Protection from Harassment Act 1997 s.2 as amended by Crime and Disorder Act 1998 s.32(1)	—	—	—	—	—	—	1	1	—	1
Racially or religiously aggravated putting people in fear of violence	Protection from Harassment Act 1997 s.4 as amended by Crime and Disorder Act 1998 s.32(1)	—	—	—	—	—	—	—	1	1	—
Racially aggravated other criminal damage	Criminal Damage Act 1971 s.1(1) as amended by Crime and Disorder Act 1998 s.30(1) and (2)	1	7	6	25	24	31	21	22	34	25
Racially or religiously aggravated other criminal damage	Criminal Damage Act 1971 s.1(1) as amended by Crime and Disorder Act 1998 s.30(1) and (2)	—	—	—	—	1	3	3	3	1	5
Racially aggravated fear or provocation of violence	Public Order Act 1986 s.4 as amended by Crime and Disorder Act 1998 s.31(1)(a) and (4)	—	11	22	39	62	50	50	46	42	45
Racially or religiously aggravated fear or provocation of violence	Public Order Act 1986 s.4 as amended by Crime and Disorder Act 1998 s.31(1)(a) and (4)	—	—	—	—	—	—	3	2	10	5
Racially aggravated harassment, alarm or distress	Public Order Act 1986 s.5A as added by Crime and Disorder Act 1998 s.31(1)(c) and 5	4	24	51	80	63	97	100	130	199	175
Racially or religiously aggravated harassment, alarm or distress	Public Order Act 1986 s.4A as added by Crime and Disorder Act 1998 s.31(1)(c) and (5)	—	—	—	—	—	4	7	14	23	19
Total		6	55	121	190	211	277	281	329	466	467

¹ The figures given in the table on court proceedings relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been found guilty of two or more offences it is the offence for which the heaviest penalty is imposed. Where the same disposal is imposed for two or more offences, the offence selected is the offence for which the statutory maximum penalty is the most severe.

² Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by the courts and police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

Source:

Justice Statistics Analytical Services—Ministry of Justice.

Serious Organised Crime Agency: Manpower

Damian Green: To ask the Secretary of State for the Home Department how many Serious Organised Crime Agency warranted officers were based in each overseas country on 1 December 2009. [313505]

Mr. Alan Campbell: The Serious Organised Crime Agency has approximately 140 officers based overseas. Their specific locations cannot be disclosed for reasons of operational sensitivity.

SOCA officers are not designated as 'warranted'. They are designated as having the powers of a police officer, an immigration officer or the customs powers of revenue and customs. They do not exercise those powers while based overseas.

Sex Establishments: Licensing

Mr. Stewart Jackson: To ask the Secretary of State for the Home Department whether licensed premises which already have permission to undertake lap dancing as an activity in their premises licence will have that right grandfathered once the new regulatory regime for the regulation of lap dancing and other sexual entertainment venues is commenced. [313893]

Mr. Alan Campbell: On 21 September 2009 the Home Office launched a 12-week consultation on the transitional arrangements for provisions relating to sexual entertainment venues introduced by section 27 of the Policing and Crime Act 2009. As part of the consultation the Government proposed that where the provisions are adopted by a local authority all existing lap dancing clubs and similar venues in that area would be required to apply for a sexual entertainment venue licence. Under this proposal existing operators would not be granted 'grandfather rights'.

The consultation closed on 14 December 2009 and the responses are currently being reviewed. A summary of responses and the outcomes of the consultation will be published in February.

Terrorism

Mr. Evans: To ask the Secretary of State for the Home Department how many people have been released from custodial sentences handed down for terrorism offences following a successful appeal in each of the five years. [314351]

Mr. Hanson [*holding answer 29 January 2010*]: The Home Office does not hold statistics which are recorded in this way. However, the Home Office does collate statistics on the number of terrorism arrests, charges and convictions and these are included in a Bulletin published for the first time on 13 May 2009 (Statistics on Terrorism Arrests and Outcomes Great Britain 11 September 2001 to 31 March 2008). The first edition of the Bulletin is available at:

<http://www.homeoffice.gov.uk/rds/pdfs09/hosb0409.pdf>

The second issue of the Bulletin was published on 26 November 2009 and is available via the following link:

<http://www.homeoffice.gov.uk/rds/pdfs09/hosb1809.pdf>

CHILDREN, SCHOOLS AND FAMILIES

Departmental Finance

Michael Gove: To ask the Secretary of State for Children, Schools and Families how much of his Department's capital budget for 2010-11 was brought forward to 2009-10; and how much of this budget he estimates will be spent in 2009-10. [303982]

Ms Diana R. Johnson [*holding answer 3 December 2009*]: The Department's capital budget for 2010-11 that was brought forward to 2009-10 was £969 million aggregation in the following table:

<i>Capital budget 2009-10</i>	
<i>Schools:</i>	<i>£ million</i>
Primary Capital	107
Devolved	681
Targeted	151
<i>Children and Families</i>	
Play capital	30
Total	969

We continue to encourage local authorities to spend the entirety of these allocations by the end of March 2010.

Departmental Internet

Grant Shapps: To ask the Secretary of State for Children, Schools and Families how much has been spent on (a) strategy and planning, (b) design and build, (c) hosting and infrastructure, (d) content provision and (e) testing and evaluation for his Department's websites in each of the last three years; and what budget has been allocated for such activities in 2009-10. [309908]

Ms Diana R. Johnson: The predicted budget for the Department's websites (the DCSF corporate website, including the Every Child Matters site, Governornet and Teachernet) in 2009/10 is £506,466.

The other requested information cannot be provided without incurring disproportionate cost.

Departmental Manpower

Mr. Philip Hammond: To ask the Secretary of State for Children, Schools and Families how many layers of management reporting from the most senior to the most junior there are in his Department; how many officials are employed in each such layer; and how much was spent on salaries and associated employment costs of staff at each such layer in the latest year for which information is available. [312834]

Ms Diana R. Johnson: The pay and grading structure consists of six pay bands below the Senior Civil Service. There are four pay bands in the Senior Civil Service including Permanent Secretary with the option to use an additional pay band at Deputy Director level. The number of management layers varies across the Department based on business need and not all of the pay bands are reflected in teams. The latest information on staff numbers by pay band can be found at the Office for National Statistics website:

<http://www.statistics.gov.uk/StatBase/Product.asp?vlnk=2899&Pos=&ColRank=1&Rank=422>

Information on total pay bill can be found in the latest published DCSF Resource Accounts

<http://www.dcsf.gov.uk/aboutus/reports/resource.shtml>

The information is not broken down by pay band and could be obtained only at disproportionate cost.

Departmental Public Consultation

Grant Shapps: To ask the Secretary of State for Children, Schools and Families how many citizens' juries or summits have been hosted by his Department since October 2008; on what date each event took place; and which Ministers were present at each event. [314591]

Ms Diana R. Johnson: The Department for Children, Schools and Families conducted its only citizen's jury in 2007 and followed this with 11 related deliberative debates between 29 September 2007 and 13 September 2008 to ensure that the views of parents and young people were reflected in the development and implementation of the Children's Plan.

The Department organised the citizen's jury at Bristol Brunei Academy on 6 September 2007. 38 people participated, including children, young people and teachers from Bristol Brunei Academy; and parents and local practitioners working with children. The Prime Minister and the Secretary of State took part in the event.

Schools: Health Services

Mrs. Moon: To ask the Secretary of State for Children, Schools and Families (1) if he will require mainstream schools to have a member of staff trained in the administration of emergency medication for pupils with epilepsy; [313889]

(2) if he will take steps to end the practice in mainstream schools of the automatic post-seizure hospitalisation of pupils with epilepsy; [313890]

(3) if he will make it his policy to require mainstream schools to follow the new guidance on managing medicines in schools. [313891]

Ms Diana R. Johnson: We would expect schools to work with parents and their local PCT to arrange training that is appropriate to the needs of the pupils and the staff involved.

We are revising our guidance "Managing Medicines in Schools and Early Years Settings" on support measures for children with health conditions during their attendance at school. This will include advice on appropriate steps to take following an epileptic seizure, bearing in mind the severity and duration of the seizure, and with reference to the child's individual care plan. As in the current guidance, there is no presumption that all seizures will automatically require hospitalisation.

The Department encourages schools to put in place arrangements to support pupils with medical conditions, such as epilepsy, but does not intend to introduce a new legal duty to do so. The revised guidance aims to offer schools and settings appropriate advice and information to supplement the necessary training and support from other agencies. The guidance will include clear statements of good practice for those involved in supporting pupils with medical conditions, including schools and primary care trusts.

South West

Mr. Sanders: To ask the Secretary of State for Children, Schools and Families with which private companies in the South West his Department has contracts for the provision of goods and services; and what the (a) monetary value and (b) purpose of each such contract is. [314212]

Ms Diana R. Johnson: The information requested could be supplied only at disproportionate cost.

Young Offenders

Chris Grayling: To ask the Secretary of State for Children, Schools and Families pursuant to the answer of 21 January 2010, *Official Report*, column 464W, on young offenders, how many people aged between (a) 10 and 12, (b) 13 and 15 and (c) 16 and 17 years-old received their first conviction in each year since 2000-01. [313819]

Mr. Coaker [holding answer 28 January 2010]: The number of young people, aged (a) and (b) 10 to 15 and (c) 16 to 17, receiving their first reprimand, warning or conviction who have been convicted and received immediate custodial sentence, processed by English or Welsh Police forces, (and percentage of year total) can be found in the following table:

Number of young people aged 10-17 receiving their first reprimand, warning or conviction who have been convicted and received immediate custodial sentence, processed by English or Welsh Police forces, (and percentage of year total)

Age at time of offence	2000-01		2001-02		2002-03		2003-04		2004-05	
	No.	%								
10-15	99	23.1	120	29.1	108	23.6	96	24.7	101	24.6
16-17	330	76.9	293	70.9	349	76.4	293	75.3	309	75.4
Total	429	100	413	100	457	100	389	100	410	100
	2005-06		2006-07		2007-08		2008-09			
Age at time of offence	No.	%								
10-15	73	18.6	74	19.8	78	19.7	102	27.1		
16-17	320	81.4	300	80.2	318	80.3	275	72.9		
Total	393	100	374	100	100	100	396	100	377	100

Young people aged 10-12 could not be included separately in the above table due to the very small numbers in this group. Any young person who has have previously received a reprimand, warning or conviction and who then went on to receive an immediate custodial sentence will not be included in the figures in the table—since DCSF do not hold that data. An equivalent breakdown by age bands is not available for offenders living in England only, due to the method used to allocate records where insufficient address data are available.

CHURCH COMMISSIONERS

Religious Practice: Recordings

Mr. Hurd: To ask the hon. Member for Middlesbrough, representing the Church Commissioners what assessment the Church Commissioners have made of the effect of the Government's proposed changes to exemptions from public performance rights in sound recordings and performers' rights on (a) religious worship and (b) church halls. [314849]

Sir Stuart Bell: My understanding is that there is no proposal to end the current exemption from the requirement to obtain a music licence for music used in 'divine service'. I have not assessed the possible impact of charges being introduced for church halls but Christian Copyright Licensing International, which handles copyright on behalf of churches, will in due course provide updates on the Government's proposed changes (which have yet to be debated by Parliament) and their potential effect on churches.

I would urge the Government to avoid adverse effects on churches given their vital contribution to the wellbeing of our communities and our nation.

TREASURY

Bank Services: Afghanistan

Mr. Gordon Prentice: To ask the Chancellor of the Exchequer what discussions he has had with his counterpart in Dubai concerning large deposits or money transfers from Afghan nationals; and if he will make a statement. [313782]

Sarah McCarthy-Fry: There have not been any recent ministerial discussions related to particular deposits or transfers involving Afghan nationals.

However HMG holds regular discussions with the Emirati authorities on various issues related to the integrity of the financial system, including issues of financial crime. The UK encourages all jurisdictions to work towards full compliance with the international standards on anti-money laundering and countering the finance of terrorism set by the Financial Action Task Force.

Coinage: Forgery

Mr. Gregory Campbell: To ask the Chancellor of the Exchequer what information his Department provides to the public on identification of (a) counterfeit coins and (b) new coinage brought into circulation. [314421]

Sarah McCarthy-Fry: The Royal Mint is responsible for the manufacture of UK coinage. 'A guide for identifying genuine coins' and information on 'UK decimal coins issued into general circulation up to 2008' are available on the Royal Mint's website:

www.royalmint.com

as is the 2008-09 Annual Report which contains data on the 'Issues of circulating coins 2008-09' and the 'Estimated Value and number of coins in circulation March 2009'.

Departmental Public Consultation

Grant Shapps: To ask the Chancellor of the Exchequer how many citizens' juries or summits have been hosted by his Department since October 2008; on what date each event took place; and which Ministers were present at each event. [314595]

Sarah McCarthy-Fry: I refer the hon. Member to the answer given by the former Exchequer Secretary (Angela Eagle) on 22 July 2008, *Official Report*, column 1392W, to the hon. Member for Fareham (Mr. Hoban).

Employee Benefit Trusts

Dr. Cable: To ask the Chancellor of the Exchequer pursuant to the answer of 15 December 2009, *Official Report*, column 1007W, on employee benefit trusts, for what reasons HM Revenue and Customs does not keep a record of the number of loans taken from employee benefit trusts. [314689]

Mr. Timms: There is no legal requirement for the trustees of an Employee Benefit Trust to notify HM Revenue and Customs of loans made to beneficiaries.

Dr. Cable: To ask the Chancellor of the Exchequer pursuant to the answer of 11 January 2010, *Official Report*, column 779W, on tax avoidance, for what reasons HM Revenue and Customs does not record the amounts contributed to employee benefit trusts. [314690]

Mr. Timms: There is no legal requirement for companies or trustees to notify HM Revenue and Customs of amounts contributed to an employee benefit trust.

EU Budget

Mr. Bone: To ask the Chancellor of the Exchequer what estimate he has made of the UK's net contribution to the European Union in (a) 2008-09, (b) 2009-10 and (c) 2010-11. [314597]

Ian Pearson: The latest projections for the UK's net contribution to the EU budget for the stated years can be found in footnote 3 of Table B15 of the pre-Budget report.

EU Economic and Financial Affairs Council

Jim Cousins: To ask the Chancellor of the Exchequer what taxation issues were (a) on the agenda and (b) discussed at the Economic and Financial Affairs Council on 19 January 2010; and what position the Government took on each such issue. [313906]

Mr. Timms: The ECOFIN agenda and discussion covered a number of proposals concerned with improving exchange of information and mutual assistance in tax matters. These comprised amendments to the savings directive, new directives on administrative cooperation and the recovery of tax debts, and proposals for anti-fraud and tax cooperation agreements with Liechtenstein, Monaco, Andorra, San Marino and Switzerland.

The Government broadly support the proposed package, which reflects the G20 priority to tackle cross-border tax evasion established at the London Summit in April 2009. ECOFIN reached agreement on the recovery directive and will continue its discussions on the rest of the package at a subsequent meeting.

HM Revenue and Customs

Mr. Liddell-Grainger: To ask the Chancellor of the Exchequer (1) how many forms HM Revenue and Customs generated about changes of jobs in (a) 2006, (b) 2007, (c) 2008 and (d) 2009; [312153]

(2) what percentage of those who paid tax through the Pay-As-You-Earn system had more than one income source in (a) 2006, (b) 2007, (c) 2008 and (d) 2009; [312321]

(3) what percentage of employers did not operate changed tax codes for their employees in (a) 2006, (b) 2007, (c) 2008 and (d) 2009. [312336]

Mr. Timms: The information requested is available only at disproportionate cost, as the data is not centrally held by HM Revenue and Customs' systems.

Income Tax

Peter Bottomley: To ask the Chancellor of the Exchequer what estimate he has made of the number of people likely to be affected by the new 50 per cent. tax band. [314046]

Mr. Timms: Budget 2009 announced that an additional rate of income tax of 50 per cent. would apply to total income in excess of £150,000 from April 2010, with a rate of 42.5 per cent. for dividend income.

Around 260,000 individuals are projected to have taxable income above £150,000 in 2010-11.

Figures are based on the 2006-07 Survey of Personal Incomes and projected in line with pre-Budget 2009 assumptions. The projection excludes any estimate of behavioural response.

Income Tax: Rebates

Jim Cousins: To ask the Chancellor of the Exchequer what assessment he has made of the performance of the Taxback programme operated by HM Revenue and Customs; and how many pensioners have claimed back overpaid tax on savings income to date. [313263]

Sarah McCarthy-Fry: I refer the hon. Gentleman to the answer I gave on 18 January 2010, *Official Report*, column 196W, to the hon. Member for Northavon (Steve Webb).

Insolvency

Mr. Hollobone: To ask the Chancellor of the Exchequer in his Department's forecasts of future economic growth, what account is taken of the increase in business insolvencies which has followed past recessions. [314500]

Sarah McCarthy-Fry: The Treasury's forecast of economic growth takes into account a broad range of factors that are important for the outlook of the corporate sector including the rate of company liquidations. Box A4 in the 2009 pre-Budget report makes reference to the rate of company liquidations.

Monetary Policy

Mr. Spring: To ask the Chancellor of the Exchequer what the unrealised loss has been to the Exchequer of the indemnity which has been given to the Bank of England Asset Purchase Facility Fund to cover its losses. [313858]

Sarah McCarthy-Fry: The Bank of England will publish accounts for the Asset Purchase Facility (APF) alongside their annual accounts for the year ending February 2010. HM Treasury will include the implications of the APF for Treasury resources, that is the profit or loss of the APF based on valuations of APF assets at balance sheet date, in its annual accounts for the year ending 31 March 2010. Any profit or loss on the APF will only crystallise once the fund is wound up.

Part-time Employment

Jim Cousins: To ask the Chancellor of the Exchequer what assistance he provides through the taxation and tax credits system to people with part-time jobs of less than 16 hours per week; and how many people worked for less than 16 hours per week in each of the last three years. [313757]

Mr. Timms: People working part-time benefit from the personal allowance, which means they can earn up to £6,475 a year without being liable for income tax. As a result, someone working 16 hours a week on a wage of up to £7.80 an hour, well above the national minimum wage, will pay no income tax at all. Families with children, regardless of whether or not the parents work, can also benefit from child tax credit and child benefit.

Working tax credit is designed to create incentives for people to enter into and progress in work. It is only available to people working 16 hours a week or more, as working for less than 16 hours a week is less likely to create a strong attachment to the labour market and lead to sustainable employment.

The Annual Survey of Hours and Earnings (ASHE), published by the Office for National Statistics, and available at:

http://www.statistics.gov.uk/downloads/theme_labour/ASHE-2009/tab1_9a.xls

shows that nine out of 10 employees in the UK work for more than 16 hours a week.

PAYE

Mr. Liddell-Grainger: To ask the Chancellor of the Exchequer how many Pay-As-You-Earn coding notices were issued to (a) employers and (b) individuals in (i) 2006, (ii) 2007, (iii) 2008 and (iv) 2009. [312156]

Mr. Timms: The information requested is available only at disproportionate cost, as the data is not centrally held by HM Revenue and Customs' systems.

Revenue and Customs

Jim Cousins: To ask the Chancellor of the Exchequer how many staff the HM Revenue and Customs Large Business Service had in each year since 2006; how many cases it dealt with in each of those years; and what the taxation yield of the service was in each of those years. [313761]

Mr. Timms: The requested information is provided in the following table.

	2005-6	2006-7	2007-8	2008-9
Staff in HMRC's Large Business Services (LBS)	1,826	1,60	1,704	1,524
Cases with the LBS at 31 March	n/a	2510	777	771
Yield (£ million)	3,580.5	3,932.6	4,963.8	4,903.5

n/a = Not available

Tax Allowances

Mr. Liddell-Grainger: To ask the Chancellor of the Exchequer how many individual taxpayers claimed benefits-in-kind or paid business expenses in (a) 2006, (b) 2007, (c) 2008 and (d) 2009; and what total amount was claimed in each year. [313966]

Mr. Timms: This information requested is not available by calendar year. However, information about taxable expenses and benefits-in-kind for 2006-07 and a projection for 2007-08 is available at:

http://www.hmrc.gov.uk/stats/taxable_benefits/table4-5-2006-Q7.pdf

This information will be updated on 31 March 2010 and will include a projection for the 2008-09 tax year.

Tax Avoidance

Jim Cousins: To ask the Chancellor of the Exchequer how many disclosures have been made under the onshore account disclosure facility since the Finance Act 2009 came into force. [313903]

Mr. Timms: HM Revenue and Customs (HMRC) do not recognise the term "Onshore Disclosure Facility".

In April 2007, HMRC launched the Offshore Disclosure Facility, enabling investors with offshore accounts to disclose tax due on income and gains not previously included in their returns. Around 45,000 individuals disclosed by the 26 November 2007 deadline. The facility recovered over £400 million in unpaid revenue. HMRC is pursuing those with offshore accounts who did not come forward under the arrangements, and has so far recovered a further £50 million.

In September 2009, HMRC launched a new disclosure opportunity (NDO). This is a second and final disclosure opportunity. By the notification deadline of 4 January 2010, 10,000 people registered to use the NDO. Registered individuals now have until 12 March to complete their disclosures and pay what they owe.

Jim Cousins: To ask the Chancellor of the Exchequer what expenditure on (a) advertising and (b) staff has been incurred in respect of HM Revenue and Customs' New Disclosure Opportunity; and how many disclosures have been made under this facility to date. [313904]

Mr. Timms: HM Revenue and Customs' (HMRC) total media spend for the New Disclosure Opportunity (NDO), excluding VAT and fees, was £542,298.52.

HMRC estimate that staff time equivalent to a cost of £393,000 has been spent in 2009-10 on call handling, disclosure processing and project management of work under the NDO. HMRC undertook this work as part of their normal business activity.

By the notification deadline of 4 January 2010, 10,000 people registered to use the NDO. Registered individuals now have until 12 March to complete their disclosures and pay what they owe.

Jim Cousins: To ask the Chancellor of the Exchequer what factors he took into account in reaching his decision not to incorporate a general anti-avoidance principle in taxation law. [313908]

Mr. Timms: The Government keep all taxes under review, including the possibility of introducing a general anti-avoidance rule (GAAR).

Following an extensive consultation on the possibility of a GAAR in 1998, the Government made the decision not to introduce a GAAR at that time in the light of responses received.

The factors considered include how a GAAR would work in conjunction with existing extensive anti-avoidance provisions; how it would affect new avoidance legislation going forward; and, whether, as in some countries with a GAAR, a special clearance system would be required.

Taxation: Holiday Accommodation

Mr. Sanders: To ask the Chancellor of the Exchequer (1) what estimate has been made of the proportion of UK taxpayers with income from furnished holiday lettings in the UK who reside in the South West; [309687]

(2) how many UK taxpayers obtained furnished holiday letting revenue from properties in the European Economic Area in 2008-09. [309688]

Mr. Timms: HM Revenue and Customs' (HMRC) administrative systems do not record the location of properties let under furnished holiday lettings rules and whether they are situated in the UK or the European Economic area. It is estimated that 20 per cent. of UK taxpayers with income from furnished holiday lettings (in the UK or the European Economic Area) have a correspondence address in the South West.

Taxation: Self-assessment

Mr. Liddell-Grainger: To ask the Chancellor of the Exchequer (1) how many individuals have been switched out of self-assessment in (a) 2006, (b) 2007, (c) 2008 and (d) 2009; [312155]

(2) what criteria are used to determine whether a self-assessment case requires manual processing;. [312332]

(3) what percentage of self-assessment forms were (a) incomplete and (b) completed incorrectly in (i) 2006, (ii) 2007, (iii) 2008 and (iv) 2009; [312335]

(4) what the five most common errors made by individuals completing self-assessment forms were in (a) 2006, (b) 2007, (c) 2008 and (d) 2009. [312406]

Mr. Timms: Following a review of self-assessment in April 2004 HM Revenue and Customs (HMRC) introduced revised criteria for completion of self-assessment tax returns. As a result, many customers with straightforward tax affairs were no longer required to complete an annual tax return. The number of individuals who have automatically been taken out of self-assessment is provided in the following table.

	<i>Number of individuals taken out of self-assessment</i>
2005-06	285,584
2006-07	214,667
2007-08	190,453
2008-09	196,017

Manual processing is required where a self-assessment main tax return is filed on paper. Returns filed electronically do not require manual processing and short tax returns filed on paper are subject to automated data capture.

A self-assessment tax return can be regarded as incomplete for a number of reasons, for example: no signature or missing supplementary pages. HMRC will send these back to the taxpayer for completion. HMRC will correct obvious errors made by the taxpayer; for example:

- Where the taxpayer transposes figures;
- Puts a decimal point in the wrong place;
- Makes arithmetical errors; or
- Incorrectly records national insurance benefits.

Information on the number of incomplete or incorrect returns is available only at disproportionate cost, as the data are not centrally held by HMRC's systems.

Based on the sampling undertaken as part of the Department's monthly quality monitoring exercise, the five most common errors made by individuals completing self-assessment forms were:

In 2005-06 failing to:

1. declare the correct amount of national insurance benefits on the return;
2. complete all the relevant boxes on the trust page;
3. include the amount of underpayment from an earlier year included in the PAYE code for a later year;
4. claim fixed rate expenses; and
5. include details of in-year repayments already received.

In 2006-07 failing to:

1. declare the correct amount of national insurance benefits on the return;
2. complete all the relevant boxes on the trust page;
3. include the amount of underpayment from an earlier year included in the PAYE code for a later year;
4. correctly complete boxes on the return; and
5. include details of in year repayments already received.

In 2007/08 failing to:

1. declare the correct amount of national insurance benefits on the return;
2. include the amount of underpayment from an earlier year included in the PAYE code for the return year;
3. claim fixed rate expenses;
4. include details of in year repayments already received; and
5. include the amount of underpayment from an earlier year included in the PAYE code for a later year.

In 2008-09 failing to:

1. declare the correct amount of national insurance benefits on the return;
2. include the amount of underpayment from an earlier year included in the PAYE code for the return year;
3. include the amount of underpayment from an earlier year included in the PAYE code for a later year;
4. claim fixed rate expenses; and
5. complete the tax paid on pension income on the SA return.

Taxation: Self-assessment and PAYE

Mr. Liddell-Grainger: To ask the Chancellor of the Exchequer (1) how many people paying tax through (a) self-assessment and (b) pay-as-you-earn were (i) overcharged and (ii) undercharged in (A) 2006, (B) 2007, (C) 2008 and (D) 2009; and what the difference was between the amount charged and the amount owed in each case in each such year; [312328]

(2) how many people were affected by errors in the (a) self-assessment and (b) pay-as-you-earn system in (i) 2006, (ii) 2007, (iii) 2008 and (iv) 2009; [312329]

(3) how many (a) pay-as-you-earn and (b) self-assessment cases there were in which the tax remitted did not match the end-of-year information in (i) 2006, (ii) 2007, (iii) 2008 and (iv) 2009; [312330]

(4) how many coding errors there were in respect of the (a) self-assessment and (b) pay-as-you-earn system in (i) 2006, (ii) 2007, (iii) 2008 and (iv) 2009. [312407]

Mr. Timms: The information requested is available only at disproportionate cost, as the data is not centrally captured by HM Revenue and Customs' systems.

Mr. Liddell-Grainger: To ask the Chancellor of the Exchequer (1) how many of the self-assessment forms filed in (a) September and (b) January were processed manually in (i) 2006, (ii) 2007, (iii) 2008 and (iv) 2009; [313941]

(2) what recent estimate he has made of the cost to his Department of processing self-assessment forms filed in (a) September and (b) January; [313942]

(3) how many self-assessment forms were filed in respect of the (a) September and (b) January deadline in (i) 2008 and (ii) 2009. [313974]

Mr. Timms: The information requested is not available. HM Revenue and Customs (HMRC) do not hold data for the number of self-assessment tax returns processed manually by whether they were received in September or January. The total number of self-assessment returns processed manually is provided in the following table.

<i>Tax return year</i>	<i>Self-assessment (individuals)</i>
2005-06	4,988,969
2006-07	4,118,006
2007-08	2,314,728
2008-09	Not yet available

No such estimate has been made.

Mr. Liddell-Grainger: To ask the Chancellor of the Exchequer (1) what information his Department makes available to PAYE taxpayers on their annual tax calculation; [313958]

(2) how many P46 codes were used in (a) 2006, (b) 2007, (c) 2008 and (d) 2009; [313965]

(3) how many (a) PAYE and (b) self-assessment taxpayers challenged or appealed the amount they were charged for income tax in (i) 2006, (ii) 2007, (iii) 2008 and (iv) 2009. [313967]

Mr. Timms: HM Revenue and Customs do not issue annual tax calculations to pay-as-you-earn (PAYE) taxpayers. PAYE customers who also meet the self-assessment (SA) criteria are required to complete an annual SA tax return. Further information on income tax self-assessment can be found at:

<http://www.hmrc.gov.uk/sa/index.htm>

The information requested is not available, as HMRC's systems do not record when employers operate tax codes based on the completion of a P46 form, or all the instances when a taxpayer may query the amount of tax they pay.

In 2008 the self-assessments filing dates were changed, from 30 September and 31 January, to 31 October for paper returns and 31 January for online returns. The information requested is provided in the following table.

	<i>Tax return</i>
<i>2006-07</i>	
Filed by 30 September 2007	3,382,668
Total filed by 31 January 2008	8,250,952
<i>2007-08</i>	
Filed by paper 31 October 2008	2,616,666
Total filed by 31 January 2009	8,390,178

Mr. Liddell-Grainger: To ask the Chancellor of the Exchequer (1) how many tax code changes for benefits in kind are processed automatically following the receipt of P11Ds; [313959]

(2) how many P11Ds were processed (a) manually and (b) automatically in (i) 2006, (ii) 2007, (iii) 2008 and (iv) 2009; [313961]

(3) what the average cost of processing a P11D (a) automatically and (b) manually was in the latest period for which figures are available; [313962]

(4) what the volume is of the backlog of P11Ds waiting to be manually processed; [313963]

(5) what the average income was of taxpayers who were (a) overcharged and (b) undercharged income tax in the latest year for which figures are available. [313969]

Mr. Timms: The information requested is provided in the following table.

	<i>P11Ds</i>			
	<i>2005-06</i>	<i>2006-07</i>	<i>2007-08</i>	<i>2008-09</i>
Total received	n/a	4,602,860	4,562,914	3,944,894

Processed:

Manually	n/a	4,028,207	3,661,908	2,627,746
Automatically	383,898	574,653	901,006	1,317,148

Automatically coded ¹	n/a	n/a	1,786,351	n/a
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¹ Figures for the numbers of P11Ds automatically coded were only produced for 2007-08 to test HMRC's system.

Mr. Liddell-Grainger: To ask the Chancellor of the Exchequer what research has been commissioned or undertaken by HM Revenue and Customs since 2001-02 on (a) the number of self assessment taxpayers who under declare liability and (b) the levels of tax revenues which go undeclared; and if he will make a statement. [313964]

Mr. Timms: HM Revenue and Customs (HMRC) published 'Measuring Tax Gaps 2009' alongside the 2009 Pre-Budget Report, available at:

<http://www.hmrc.gov.uk/stats/measuring-tax-gaps.htm>

The report sets out:

an estimate of the proportion of those receiving an Income Tax Self Assessment tax return (individuals, partnerships and trusts) who had understated their tax liability for each year from 1999-20000 to 2004-05 and the levels of under declaration; and

an estimate of the proportion of small and medium-sized companies receiving a Corporation Tax Self Assessment return who had understated their tax liability for the financial years 2001-04, and the levels of under declaration.

At the end of 2008-09 18,211 P11Ds were outstanding, which HM Revenue and Customs have been unable to match to an individual record.

The information requested is available only at disproportionate cost, as the data is not centrally captured by HM Revenue and Customs systems

VAT

David T.C. Davies: To ask the Chancellor of the Exchequer what value added tax rate applies to items purchased before 1 January 2010 and delivered after 1 January 2010. [309029]

Mr. Timms: Items subject to the standard rate of VAT which were paid for before 1 January 2010 and delivered on or after that date will normally be liable to VAT at 15 per cent. However, anti-forestalling legislation was in place to prevent artificial avoidance of the rate reversion.

Mr. Gregory Campbell: To ask the Chancellor of the Exchequer what assessment he has made of the likely effect on the economy between 1 January and 31 March 2010 of the return of the level of value added tax to 17.5 per cent. [314420]

Mr. Timms: The annual rate of consumer price inflation is expected to rise in January, partly due to the pre-announced reversal of the cut in the VAT rate from 15 per cent. back to 17.5 per cent.

The 2009 pre-Budget report forecast assumes that businesses will smooth the pass-through of the reversal of the VAT rate cut, with inflation peaking in early 2010. It is assumed that households will bring forward some consumption from 2010 to 2009 as a result of the lower relative prices associated with the reversion of the temporary cut in the standard rate of VAT.

Consumer spending is forecast to grow over 2010 as a whole. The Government will set out their latest assessment of economic prospects in the Budget as usual.

VAT: Channel Islands

Jim Cousins: To ask the Chancellor of the Exchequer if he will estimate the value added tax revenue lost as a result of the routing of purchases of goods through the Channel Islands in the last 12 months; and what steps he has taken to prevent such losses. [313902]

Mr. Timms: The information requested is not available, as HM Revenue and Customs do not have the information to identify whether goods routed through the Channel Islands were originally produced there.

The Government have agreed with the Channel Islands' authorities that they will restrict the operations of businesses that establish there solely to supply goods to the UK and apply restrictions on the setting up of new businesses. The islands' authorities have also agreed to cap the annual sales of goods to the UK of some large businesses established there. The Government are keeping the operation of these arrangements under review.

Welfare Tax Credits: Ashford Kent

Damian Green: To ask the Chancellor of the Exchequer how many children in Ashford constituency are in households in receipt of (a) working tax credit and (b) child tax credit. [313510]

Mr. Timms: Child and working tax credits were introduced in April 2003 when they replaced working families' tax credits.

The latest information on the number of children in households benefiting from tax credits, by each parliamentary constituency, is available in the HM Revenue and Customs (HMRC) snapshot publication "Child and Working Tax Credits Statistics. Geographical Analyses. December 2009", available at:

<http://www.hmrc.gov.uk/stats/personal-tax-credits/cwctc-geog-dec09.pdf>

HMRC do not produce these statistics separately for child tax credit and working tax credit.

Damian Green: To ask the Chancellor of the Exchequer what his most recent estimate is of the number of families in each ward of Ashford constituency in receipt of (a) working tax credit and (b) child tax credit. [313513]

Mr. Timms: The following table shows for each ward within Ashford constituency snapshot estimates for the number of households benefiting from tax credits as at 1 December 2009.

Separate information on the number of households receiving working tax credits and child tax credits in each ward is not available due to the small sample sizes available.

However, estimates of the number of families benefiting, by award type, for each local authority and parliamentary constituency are provided in the HM Revenue and Customs snapshot publication 'Child and Working Tax Credits. Geographical Analysis. December 2009', available at:

<http://www.hmrc.gov.uk/stats/personal-tax-credits/cwctc-geog-dec09.pdf>

<i>Ward</i>	<i>Number of households in receipt of tax credits¹</i>
Aylesford Green	400
Beaver	700
Biddenden	200
Bockhanger	300
Boughton Aluph and Eastwell	400
Bybrook	200
Charing	—
Downs North	—
Downs West	200
Godinton	600
Great Chart with Singleton North	400
Highfield	300
Isle of Oxney	200
Kennington	200
Little Burton Farm	300
Norman	500
North Willesborough	500
Park Farm North	400
Park Farm South	400
Rolvenden and Tenterden West	200
St Michaels	200
Saxon Shore	400
Singleton South	300
South Willesborough	500
Stanhope	500
Stour	600
Tenterden North	200
Tenterden South	—
Victoria	700
Washford	400
Weald Central	300
Weald East	—
Weald North	200
Weald South	400
Wye	—

¹ Due to small sample sizes, the figures for some wards are not shown

Working Tax Credit

Mrs. Maria Miller: To ask the Chancellor of the Exchequer whether he has made an estimate of the cost to the public purse of changing the threshold for eligibility of the working tax credit to (a) five, (b) 10, (c) 20 and (d) 25 hours a week. [313570]

Mr. Timms [*holding answer 26 January 2010*]: No such estimate has been made.

JUSTICE

David Kelly Death Inquiry

Norman Baker: To ask the Secretary of State for Justice who determined that the medical reports and photographs connected to the death of Dr. David Kelly should be closed for 70 years; and on what legal basis this determination was made. [313785]

Mr. Wills: No determination has been made that the medical reports and photographs connected to the death of Dr. David Kelly should be closed for 70 years. Rather, Lord Hutton noted in his statement on 26 January that he had requested that the post mortem examination report relating to Dr. Kelly not be disclosed for 70 years in view of the distress that could be caused to Dr. Kelly's wife and daughters.

The Ministry of Justice is now considering the most appropriate course of action. The options available will need to be considered carefully.

Debt Collection: Regulation

Mr. Sanders: To ask the Secretary of State for Justice if he will bring forward proposals to establish an independent regulator of bailiffs. [313888]

Bridget Prentice: I announced on 17 March 2009, *Official Report*, column 46WS that the Government will produce a consultation paper which will set out its intentions for a package of measures which will address concerns that have been raised about the behaviour of bailiffs and proposals for the regulation of the bailiff industry.

It remains the Government's intention to commence this consultation exercise with a view to implementing the changes in April 2012.

Departmental Public Expenditure

David Simpson: To ask the Secretary of State for Justice how much his Department spent on (a) new furnishings, (b) works of art and (c) new vehicles in each of the last two years. [312542]

Mr. Wills: The information requested is as follows:

New furnishings

The expenditure on furniture and fittings by the Ministry is:

	£000
2008-09	8,158
2007-08	6,057

These figures represent expenditure on both furniture and fittings by the Ministry of Justice headquarters, HM Court Service, the Tribunals Service, the Office of the Public Guardian, and the National Offender Management Service (NOMS). For NOMS, the totals exclude expenditure on items costing less than £5,000 as they are recorded within a more general category of expenditure and can be separately identified only at disproportionate cost by scrutinising numerous individual invoices held locally.

Of the amounts above, £3,983,000 in 2008-09 and £2,015,000 in 2007-08 were capitalised on the departmental balance sheet and are disclosed as additions to furniture and fittings in note 14 of the departmental resource accounts available at:

<http://www.official-documents.gov.uk>

Furniture is typically used for a period of 20 years within the Department. Major acquisitions usually occur only where a new building is taken on following the expiry of building leases and in accordance with the Ministry's estates rationalisation programme which is a key element of its savings plans.

Works of art

Art is a recognised part of public buildings and the commissioning or purchase of suitable artworks is included in the overall cost of building or refurbishment. For new buildings, such as courts, artwork is normally integrated into the fabric of the building and does not have a separately identifiable cost. The only distinct expenditure on artwork incurred in 2007-08 and 2008-09 and relates to installations within the Ministry of Justice's newly refurbished headquarters building at 102 Petty France. This work was commissioned in 2001 at an estimated cost of £470,000 which was later revised down to £290,000. The final actual cost on completion of the works was £208,000.

Vehicles

The amount spent on new vehicles by the Ministry of Justice and its executive agencies is:

	£000
2008-09	7,600
2007-08	3,215

Expenditure represents vehicles bought outright by the Ministry of Justice and its executive agencies or held on finance leases. The figures above exclude vehicles rented under operating lease arrangements. They also exclude vehicles used by NOMS for escorting prisoners. NOMS has contracted with various suppliers to provide a prisoner escorting service. Within the terms of those contracts, it is for the suppliers to determine the vehicles necessary to deliver the contracted service.

Vehicles owned by the Ministry are typically used within the business for between three and seven years, depending on vehicle type and use. They are often bought and replaced in bulk to achieve discounts, resulting in differences in expenditure from year to year. The main reason for the increase in expenditure in 2008-09 is the acquisition by HM Courts Service of a substantial fleet of secure cell vehicles to enable the safe and secure transportation by civilian enforcement officers and county court bailiffs of defendants under arrest to court.

Offenders: Deportation

Mr. Hollobone: To ask the Secretary of State for Justice pursuant to the oral answer of 5 January 2010, *Official Report*, columns 11-12, on compulsory transfer agreements, (1) with which countries negotiations to establish arrangements for prisoner transfers without consent are continuing; and how many foreign national prisoners there are from each such country; [312635]

(2) how many foreign national prisoners have been returned to each of the 35 countries with which the UK has arrangements for prisoner transfers without consent since the inception of such arrangements; [312636]

(3) how many foreign national prisoners there are from each of the 35 countries with which the UK has arrangements for prisoner transfers without consent. [312637]

Maria Eagle: The United Kingdom is in negotiation with Nigeria and Rwanda with a view to signing compulsory prisoner transfer agreements (PTA). As at 18 December 2009, 752 Nigerians and 11 Rwandans were detained in prisons in England and Wales.

The United Kingdom brought into force the additional protocol to the Council of Europe Convention on the Transfer of Sentenced Persons on 1 November 2009. Under the additional protocol the United Kingdom can transfer prisoners without their consent to 34 signatory countries providing the prisoner is subject to a deportation order. The consent of the receiving state is required in each case. To date no prisoners have been transferred under these arrangements.

On 17 November 2008 the United Kingdom and the Libyan Arab Jamahiriya signed a PTA which provides for transfer without the consent of the prisoner concerned. To date no prisoners have been transferred under these arrangements.

The following table lists the countries with which the United Kingdom has compulsory PTA and the number of recorded foreign nationals in prison custody in England and Wales. It should be noted that where there is no direct evidence of nationality this is recorded as self declared by the prisoner;

<i>Countries with which the United Kingdom has a compulsory prisoner transfer arrangement</i>	<i>Foreign nationals recorded in prison on 18 December 2009</i>
Austria	14
Belgium	35
Bulgaria	64
Croatia	7
Cyprus	35
Czech Republic	85
Denmark	13
Estonia	25
Finland	4
France	163
Georgia	11
Germany	91
Greece	17
Hungary	36
Iceland	3
Ireland	647
Latvia	137
Libya	20
Liechtenstein	—
Lithuania	330
Luxembourg	—
Malta	2
Moldova	19
Montenegro	¹ —
Netherlands	119
Norway	5

<i>Countries with which the United Kingdom has a compulsory prisoner transfer arrangement</i>	<i>Foreign nationals recorded in prison on 18 December 2009</i>
Poland	617
Romania	357
Russian Federation	120
San Marino	1
Serbia	62
Sweden	17
Switzerland	7
Macedonia	6
Ukraine	² —

¹ Serbian and Montenegrin nationals are listed under Serbian and Montenegro for the purposes of nationality in prison.

² Under NOMS statistics Ukrainian nationals are listed as nationals of the Russian Federation.

Offenders: Social Services

Chris Huhne: To ask the Secretary of State for Justice how many prisoners aged between 18 and 21 were referred to adult social services under section 47 of the National Health Service and Community Care Act 1990 by the (a) Prison Service and (b) Probation Service in the last 12 months. [313800]

Maria Eagle: Section 47 of the National Health Service and Community Care Act 1990 sets out local authorities' obligations in relation to assessments of needs for community care services.

Information on the numbers of referrals to adult social services by the Prison Service and the national probation service is not held centrally. Since 2006, NHS primary care trusts have held responsibility for commissioning health services for their offender population.

Police Cautions: North East

Jim Cousins: To ask the Secretary of State for Justice how many (a) police cautions and (b) conditional cautions were issued for each category of offence in each police force area in the North East region in each year since 2005. [313896]

Claire Ward: The number of offenders receiving a caution in the north-east Government office region (GOR) by force and offence group, 2005-08 (latest available) is shown in the following table. Currently, data on simple or conditional cautions are not published separately although the Crown Prosecution Service is planning to publish conditional cautioning data on a monthly basis from February 2010.

<i>Number of offenders cautioned^{1, 2} in the north-east Government office region (GOR), by force, by offence group, 2005-08³</i>				
<i>Force/offence group</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
<i>Durham</i>				
Violence against the person	284	423	445	360
Sexual offences	18	16	15	20
Burglary	71	103	97	67
Robbery	1	5	2	—
Theft and handling stolen goods	626	727	713	677
Fraud and forgery	38	58	54	75
Criminal damage	15	44	80	108
Drug offences	302	295	298	359

Number of offenders cautioned^{1, 2} in the north-east Government office region (GOR), by force, by offence group, 2005-08³

Force/offence group	2005	2006	2007	2008
Other indictable offences	43	81	76	81
Summary offences (excluding motoring)	1,739	2,578	2,245	2,046
Total	3,137	4,330	4,025	3,793
<i>Northumbria</i>				
Violence against the person	1,561	1,754	1,460	1,328
Sexual offences	79	81	81	65
Burglary	164	228	214	186
Robbery	1	3	—	2
Theft and handling stolen goods	3,210	3,444	3,687	3,316
Fraud and forgery	377	507	494	499
Criminal damage	91	125	102	123
Drug offences	2,014	1,772	1,583	1,347
Other indictable offences	343	428	406	430
Summary offences (excluding motoring)	8,788	8,047	7,870	7,343
Total	16,628	16,389	15,897	14,639
<i>Cleveland</i>				
Violence against the person	388	488	491	398
Sexual offences	19	29	19	24
Burglary	105	168	148	129
Robbery	3	11	4	6
Theft and handling stolen goods	832	1,129	1,070	1,212
Fraud and forgery	83	107	110	115
Criminal damage	26	41	30	27
Drug offences	344	446	589	747
Other indictable offences	80	93	84	111
Summary offences (excluding motoring)	1,737	3,160	2,852	2,835
Total	3,617	5,672	5,397	5,604

¹ The cautions statistics relate to persons for whom these offences were the principal offences for which they were dealt with. When a defendant has been cautioned for two or more offences at the same time the principal offence is the more serious offence.

² From 1 June 2000 the Crime and Disorder Act 1998 came into force nationally and removed the use of cautions for persons under 18 and replaced them with reprimands and final warnings. These figures have been included in the totals.

³ Every effort is made to ensure that the figures presented are accurate and complete. However, it is important to note that these data have been extracted from large administrative data systems generated by police forces. As a consequence, care should be taken to ensure data collection processes and their inevitable limitations are taken into account when those data are used.

Source:

Justice Statistics Analytical Services—Ministry of Justice.

Prison Sentences

Paul Holmes: To ask the Secretary of State for Justice how many (a) male and (b) female prisoners have been held under an indeterminate sentence for public protection in each year since their inception.

[313786]

Maria Eagle: The following table gives figures for the numbers of prisoners in all prison establishments in

England and Wales serving indeterminate sentences for public protection in each year since 2005 when they first came into effect:

Prisoners serving indeterminate sentences for public protection 2005-09 ¹ in England and Wales as at 30 June each year					
	2005	2006	2007	2008	2009
Total	24	1,079	2,859	4,461	5,205
Males	24	1,045	2,776	4,333	5,074
Females	0	34	83	128	131

¹ 2009 figures are estimated

Note:

Indeterminate sentences for public protection came into effect on 5 April 2005

These figures up to June 2008 can be found in the published Offender Management Caseload Statistics, table 7.17, a copy of which can be found in the House of Commons Library and which can also be found at the following website:

<http://www.justice.gov.uk/publications/prisonandprobation.htm>

These figures have been drawn from administrative IT systems which, as with any large scale recording system, are subject to possible errors with data entry and processing.

Prison Service: Contractors

Chris Huhne: To ask the Secretary of State for Justice what private contractors his Department employs to run work in prison schemes. [313862]

Maria Eagle: There are a number of employer partnerships with private sector companies that provide employment and training activities within prisons with some offering employment on release. Some of these operate at an individual prison level and unless they wish to expand their work to other prisons details would not necessarily be kept centrally. Those private sector organisations involved in work for prisoners include Cisco Systems, DHL, Timpson's, Travis Perkins, Trackworks, Pertemps People Group, A4e Ltd., SERCO, and Speedy Hire.

In addition, a number of registered charities and public bodies help to provide education and training in prisons and many others provide work for prisoners in the form of contract services. There are also a number of companies that provide paid employment for selected low risk prisoners in the community. There is also a Corporate alliance network of over 100 employers committed to supporting the offender employment agenda in training and recruiting (ex) offenders.

The Learning and Skills Council has let contracts to A4e Ltd., CfBT, JHP Group, Kensington and Chelsea college, Lincoln college, the Manchester college, Milton Keynes college, Norton Radstock college, Prospects, Strode college, Tribal and Working Links to deliver education, skills training and careers information and advice services in public sector prisons and young offender institutions across England.

Prison Service: Recruitment

Paul Holmes: To ask the Secretary of State for Justice whether his Department has set targets for the recruitment of prison officers in the next five years.

[313774]

Maria Eagle: There are no centrally directed targets for prison officer recruitment. The National Offender Management Service recruits to officer vacancies as and when they are required. The level of staffing is approved locally by each regional manager for custodial services based on the level of activity required and an operational assessment of overall safety.

Prison Service: Television

Alan Duncan: To ask the Secretary of State for Justice how many televisions were purchased by HM Prison Service in (a) 2007-08 and (b) 2008-09. [313196]

Maria Eagle: Available data for the units of televisions purchased by the HM Prison Service are limited for the years 2007-08 with more comprehensive data available for the years 2008-09, due to increased availability of supplier management information. The following information is available and has been drilled down into two separate categories:

- (a) In-cell televisions
- (b) Other televisions purchased for group.

In-cell televisions

In-cell televisions are purchased as replenishments for the prisoner rental scheme, as part of local incentives and earned privileges schemes, where prisoners can rent televisions for £1 per week from their own personal funds. In-cell televisions are also an earned privilege that can be lost due to poor behaviour.

Other televisions

Other televisions are defined as units, which have been purchased for various reasons—for example establishment information systems, training rooms, communal areas and visitor areas.

The following data have been provided by the current contracted supplier of domestic appliances and electrical products, DSGI Business Equanet, part of the Dixons Group.

2007-08		
Category	Amount	Comments
In-cell televisions	14,814	—
Other televisions	24	Limited data due to ad hoc supply and under previous contracts of various non-contracted suppliers, where detailed unit information is not available
2008-09		
Category	Amount	Comments
In-cell televisions	12,238	—
Other televisions	821	—

Prisoners

Mr. Grieve: To ask the Secretary of State for Justice how many prisoners are on each level of incentives and privileges. [313366]

Mr. Straw: The latest available data for the three levels of the Incentives and Earned Privileges Scheme (IEPS) is set out in the following table. The data are

drawn from different systems and also represents an average so figures do not precisely match population figures on any one day. However, they do provide an indication at national level of the operation of IEPS. The figures are for the average numbers on each level of the scheme over a period of eight months for April to November 2009.

Level	Number	Percentage
Basic	1,228	1.51
Standard	46,317	56.89
Enhanced	33,870	41.60

Prisoners Release: Homicide

Mr. Grieve: To ask the Secretary of State for Justice whether any persons convicted of homicide since 1997-98 having previously been convicted of homicide have been released from their sentence for the second offence. [313365]

Mr. Straw: Much of the requested information is available from the Home Office's Homicide Index, which holds information about all offences initially recorded as homicide by police in England and Wales. Latest available statistics are presented in the Home Offices Statistics Bulletin "Homicides, Firearm Offences and Intimate Violence 2008/09", released on 21 January 2010 and which can be found at:

<http://www.homeoffice.gov.uk/rds/pdfs/l0/hosb0110.pdf>.

The term "homicide" covers the offences of murder, manslaughter and infanticide.

Table 1 replicates part of Table 1.11 from this Bulletin. It reflects the position as at 24 November 2009 and shows the numbers of suspects who were convicted of a homicide offence that had been recorded between 1998-99 and 2008-09 and who had previously been convicted of a homicide offence. The data includes all previous homicide convictions (where known) wherever they took place, but the second offence must have occurred in England and Wales to be included in this analysis.

Table 1: Suspects convicted of homicide, 1998-99 to 2008-09, who had been convicted of homicide on a previous occasion, by year in which second homicide offence was committed, England and Wales^{1,2}

Year in which second homicide offence was recorded	Number of offenders
1998-99	1
1999-2000	8
2000-01	1
2001-02	0
2002-03	2
2003-04	4
2004-05	4
2005-06	8
2006-07	2
2007-08	1
2008-09	0
Total	31

¹ Data are as at 24 November 2009; figures are subject to revision as cases are dealt with by the police and by the courts, or as further information becomes available.

² Data are shown according to the year in which police initially recorded the offence as homicide, which is not necessarily the year in which the offence took place or the year in which any court decision was made.

According to data held on the Homicide Index, two of these offenders received indeterminate sentences for public protection for their second homicide offences, one received an immediate custodial sentence of 14 years, and a fourth received a Restriction Order under the Mental Health Act 1983. The remainder received life sentences.

Table 2 shows, for the offenders covered in Table 1, the year in which their previous homicide offence was recorded.

Table 2: Suspects convicted of homicide, 1998-99 to 2008-09, who had been convicted of homicide on a previous occasion, by year in which first homicide offence was committed, England and Wales^{1,2}

Year in which first homicide offence was recorded	Number of offenders
1971	1
1973	1
1975	1
1977	1
1979	3
1982	1
1983	1
1985	1
1986	1
1988	1
1989	1
1991	2
1992	1
1993	4
1996	2
1997	2
1998	2
2000	2
2001	2
2002	1
Total	31

¹ Data are as at 24 November 2009; figures are subject to revision as cases are dealt with by the police and by the courts, or as further information becomes available.

² Data are shown according to the year in which police initially recorded the offence as homicide, which is not necessarily the year in which the offence took place or the year in which any court decision was made.

One of the offenders shown in Table 2 received a Restriction Order for his first homicide offence. For a further three offenders the custodial sentence lengths are not recorded on the Homicide Index. The custodial sentences given to the remaining offenders are shown in Table 3.

Table 3: Suspects convicted of homicide, 1998-99 to 2008-09, who had been convicted of homicide on a previous occasion, by length of custodial sentence on previous occasion, England and Wales

Sentence length for first occasion	Number of offenders
Over 12 months and up to and including 18 months	2
Over 18 months and up to and including three years	0
Over three years and less than four years	1
Four years	3
Over four years and up to and including five years	4
Over five years and up to and including 10 years	4
Over 10 years and less than life	1
Indeterminate sentence	0
Life	12

None of the 31 offenders identified on the Homicide Index as having been convicted of homicide between 1998-99 and 2008-09 with a previous homicide conviction, have been released from prison, according to data held by the Ministry of Justice.

Under the Data Protection Act 1998 we are unable to release personal information about individual offenders.

Prisons: Carbon Emissions

Tom Levitt: To ask the Secretary of State for Justice what steps his Department is taking to reduce the carbon footprint of prisons. [313867]

Maria Eagle: The National Offender Management Service (NOMS) is working with constructors to attain the Government's goal of constructing new buildings which emit zero carbon by 2018.

NOMS aim is to produce increasingly sustainable prisons within the budgetary constraints in which it operates, focusing, in particular, on energy and emissions, water, waste and recycling. All new prisons are constructed with the aim of achieving an "excellent" rating under the Building Research Establishment's Environmental Assessment Method which measures a building's environmental performance.

NOMS are also working with the Partnership for Renewables the Carbon Trust subsidiary, to enable the generation of renewable wind power at sites across the estate that are not needed for operational purposes. If planning decisions are favourable, this could lead to the production of enough energy to offset up to half the Prison Service consumption.

Since 1999 the Prison Service and NOMS have reduced energy consumption by 29 per cent. Currently, 23 per cent. of energy used in prisons is procured from "green" suppliers. In addition to the 29 per cent. reduction the Carbon Management Implementation Plan aims to achieve a 3 per cent. year-on-year saving in carbon emissions in the next five years.

Recently the Prison Service has been awarded the prestigious Carbon Trust Standard for its efforts in reducing the prison estate carbon footprint.

Prisons: Finance

Mr. Oaten: To ask the Secretary of State for Justice pursuant to the answer of 26 January 2010, *Official Report*, column 733W, on prisons: budgets, which prison governors have been required to identify savings in their budgets for 2009-10 by Directors of Offender Management. [314596]

Maria Eagle: As a general principle all public sector prisons are expected not to exceed their delegated budget for 2009-10. However at some sites this may not be possible and the Director of Offender Management will look to cover local pressures from underspends elsewhere within the region. A year-end forecast outturn is agreed locally between the prison Governor and the regional Director of Offender Management taking into account regional financial performance which may require some sites to deliver savings compared to their original budget.

There has not been a specific requirement on public prisons to deliver savings against their delegated budget for 2009-10. But the National Offender Management Service has maintained the need for prisons to use resources efficiently; economically to deliver both value for money and in preparation for planned efficiency measures in 2010-11 which are part of the overall Ministry of Justice budget settlement.

Reoffenders

Paul Holmes: To ask the Secretary of State for Justice whether his Department has commissioned research on reoffending patterns. [313773]

Claire Ward: The Ministry of Justice makes a key contribution to the goal of reducing reoffending through the National Offender Management Service and the work of the courts. Research in support of the goal to reduce reoffending, which assesses patterns of reoffending, includes: a study to predict the future costs of an offender and three large surveys of offending during and after their contact with the criminal justice system. National Statistics on reoffending are also produced annually for adults and juveniles and quarterly for probation caseload by probation area and upper-tier local authorities.

Young Offender Institutions: Food

Chris Huhne: To ask the Secretary of State for Justice which young offender institutions provide food in accordance with Department of Health guidelines on (a) eating five portions of fruit and vegetables a day and (b) other aspects of healthy eating. [313801]

Maria Eagle: Young offender institutions in England and Wales provide a multi-choice, pre-select menu that includes healthy options—and they must offer at least five portions of fruit and vegetables each day.

There are a number of initiatives to encourage healthy eating including working towards food specifications with reduced sugar and salt content, favouring steaming and baking rather than shallow and deep frying and avoiding adding salt and sugar during the cooking process. A balanced approach to nutrition is being pursued in line with the Department of Health's guidelines.

Educating all prisoners, including young offenders, to eat a more healthy diet is key. Increasingly the National Offender Management Service is adopting a multi-disciplinary approach and working with the Department of Health, the Food Standards Agency and others to encourage individual prisoners to eat more healthily.

Chris Huhne: To ask the Secretary of State for Justice what his latest estimate is of the average cost of providing food for an inmate for one week in each young offender institution which holds juveniles. [313802]

Maria Eagle: The average Prison Service weekly food expenditure per prisoner¹ in public sector young offender institutions holding juveniles during 2008-09 (latest available data) is shown in the table.

¹ The daily food cost has been calculated using available management information from the National Offender Management Service finance systems and assumes that all transactions have been allocated and recorded against the correct accounting codes.

Average weekly cost of food per prisoner—2008-09

	£
Brinsford	16.85
Castington	17.61
Cookham Wood ¹	19.94

Average weekly cost of food per prisoner—2008-09

	£
Downview	15.54
Eastwood Park	18.11
Feltham	22.48
Foston Hall	16.95
Hindley	17.51
Huntercombe	18.27
New Hall	17.29
Stoke Heath	17.36
Warren Hill ²	18.31
Werrington	22.48
Wetherby	18.08

¹ Includes Rochester as its kitchen also provides meals for Cookham Wood and it is not possible to separate food costs for the two sites.

² Includes Hollesley Bay as their kitchen also provides meals for Warren Hill and it is not possible to separate food costs for the two sites.

Youth Custody

Mr. Burrowes: To ask the Secretary of State for Justice pursuant to the answer of 14 January 2010, *Official Report*, column 1158W, on youth custody: manpower, how many (a) children and young people and (b) staff there are in each (i) secure children's home and (ii) secure training centre. [314682]

Maria Eagle: The population of each secure children's home and secure training centre is set out in the following table. The data have been supplied by the Youth Justice Board and have been drawn from administrative IT systems, which, as with any large-scale recording system, are subject to possible errors with data entry and processing and may be subject to change over time.

Young people in secure training centres and secure children's homes, as at 1 January 2010

Unit	Young people in custody
<i>Secure children's home</i>	
Aldine House	4
Aycliffe	21
Barton Moss	18
Clayfields	10
East Moor	20
Hillside	14
Lincolnshire	8
Red Bank	21
Swanwick Lodge	12
Vinney Green	20
<i>Secure training centre</i>	
Rainsbrook	65
Medway	59
Oakhill	61
Hassockfield	49

The Youth Justice Board agrees minimum staffing levels with providers of secure training centres.

The total number of staff employed at secure training centres and secure children's homes is decided by the relevant provider. This information is commercially confidential, as it would be of value to competitors when tendering for contracts.

Mr. Burrowes: To ask the Secretary of State for Justice pursuant to the answer of 14 January 2010, *Official Report*, column 1158W, on youth custody: manpower, what the ratio of staff to prisoners is in the (a) Down View, (b) Eastwood Park, (c) Foston Hall, (d) New Hall, (e) Parc and (f) Keppel Unit, Wetherby young offenders institution. [314683]

Maria Eagle: The following table shows the staff to prisoner ratio for each of the establishments listed at 31 December 2009. The data have been drawn from administrative systems which, as with any large-scale recording system, are subject to possible errors with data entry and processing and may be subject to change over time. The ratios relate to staff across the entire establishments and not just those parts which hold young offenders. The ratios are calculated as the number of unified staff, which consists of officers and operational managers, employed for each prisoner.

Officer and operational manager to prisoner ratios (as at 31 December 2009)

<i>Establishment</i>	<i>Unified staff</i>	<i>Total population</i>	<i>Ratio of unified staff to prisoners</i>
Downview	131	340	2.6
Eastwood Park	162	259	1.6
Foston Hall	153	219	1.4
New Hall	221	356	1.6
Wetherby ¹	235	310	1.3
Parc ²	286	1,156	4.0

¹ Figures for Keppel unit are not available, full establishment figures provided.

² Figures for Parc relate to 30 November 2009.

Mr. Burrowes: To ask the Secretary of State for Justice pursuant to the answer of 12 January 2010, *Official Report*, columns 940-1W, on youth custody, how many accommodation units there are in (a) Down View, (b) Eastwood Park, (c) Foston Hall, (d) New Hall, (d) Parc and (e) Keppel Unit, Wetherby young offenders institution; how many staff are employed in each such unit; and how many young people each such unit accommodates. [314684]

Maria Eagle: The following table shows the number (and operational capacity) of those accommodation units that are used to hold young people (under 18) in the relevant establishments. The table also includes the operational capacity and the total number of staff in post at these establishments.

<i>Establishment</i>	<i>Number of units</i>	<i>Operational capacity of units</i>	<i>Operational capacity of establishment¹</i>	<i>Total number of staff in post¹</i>
Downview	1	17	359	131
Eastwood Park	1	16	362	162
Foston Hall	1	17	291	153
New Hall	1	28	447	221
Parc	2	64	1200	286
Wetherby	27	408	408	235

¹ December 2009

² Including Keppel Unit

These figures have been drawn from central administrative/recording systems, which, as with any large scale recording system, are subject to possible errors with data entry and processing.

BUSINESS, INNOVATION AND SKILLS

Broadband

Mr. Don Foster: To ask the Minister of State, Department for Business, Innovation and Skills what proportion of households in the UK and which geographical areas he estimates will be without broadband access after the Universal Service Commitment has been fulfilled in 2012. [313762]

Mr. Timms: Our ambition is to ensure a service is available to all households and businesses in the UK. There may be some areas which for technical reasons prove prohibitively expensive to serve using any technologies, but I expect these to be somewhat less than 1 per cent. These premises—if any—will be identified through the tender process.

Mr. Don Foster: To ask the Minister of State, Department for Business, Innovation and Skills which geographical areas of the UK have no broadband access. [313778]

Mr. Timms: According to Ofcom's Communications Market Report published in August 2009, over 99 per cent. of households are connected to a broadband enabled exchange. The Report can be found at:

<http://www.ofcom.org.uk/research/cm/cmr09/cmr09.pdf>

We estimate that 89 per cent. of homes can readily get a 2 Mbps (or higher) broadband service (as reported in the Digital Britain White Paper, June 2009). According to the website "Sam Knows" there are currently 24 unenabled exchanges throughout the UK: Barvas, Berneray, Bornish, Carloway, Carnan, Drinnishadder, East Marden, Eriskay, Great Bernera, Grogarry, Isfield, Leverburgh, Locheport, Lochmaddy, Manish, North Tolsta, Northbay, Plaistow, Roding, Scalpay, Scarista, Scarp, Sutton and Timsgarry. Other homes unable to access a 2 Mbps level of broadband due to line length or other factors are widely dispersed throughout the country.

Business

Mr. David Hamilton: To ask the Minister of State, Department for Business, Innovation and Skills what steps his Department has taken to ensure that people with legal responsibilities for companies in liquidation are not able to form new companies before having met the liabilities of the original company. [312550]

Ian Lucas: There are no plans to require directors to meet the liabilities of a company in liquidation before being allowed to form a new company. It is a long established principle that the debts of a company do not fall on the directors save in certain limited circumstances, for example where they have given personal guarantees. To breach this principle would run the risk of deterring entrepreneurial behaviour.

It should be remembered that not all companies fail through the fault of directors, but where their behaviour falls short of that expected, we can and do take action to have them disqualified.

Successful action against a director, under the Company Directors Disqualification Act 1986, debars him or her from participating in the formation, promotion, or management of a limited company for a period of up to 15 years.

Business: Government Assistance

Mr. Prisk: To ask the Minister of State, Department for Business, Innovation and Skills what information his Department holds on the number of banks which have asked applicants under the Enterprise Finance Guarantee Scheme to use their homes as collateral for a loan; and if he will make a statement. [302099]

Ms Rosie Winterton: The Government have made it very clear that lenders are not permitted to take a direct charge over a principal private residence for a new EFG loan. The Department issued a clarification to this effect in February 2009 to the lenders which is published on the BIS website:

<http://www.berr.gov.uk/whatwedo/enterprise/finance/efg/page50308.html>

Where the Department has been informed of instances where it is alleged that lenders have attempted to contravene the rules, these instances have been raised with the lender concerned. However, due to level of correspondence the department receives on EFG in general, we do not hold figures on the number of cases or of banks where this has been an issue.

It is important to distinguish between an EFG loan and where a bank is offering a business a loan on commercial terms. This line can often become blurred as financing arrangements can be complex. For example, a lender might offer a package of lending to a company that includes EFG and non-EFG lending. The EFG rules apply only to the EFG component of any loan package.

If a lender decides that they can lend commercially but require security in the form of a residential property to do so, the Government would not expect them to offer an EFG loan as an alternative. EFG should only be used where the business is viable but the lender is not able to lend on commercial terms.

Sandra Gidley: To ask the Minister of State, Department for Business, Innovation and Skills what steps his Department has taken to ensure that borrowing guaranteed under the Enterprise Finance Guarantee Scheme relates to new lending only. [313143]

Ms Rosie Winterton: The Enterprise Finance Guarantee (EFG) is a facility for lenders to enable additional lending to viable SMEs who sit on the margins of commercial lending decisions.

EFG not only enables new terms loans, but also refinancing of existing term loans, overdraft conversion, guarantees on invoice facilities, and guarantees on new or increased overdraft borrowing. Lenders are required to state which form of lending is being undertaken in each case before the loan guarantee is approved.

However, in respect of refinancing existing debts EFG may only be used in cases where the lender is able to certify that the borrower is viable but requires a rescheduling of those debts to ease cash flow pressures, and where the borrower has insufficient security to enable that rescheduling to take place without the support of EFG.

Business: Sports

Mr. Stewart Jackson: To ask the Minister of State, Department for Business, Innovation and Skills whether his Department has taken steps to assist field sports businesses during the recession. [312855]

Ms Rosie Winterton: There is no specific help for field sports businesses. However, this Department has introduced a range of general measures to help businesses through the global recession and is continuing to provide help to promote growth during the recovery. Small and medium-sized businesses can find information and support at:

www.businesslink.gov.uk/realhelp

or by contacting the Business Link Helpline on: 0845 6009006.

Measures include:

The Enterprise Finance Guarantee (EFG)—encourages additional bank lending to viable businesses who have no or insufficient security and who would not otherwise secure a commercial loan. A £1.3 billion facility is in place to be accessed by the end of March 2010, and this was extended in the recent Pre-Budget Report for a further year to March 2011, with a £500 million budget for the financial year 2010-11. Over £1.11 billion of eligible EFG applications from over 9,870 firms have been granted, are being processed or assessed, and over 7,630 businesses have been offered loans totalling nearly £780 million.

The Capital for Enterprise Fund (CfEF)—a £75 million fund supporting viable business with equity or mezzanine investment aimed at releasing and sustaining growth and can invest between £200,000 and £2 million where the business has exhausted its borrowing capacity with lenders. Offers totalling £84.5 million have been made to 55 businesses, of which 34 offers worth £52.6 million are live. 18 businesses have received investment so far totalling £25 million. Businesses who would like to explore whether the fund might benefit them can contact the fund managers assigned to their geographical location through:

www.capitalforenterprise.gov.uk/portfolio

Health Checks through Business Link, which provide a free review of a business with a professional business adviser for hands-on advice and help accessing the full range of government help. To date, over 110,000 businesses have benefited from health checks. 79 per cent. of SMEs accessing Health Checks were satisfied with the information provided and of those who accessed additional support, 93 per cent. were satisfied with this further assistance. 86 per cent. of all assisted businesses would recommend Health Checks to other businesses.¹

Encouraging prompt payment—Government Departments have committed to pay their bills within 10 days to help small businesses. From 1 June 2009 to 31 December 2009 central Government Departments have paid nearly £107 billion worth of payments in 10 days. And we have encouraged big companies to sign up to a Code of Practice to help their suppliers (according to data provide by Experian the total value of suppliers to prompt payment code signatories is over £750 billion). We are also helping business manage their finances (over 109,000 guides on 'Help with Managing your cashflow' have already been downloaded from the BusinessLink.gov.uk website).

Additional flexibilities for SMEs were introduced into Train to Gain from January 2009 to help employers continue to train their staff through the recession in preparation for the recovery. These flexibilities included access to funding for repeat qualifications, the introduction of units of learning in business critical areas such as marketing and IT, and extension of the access to the leadership and management advisory service for very small SMEs (less than 10 employees). In 2008/09 academic year, over 559,800 SME employees have started courses through Train to Gain.

In addition, the Solutions for Business (SfB) portfolio is the Government's long-term, simplified offer of support products for business. Government provide about £2 billion of support to business through the portfolio. Solutions for Business products offer help with common issues such as accessing finance, innovation, business and manufacturing advice, research and development, knowledge sharing, skills and training, exporting and overseas trade, and resource efficiency, including low carbon. Small and medium-sized businesses can find information and support at:

www.businesslink.gov.uk/solutions

¹ Early Assessment of Business Link Healthchecks—November 2009.

Business: Torbay

Mr. Sanders: To ask the Minister of State, Department for Business, Innovation and Skills what recent steps his Department has taken to assist (a) small, (b) medium-sized and (c) large businesses in Torbay constituency. [313333]

Ms Rosie Winterton: I can confirm that, as of 20 January 2010, 13 businesses have been offered loans valued in total at £800,000, of which 10 with a total value of £600,000 have been drawn down by businesses as part of the Enterprise Finance Guarantee (EFG) scheme, part of the Government's Real Help for Business Now support.

I can also confirm that during 2009, Business Link, the primary access channel for business to access Government support, has assisted a total of 2,280 small and medium sized businesses and seven large businesses in the Torbay unitary authority area. Of these, 307 received more intensive support to help their business. Since October 2008, BL has completed 465 health checks for businesses in the Torbay area. This compares to 9,636 health checks that have been completed in the region as a whole as at the end of December 2009.

South West Regional Development Agency (SWRDA) provides a range of assistance in the Torbay area to ensure the supply of suitable business premises, business support and advice. This includes the provision of funding for a network of Innovation Centres which will provide incubation space for new business start-ups in the knowledge based sectors.

SWRDA also provides specialist help and advice to larger companies in Torbay, for example on graduate level recruitment and energy matters. Companies in the area also benefit from the services of the South West MAS (Manufacturing Advisory Service).

The RDA and other partners also come together as the Devon Area Action Force and work closely with those Torbay companies facing redundancies.

The local fishing industry will benefit from the RDA and EU-funded Brixham fish market which aims to sustain fishing and other industries in the town. The White Rock Business Park, in Paignton, is being developed using RDA and ERDF finance and will support 3,000 jobs. The RDA is also investing £2.5 million, as co-financing with ERDF, business support under the Urban Enterprise priority of the Competitiveness programme.

Business: Weather

Keith Vaz: To ask the Minister of State, Department for Business, Innovation and Skills what estimate he has made of the cost to business in (a) Leicester and (b) the East Midlands of the adverse weather conditions of December 2009 and January 2010. [312224]

Ms Rosie Winterton: There are no official estimates at this early stage of local, regional or national cost to business as a result of the adverse weather but there are indications that some businesses lost trade due to customers being unable to travel or lost output due to staff being unable to attend work. We will continue to monitor the situation and estimates as these become available.

Carbon Emissions

Mr. Gerrard: To ask the Minister of State, Department for Business, Innovation and Skills whether (a) his Department and (b) each of its agencies plans to sign up to the 10:10 campaign to cut carbon emissions by 10 per cent. in 2010. [311389]

Mr. McFadden: This Department is supportive of the objectives of the 10:10 campaign. BIS has been working towards achieving the Government's extensive SOGE targets in recent years and has plans to further reduce its carbon emissions over the next or so. BIS does, however, have some reservations as to whether it can be sure of hitting the 2010 target as it is in the middle of reorganising its London HQ estate to accommodate the summer 2009 machinery of government changes.

I have approached the chief executives of the Insolvency Service, Companies House, National Measurement Office and the Intellectual Property Office and they will respond directly to my hon. Friend.

Letter from Stephen Speed, dated 29 January 2010:

The Minister of State, Department for Business, Innovation and Skills has asked me to reply to your question whether (a) his Department and (b) each of its agencies plans to sign up to the 10:10 campaign to cut its carbon emissions by 10 per cent. in 2010.

The Insolvency Service has not signed up to this specific initiative to cut carbon emissions. The agency has however already made significant progress towards reducing its carbon emissions, including through the introduction of new IT, which utilises 'thin-client' desktop devices. In addition we have developed a strategic action plan, which should see further substantial improvements in our contribution to the climate change agenda over the coming years.

Letter from Gareth Jones, dated 29 January 2010:

I am replying on behalf of Companies House to your Parliamentary Question tabled 13 January 2010, UIN 311389, to the Minister of State for Business, Innovation and Skills.

Companies House supports the 10:10 campaign and will be trying to reduce its carbon emissions accordingly. In recent years, however, Companies House has been proactively reducing its carbon emissions to meet the government's SOGE targets. This

has meant that a large majority of energy efficient measures have already been implemented, and the carbon savings are already being achieved.

Letter from Peter Mason, dated 29 January 2010:

I am responding in respect of the National Measurement Office to your Parliamentary Question, tabled on 13 January, to the Minister of State, Department for Business, Innovation and Skills asking whether the Department and its agencies planned to sign up to the 10:10 campaign to cut carbon emissions by 10% in 2010.

The National Measurement Office is committed to contributing to the Government's aim to reduce greenhouse gas emissions from the UK. However, it will not be in a position to sign up to the 10:10 campaign in the terms which have been proposed. This is because we will shortly be taking on new activities here connected with enforcing certain environmental regulations, notably the Energy Using Products Regulations. We expect that this work, by supporting the effective enforcement of these regulations, will have a significantly larger effect on reducing emissions across the country than attempting to impose restrictions on energy use within our own building which would hinder this important regulatory work.

Letter from Sean Dennehey, dated 15 January 2010:

I am responding in respect of the Intellectual Property Office to your Parliamentary Question tabled 13 January 2010, to the Minister of State, Department for Business, Innovation and Skills.

The Intellectual Property office is currently considering signing up to the 10:10 campaign. We have already set ourselves an internal target for 2009/10 to reduce all carbon emissions by 10%.

Departmental Advertising

Grant Shapps: To ask the Minister of State, Department for Business, Innovation and Skills what advertising campaigns for which his Department is responsible have (a) commenced and (b) continued in 2009-10; and what the total cost of each campaign has been. [309936]

Mr. McFadden: The total cost of advertising campaigns in 2009/10 cannot be provided as the exact costs will not be known until all the campaigns have been completed when fully audited figures will be available.

We can provide figures for spend to date on advertising campaigns in 2009/10:

2009/10 Campaign						£
	Press	Radio	Poster	Online	Media total	
Vulnerable Workers Campaign 2009/10	483,732	120,089	225,875	294,429	1,124,125	
Agency Workers	—	—	—	322,806	322,806	
National Minimum Wage 2009/10	—	68,653	31,165	137,000	236,818	
Employing People	—	—	—	2,280	2,280	
Graduate Internship Program 2009/10	191,000	400,000	—	400,000	991,000	
Science: (So what? So everything) campaign 2009/10	19,167	—	—	—	19,167	
Trawlermen Compensation Scheme 2009/10	5,913	—	—	—	5,913	
Total 2009/10 to date	—	—	—	—	2,702,109	

Grant Shapps: To ask the Minister of State, Department for Business, Innovation and Skills how much he expects his Department to spend on (a) television, (b) radio, (c) print and (d) online advertising in (i) 2009-10 and (ii) 2010-11. [310217]

Mr. Hayes: To ask the Minister of State, Department for Business, Innovation and Skills what expenditure his Department expects to incur on advertising in the next 12 months; and for what purposes. [304565]

Mr. McFadden: Spending on advertising procured through the Central Office of Information (COI) by the Department in 2009-10 to date is as follows (this includes spend for advertising campaigns started by the former Department for Business, Enterprise and Regulatory Reform (BERR) and the former Department for Innovation, Universities and Skills (DIUS)):

2009-10 Campaign						£
	Press	Radio	Poster	Online	Media total	
Vulnerable Workers Campaign 2009-10	483,732	120,089	225,875	294,429	1,124,125	
Agency Workers	—	—	—	322,806	322,806	
National Minimum Wage 2009-10	—	68,653	31,165	137,000	236,818	
Employing People	—	—	—	2,280	2,280	
Graduate Internship Program 2009-10	191,000	400,000	—	400,000	991,000	
Science: (So what? So everything) campaign 2009-10	19,167	—	—	—	19,167	
Trawlermen Compensation Scheme 2009-10	5,913	—	—	—	5,913	
Total 2009-10 to date	—	—	—	—	2,702,109	

Expected expenditure on further advertising campaigns planned for the remainder of 2009-10 is:

National Minimum Wage: £429,428 total
(£214,317 for radio and £215,111 for press)

Science So What, So Everything: £229,306 total
(£141,242 for radio partnership, £80,664 for digital partnership and £7,400 for digital search).

Expected expenditure on advertising in 2010-11 cannot be provided as plans have not yet been finalised.

Mr. Hayes: To ask the Minister of State, Department for Business, Innovation and Skills how much his Department spent on advertising in the last 12 months; and for what purposes. [304564]

Mr. McFadden: It is not possible to provide figures for expenditure on advertising confined to the last 12 calendar months. We can provide figures for spend in financial years 2008/09 and 2009/10 to date.

Spending on advertising procured through the Central Office of Information (COI) by the Department in 2009/10 to date is as follows (this includes spend for advertising campaigns started by the former Department for Business, Enterprise and Regulatory Reform (BERR) and the former Department for Innovation, Universities and Skills (DIUS):

2009/10 BIS Campaign

	<i>Press</i>	<i>Radio</i>	<i>Poster</i>	<i>Online</i>	<i>Media total</i>
Vulnerable Workers Campaign 2009/10	483,732	120,089	225,875	294,429	1,124,125
Agency Workers	—	—	—	322,806	322,806
National Minimum Wage 2009/10	—	68,653	31,165	137,000	236,818
Employing People	—	—	—	2,280	2,280
Graduate Internship Program 2009/10	191,000	400,000	—	400,000	991,000
Science: (So what? So everything) campaign 2009/10	19,167	—	—	—	19,167
National Minimum Wage 2009/10	—	68,653	31,165	—	99,818
Trawlermen Compensation Scheme 2009/10	5,913	—	—	—	5,913
Total 2009/10 to date	—	—	—	—	2,702,109

Spending on advertising procured through COI by BERR and DIUS in 2008/09 is as follows:

2008/09 BERR Campaign

	<i>Press</i>	<i>Radio</i>	<i>Poster</i>	<i>Online</i>	<i>Media total</i>
Agency Workers Campaign 2008/09 (first part of the Vulnerable Workers campaign)	341,212	518,139	—	128,469	987,820
Employing People 2008/09	37,140	—	—	544,454	581,594
National Minimum Wage 2008/09	30,260	34,429	114,133	105,780	284,602
Dispute Resolution 2008/09	5,977	—	—	14,999	20,976
Trawlermen Compensation Scheme 2008/09	3,317	—	—	—	3,317
Total 2008/09	—	—	—	—	1,878,309

2008/09 DIUS campaign

	<i>Press</i>	<i>Television</i>	<i>Radio</i>	<i>Online</i>	<i>Media total</i>
Higher Education Student Finance campaign 2008/09	155,000	1,400,000	305,000	335,000	2,195,000
Science: (So what? So everything) campaign 2008/09	149,577	—	—	—	149,577
Science and Innovation Consultation Search 2008/09	—	—	—	1,181	1,181
Aim Higher websites hosting and updates 2008/09	—	—	—	5,182	5,182
DIUS Graduate Careers and Postgraduate Study	—	—	—	39,999	39,999
Total 2008/09	—	—	—	—	2,390,939

Employment Tribunals Service

Grant Shapps: To ask the Minister of State, Department for Business, Innovation and Skills how many industrial tribunals relating to his Department there have been in each of the last five years; and what the cost to his Department was of such tribunals in each such year. [310748]

Mr. McFadden: I refer the hon. Member to the answer I gave on 9 June 2009, *Official Report*, column reference 850W. We only hold figures from 2006 onwards.

Higher Education: Fees and Charges

Bill Wiggin: To ask the Minister of State, Department for Business, Innovation and Skills how

many and what proportion of students from (a) Herefordshire and (b) England have made applications for (i) a student loan for maintenance, (ii) a student loan for tuition fees, (iii) a maintenance grant and (iv) a special support grant for the 2009-10 academic year; when he expects all such applications to have been determined; and if he will make a statement. [307154]

Mr. Lammy: The Student Loans Company (SLC) has provided the following information on applications to 13 December 2009. Students do not specifically apply for grants. However, eligibility is determined by means testing and where means testing has been specifically requested this has been included as a guide to determining number of applicants who wish to be considered for maintenance or special support grant.

I am advised that Student Finance England is now processing applications within normal time scales. They are still receiving around 1,000 new applications per week which will typically be processed within six weeks if all the required information and evidence has been provided.

The SLC regularly provides high level processing and payment figures on their website and I am advised they will continue to do so on a monthly basis.

All applications received as at 13 December 2009

	<i>rounded to nearest 100</i>	
	<i>Herefordshire</i>	<i>England</i>
Total number of applications available for processing	13,200	934,000
Requesting tuition fee loan	3,000	847,900
Requesting maintenance loan	3,100	860,500
Requesting means testing	2,200	619,800

¹ Of the total number of applications available for processing as at 13 December 2009, 10 applications relating to Herefordshire were in process. The others had either been approved, found to be ineligible for support or had been processed as far as possible but were awaiting further information from the applicant.

Bill Wiggin: To ask the Minister of State, Department for Business, Innovation and Skills how much has been applied for in respect of (a) a student loan for maintenance, (b) a student loan for tuition fees, (c) a maintenance grant and (d) a special support

Table: Total amount applied for in loans of the 5,000 applications in process as at 13 December 2009

	<i>Count of applications (rounded to nearest 100)</i>	<i>Amount requested (rounded to nearest £000)</i>
<i>Tuition Fee loans</i>		
Requested maximum Tuition Fee loan	2,400	¹ n/a
Requested partial Tuition Fee loan	300	584,000
Requested no Tuition Fee loan	600	0
Requested loan not yet known	1,700	² n/a
<i>Maintenance loans</i>		
Requested maximum Maintenance loan	2,600	³ n/a
Requested partial Maintenance loan	100	429,000
Requested no Maintenance loan	600	0
Requested loan not yet known	1,700	² n/a

¹ The maximum Tuition Fee available in academic year 2009/10 was £3,225. However some Higher Education Institutions charge less.

² These are applications at the very first workstage in the application processing cycle. Details of applicant, course and loans requested will not yet have been entered into the application assessment system.

³ The maximum Maintenance Loan available in academic year 2009/10 depends on cohort year of entry of the applicant and place of residence for applicant during term time. See Student Support for Higher Education England Awards Statistical First release for Academic Year 2009/10 (provisional), Table 1 'Student Support available', for further details: <http://www.slc.co.uk/pdf/slcsfr062009.pdf>

⁴ Note that the amount actually paid may be less than the amount requested depending on assessed entitlement.

Higher Education: Radicalism

Mr. Hayes: To ask the Minister of State, Department for Business, Innovation and Skills when a Minister in his Department last met Professor Anthony Glee of Buckingham University to discuss extremism in universities. [311460]

Mr. Lammy: No Ministers in either the Department for Business, Innovation and Skills or the former Department for Innovation, Universities and Skills have met with Professor Anthony Glee of Buckingham University.

grant for the academic year 2009-10 which are still being processed; and if he will make a statement. [307155]

Mr. Lammy: The Student Loans Company (SLC) has provided information on how much was applied for in the 5,000 applications¹ which were still being processed as at 13 December 2009. These applications represent about 0.5 per cent. of those available for processing for the 2009/10 academic year. As processing has not been completed in these cases it is not possible to provide figures on how much was applied for in grants as applicants do not apply for a specific amount. The amount is calculated through the means testing part of processing.

I am advised that Student Finance England is now processing applications within normal timescales. They are still receiving around 1,000 new applications per week which will typically be processed within six weeks if all the required information and evidence has been provided.

The SLC regularly provides high level processing and payment figures on their website and I am advised they will continue to do so on a monthly basis.

¹ The figure of 5,000 applications in process does not include applications withdrawn by the applicant prior to approval, started online but never submitted to SLC, or those which SLC have processed as far as possible but are awaiting further information from students/sponsors.

Higher Education: Vetting

Mr. Hayes: To ask the Minister of State, Department for Business, Innovation and Skills if he bring forward proposals to prevent people with a conviction for a crime of incitement from being employed at a higher educational establishment. [311502]

Mr. Lammy: Convictions for crimes of incitement or violence even if spent must be declared on UCAS forms and applications from non-UCAS students. Universities will assess the risk in consultation with the police and relevant agencies and make appropriate decisions on

whether a place should be offered. Higher education establishments are responsible for their own admissions policies and we do not centrally direct them. For international students, UKBA will assess prior convictions when making decisions on issuing visas.

Overseas Students: Admissions

Mr. Hayes: To ask the Minister of State, Department for Business, Innovation and Skills what supporting documents his Department requires from the governments of overseas countries prior to the commencement of education in the UK of students who are foreign nationals. [311500]

Mr. Woolas: I have been asked to reply.

Overseas governments are not routinely required to provide supporting documents for students wishing to study here. However, where a student is in receipt of financial sponsorship from their home government, supporting documents are required to verify that a student meets the maintenance requirements specified in Tier 4 of the Points Based System.

Other documents issued by overseas governments are required for applications, for example passports and birth certificates. While they are government issued they are not required to be produced specifically for applications to UKBA.

Regional Development Agencies: Mining

Grant Shapps: To ask the Minister of State, Department for Business, Innovation and Skills for what reasons (a) his Department's representatives and (b) representatives of regional development agencies did not attend the Department for Communities and Local Government's forum to co-ordinate cross-government working in coalfield areas as noted in National Audit Office's report on English Coalfields, HC 84, para 3.20. [311553]

Ms Rosie Winterton: Responsibility for taking forward the economic regeneration of the former coalfield areas rests with the appropriate regional development agency (RDAs) in each region. Therefore, it is more appropriate for representatives of the RDAs to participate in the forum, rather than central BIS officials.

The forum held five meetings between July 2007 and July 2009. Yorkshire Forward (YF) was the only RDA invitee to the meetings. YF was unable to attend three meetings due to diary commitments and an administrative error and they did not receive invitations for two meetings. The forum meetings held in September and December 2009 were attended by representatives from Yorkshire Forward.

Runshaw College

Mr. Hoyle: To ask the Minister of State, Department for Business, Innovation and Skills how many part-time students have registered for a higher education course at Runshaw College in each of the last five years. [314219]

Mr. Lammy: Information on the numbers of students studying higher education level courses at further education colleges is not published at institution level.

Small Businesses: Taxation

Geraldine Smith: To ask the Minister of State, Department for Business, Innovation and Skills how many small businesses in (a) Morecambe and (b) Lancashire have applied to defer their tax payments in 2009-10 under the Government's late payment scheme. [311558]

Mr. Timms: Since its introduction on 24 November 2008 HM Revenue and Customs' (HMRC) Business Payment Support Service (BPSS) has agreed over 270,000 time to pay arrangements to spread tax payments of about £4.7 billion over timetables businesses can afford.

From 24 November 2008 to 24 January 2010 HMRC agreed 5,270 time to pay arrangements, worth £78 million, under the BPSS with businesses in Lancashire. Data relating specifically to Morecambe, or just for small businesses are not available.

Students: Bankruptcy

Mr. Ruffley: To ask the Minister of State, Department for Business, Innovation and Skills how many undergraduate students resident in (a) Suffolk, (b) the East of England and (c) England have declared themselves bankrupt in each year since 1997. [314883]

Mr. Lammy: The number of undergraduate students who have declared themselves bankrupt is not held centrally.

The following table shows the number of undergraduate students in England who have student loans and who have notified the Student Loans Company (SLC) of their bankruptcy while studying. However, the table does not include students who have not applied for student finance and students who have student loans but who have not notified the SLC that they are bankrupt.

<i>Financial Year</i>	<i>Students¹</i>
1997-98	5
1998-99	10
1999-00	15
2000-01	5
2001-02	15
2002-03	20
2003-04	70
2004-05 ²	60
2005-06 ²	30
2006-07 ²	15
2007-08 ²	15

¹ Figures rounded to the nearest five.

² Since 2004 student loans are no longer written-off due to bankruptcy. From that time the number of students notifying the SLC of their bankruptcy has declined.

Note:

Figures for Suffolk and the East of England cannot be supplied as they are so small as to potentially identify individuals.

Source:

Student Loans Company

Students: Finance

Mr. Evans: To ask the Minister of State, Department for Business, Innovation and Skills what estimate he has made of the number of students in higher education who have not received student finance payments for the academic year 2009-10. [314691]

Mr. Lammy: Data on numbers of applications processed, paid and still to be paid are available on the SLC website at:

<http://www.slc.co.uk/statistics/facts%20and%20%20figures/index.html>

I am advised that Student Finance England is now processing applications within normal timescales. It is still receiving over 1,000 new applications per week which will typically be processed within six weeks, once all the required information and evidence has been provided.

Mr. Evans: To ask the Minister of State, Department for Business, Innovation and Skills what estimate he has made of the number of students who have left their course of study as a result of not receiving their student finance payments for the academic year 2009-10. [314692]

Mr. Lammy: The Department has not made an estimate of numbers of students who have withdrawn from a course in 2009/10 academic year due to delays in receiving student finance.

Many students whose means tested applications could not be processed before the start of term, for example

because of incomplete evidence, were given provisional non means tested maintenance awards and confirmation that their tuition fees would be paid.

Students whose application for student support was not approved by the start of term would have been able to apply for help through the Access to Learning Fund which is provided by the Government and administered by Higher Education Institutions, and can provide assistance to students in financial hardship.

Students: Loans

Andrew Stunell: To ask the Minister of State, Department for Business, Innovation and Skills how many students resident in (a) each local authority area in the North West and (b) England had not received their first student loan payment for the academic year 2009-10 by 4 January 2010. [309869]

Mr. Lammy [holding answer 12 January 2010]: The information in the following table has been provided by the Student Loans Company (SLC) and is a snapshot of the position at 3 January 2010 as regards payment of maintenance loans and grants for new and returning students studying in England and north-west England for academic year 2009-10.

	<i>England total</i>	<i>North-west England total</i>	<i>Blackpool</i>	<i>Bolton</i>	<i>Bury</i>	<i>Cheshire</i>	<i>Halton</i>	<i>Knowsley</i>
Approved applicants where course has not yet started	800	170	10	40	10	0	0	10
Approved applicants confirmed as attending course and eligible for payment	828,240	108,850	2,090	4,560	3,620	12,520	1,730	2,220
Students who have received first term's maintenance payment	825,170	108,470	2,080	4,540	3,600	12,440	1,730	2,220
Students with first payment currently being processed through the banking system	1,760	250	0	10	10	70	0	0
Students due to be paid for whom payment has not been released	1,310	130	0	10	10	10	0	0
Of which NI number being verified with DWP	980	90	0	10	10	10	0	0
Of which customer has not yet provided bank account details or payment blocked for another reason (e.g. fraud suspected)	330	40	0	0	0	0	0	0

	<i>Lancashire</i>	<i>Liverpool</i>	<i>Manchester</i>	<i>Oldham</i>	<i>Rochdale</i>	<i>Salford</i>	<i>Sefton</i>
Approved applicants where course has not yet started	10	10	20	0	10	10	0
Approved applicants confirmed as attending course and eligible for payment	20,780	7,570	8,110	3,660	3,540	3,260	5,500
Students who have received first term's maintenance payment	20,720	7,550	8,080	3,640	3,520	3,250	5,490
Students with first payment currently being processed through the banking system	40	10	20	10	20	10	10
Students due to be paid for whom payment has not been released	20	10	20	10	10	0	0
Of which NI number being verified with DWP	20	10	10	10	10	0	0

	<i>Lancashire</i>	<i>Liverpool</i>	<i>Manchester</i>	<i>Oldham</i>	<i>Rochdale</i>	<i>Salford</i>	<i>Sefton</i>
Of which customer has not yet provided bank account details or payment blocked for another reason (e.g. fraud suspected)	10	10	10	0	0	0	0
	<i>St. Helens</i>	<i>Stockport</i>	<i>Tameside</i>	<i>Trafford</i>	<i>Warrington</i>	<i>Wigan</i>	<i>Wirral</i>
Approved applicants where course has not yet started	10	10	0	0	0	10	10
Approved applicants confirmed as attending course and eligible for payment	2,660	5,360	3,100	4,820	3,490	4,320	5,950
Students who have received first term's maintenance payment	2,660	5,340	3,090	4,810	3,480	4,310	5,930
Students with first payment currently being processed through the banking system	0	10	10	10	10	0	10
Students due to be paid for whom payment has not been released	0	0	0	0	10	10	0
Of which NI number being verified with DWP	0	0	0	0	0	0	0
Of which customer has not yet provided bank account details or payment blocked for another reason (e.g. fraud suspected)	0	0	0	0	0	0	0

Notes:

1. Rounded to nearest 10 applications.

2. Data effective 3 January 2010, no data source effective 4 January 2010 available for analysis.

3. Excludes applications where the university has not confirmed the student's attendance; applications which were cancelled or ineligible, and online applications which were started but not submitted to SLC.

Andrew Stunell: To ask the Minister of State, Department for Business, Innovation and Skills how many people in each age group resident in (a) each local education authority area in the North West and (b) England had paid their student loans in full on the latest date for which figures are available. [312988]

and all the accounting action is complete as at 30 June 2009. However, as at the same date, there were a further 164,600 borrowers in England who had fully repaid their loan, but whose accounts were still in the process of being closed. It is not possible for us to provide a breakdown by age of those students.

Mr. Lammy: The following table provides a breakdown by age of those students whose accounts are fully repaid

<i>Local authority</i>	<i>Income-contingent loans fully repaid¹</i>						<i>Grand total</i>
	<i>Age band at fully repaid date</i>						
	<i>Less than 20</i>	<i>20-24</i>	<i>25-29</i>	<i>30-39</i>	<i>40-49</i>	<i>50 and over</i>	
England	4,050	18,780	4,090	2,670	1,490	410	31,500
Blackpool	*	20	10	*	*	*	40
Bolton	30	90	20	10	10	*	150
Bury	10	80	10	20	10	*	120
Cheshire	60	310	50	30	20	10	480
Cumbria	50	140	20	30	10	*	250
Halton	10	30	*	*	*	*	40
Knowsley	*	30	10	*	*	*	40
Lancashire	110	400	70	80	40	20	720
Liverpool	10	60	30	20	10	*	130
Manchester	20	70	30	20	10	*	150
Oldham	20	70	10	10	10	*	110
Rochdale	10	80	10	10	10	*	110
Salford	10	20	10	10	*	*	50
Sefton	30	90	20	10	*	*	150
St. Helens	10	30	10	10	*	*	70
Stockport	30	100	20	10	10	*	170
Tameside	10	40	10	10	10	*	70
Trafford	20	80	10	10	10	*	130
Warrington	10	50	10	*	10	*	80

Income-contingent loans fully repaid¹

<i>Local authority</i>	<i>Age band at fully repaid date</i>						<i>Grand total</i>
	<i>Less than 20</i>	<i>20-24</i>	<i>25-29</i>	<i>30-39</i>	<i>40-49</i>	<i>50 and over</i>	
Wigan	10	50	10	10	*	*	90
Wirral	20	80	20	10	*	*	140

* = less than 5.

¹ Figures rounded to the nearest 10.

Source:

Student Loans Company

Stephen Williams: To ask the Minister of State, Department for Business, Innovation and Skills how many students in each constituency received a tuition fee loan in the latest year for which figures are available.

[315076]

Mr. Lammy: Reliable information is not available at constituency level.

WORK AND PENSIONS

Child Poverty

16. **Ms Buck:** To ask the Secretary of State for Work and Pensions what recent assessment she has made of the effectiveness of in-work benefits in countering child poverty.

[314116]

Helen Goodman: In work benefits have already helped to lift 500,000 out of poverty. The increase in housing benefit, council tax benefit and child benefit alongside other measures including tax credits and the announced extension of free school meals to primary school age children from low income working families mean that over 2 million fewer children are living in poverty than would have been the case if we had simply uprated the 1997 system in line with prices.

Tim Loughton: To ask the Secretary of State for Work and Pensions what recent assessment she has made of her Department's progress towards meeting its 2010 child poverty target.

[314107]

Helen Goodman: The decisive action taken by this Government has significantly reversed the trend of rising child poverty. As a result of the policies introduced since 1997 we have lifted 500,000 children out of relative poverty and halved absolute poverty.

Measures announced in and since Budget 2007 will lift around a further 550,000 children out of poverty.

The Government remain committed to the sustainable eradication of child poverty. The Child Poverty Bill, currently progressing through Parliament, will enshrine in law the commitment to eradicate child poverty by 2020 and, as far as possible, ensure that children do not experience socio-economic disadvantage.

Pension Credit

18. **Mr. Sanders:** To ask the Secretary of State for Work and Pensions what recent estimate she has made of the number of pensioners eligible for but not claiming pension credit.

[314118]

Angela Eagle: The Government are committed to ensuring pensioners receive all the support they are entitled to.

Pension credit take up is between 61 and 70 per cent. which increases to between 72 and 81 per cent. for the guarantee credit only which is paid to the poorest and generally older pensioners.

Income Support: Pregnancy

19. **Natascha Engel:** To ask the Secretary of State for Work and Pensions if she will take steps to extend eligibility for income support to women who are 12 weeks pregnant.

[314120]

Helen Goodman: The existing rules for Income Support are consistent with support for pregnant women in and out of work. Entitlement to IS and Maternity Leave, both begin at the 11th week before the EDO. This strikes a fair balance between the needs of taxpayers and employers and supporting individuals and families.

We therefore, have no plans to change them.

Benefits Inquiries

20. **Mr. Laurence Robertson:** To ask the Secretary of State for Work and Pensions what steps she is taking to ensure that inquiries about benefits from members of the public are dealt with locally; and if she will make a statement.

[314121]

Helen Goodman: In common with other organisations telephony services are considered more accessible to a wider range of customers, increasing access to our services and the efficient use of public resources. Vulnerable customers not able to use the telephone are offered local face-to-face assistance.

The Pension, Disability and Carers Service makes around 700,000 home visits a year to pensioners and disabled people. Working with partners it also supports a local information point network providing face to face information and advice about benefits and other services.

Jobcentre Plus: Coventry

22. **Mr. Jim Cunningham:** To ask the Secretary of State for Work and Pensions what recent steps her Department has taken to refurbish Jobcentre Plus offices in Coventry.

[314123]

Jim Knight: We are aiming to use our existing estate wherever we can and have made some minor refurbishments to our offices.

Tile Hill Jobcentre has gained 11 more customer-facing desks and staff in non-customer facing roles have relocated to an adjacent site, freeing up 80 additional desks.

Jobseeker's Allowance

23. James Duddridge: To ask the Secretary of State for Work and Pensions what proportion of the population in (a) Rochford and Southend East constituency and (b) the UK is claiming jobseeker's allowance. [314124]

Jim Knight: In December 2009, 5.9 per cent. of the working age population of Rochford and Southend, East and 4.1 per cent. of the working age population of the UK were claiming jobseeker's allowance.

Current figures for the UK are lower than had been expected.

24. Mr. Swayne: To ask the Secretary of State for Work and Pensions what estimate she has made of the number of people who will make a claim for jobseeker's allowance in 2010. [314125]

Jim Knight: The Department does not publish forecasts for the number of people who will make claims for jobseeker's allowance.

In the pre-Budget report the Treasury published a projection for the claimant count showing it peaking at 1.75 million around the middle of this year and falling thereafter.

Mr. Andrew Turner: To ask the Secretary of State for Work and Pensions what proportion of the population in (a) the UK and (b) Isle of Wight constituency is claiming jobseeker's allowance. [314117]

Jim Knight: In December 2009, 4.5 per cent. of the working age population of the Isle of Wight and 4.1 per cent. of the working age population of the UK were claiming jobseeker's allowance.

Current figures for the UK are 450,000 lower than had been predicted at the time of the Budget.

Future Jobs Fund

Joan Walley: To ask the Secretary of State for Work and Pensions what support Jobcentre Plus provides for jobseekers under the Future Jobs Fund. [314114]

Jim Knight: The future jobs fund, part of the young person's guarantee, will ensure that all 18 to 24-year-olds who have been claiming jobseeker's allowance for six months will be supported into a job, work experience placement or work-related training, following completion of a personalised 'back to work' plan devised with a Jobcentre Plus personal adviser.

Youth Unemployment

Ann Winterton: To ask the Secretary of State for Work and Pensions what her most recent estimate is of the level of youth unemployment. [314122]

Jim Knight: There are currently 927,000 ILO unemployed young people aged 16 to 24, which is a fall of 16,000 on the previous quarter. Of these, 269,000 (almost 30 per cent.) are in full-time education.

The youth claimant count has fallen for the second consecutive month and is now 483,700.

Attendance Allowance: Ashford Kent

Damian Green: To ask the Secretary of State for Work and Pensions (1) how many people resident in Ashford constituency claimed attendance allowance in each of the last five years; [313515]

(2) how many people resident in Ashford constituency have claimed disability living allowance in each of the last five years. [313517]

Jonathan Shaw: The available information is in the following table.

Attendance allowance and disability living allowance—cases in payment in Ashford parliamentary constituency

	May 2005	May 2006	May 2007	May 2008	May 2009
Attendance allowance	1,930	2,020	2,150	2,280	2,390
Disability living allowance	3,850	3,980	4,130	4,400	4,700

Notes:

1. Caseload figures are rounded to the nearest 10.
2. Cases in payment show the number of people in receipt of an allowance, and exclude people with entitlement where the payment has been suspended, for example if they are in hospital.

Source:

DWP Information Directorate Work and Pensions Longitudinal Study

Child Maintenance Enforcement Commission

Steve Webb: To ask the Secretary of State for Work and Pensions what measures have been taken by (a) her Department, (b) Jobcentre Plus, (c) the Child Maintenance Enforcement Commission (CMEC) and (d) other relevant bodies to promote the services of CMEC and to develop the information and support available through the Child Maintenance Options service to (i) parents already using the CSA and (ii) separating and new lone parents since the service became operational; and what consideration she has given to possible enhancements to the service. [300981]

Helen Goodman: The Child Maintenance and Enforcement Commission is responsible for the child maintenance system. I have asked the Child Maintenance Commissioner to write to the hon. Member with the information requested and I have seen the response.

Letter from Stephen Geraghty:

In reply to your recent Parliamentary Question about the Child Maintenance and Enforcement Commission, the Secretary of State promised a substantive reply from the Child Maintenance Commissioner.

You asked the Secretary of State for Work and Pensions what measures have been taken by (a) her Department (b) Jobcentre Plus (c) the Child Maintenance Enforcement Commission (CMEC) and (d) other relevant bodies to promote the services of CMEC and to develop the information and support available through the Child Maintenance Options service to (i) parents already using the CSA and (ii) separating and new lone parents since the service became operational; and what consideration she has given to possible enhancements to the service. [300981]

The Commission is working with a number of organisations, including Jobcentre Plus and Her Majesty's Revenue and Customs, to promote a number of services it offers. These include:

Jobcentre Plus, which, upon first contact with a client, will send a leaflet, which introduces the Child Maintenance Options service, to those who have registered a child maintenance interest. They will also ask the client if they wish to be referred to the service.

Those who agree, have their contact details passed on to Child Maintenance Options, which will then contact them to discuss their child maintenance issue.

HM Revenue & Customs, which also refers newly separated parents to the Child Maintenance Options service when a client registers a change in circumstances for tax credit entitlements.

The Commission is working closely with the Department for Children, Schools and Families (DCSF) to build awareness of financial responsibility. DCSF has launched a 'Separating Families' initiative to co-ordinate services provided for separated and separating parents and we have been engaging with them to ensure that information on child maintenance is included. This initiative is being piloted in ten local areas across the country.

We are working closely with the Local Strategic Partnership in Nottingham to promote our services. Information on Child Maintenance Options has been circulated throughout children's centres. Additionally, two 45 minute lesson plans are being included in the 'do you want to be in my position' teaching pack on sex and relationships education. This pack is being piloted in the Nottingham University Samworth Academy.

We are exploring ways in which we can engage with health service professionals, through the Department of Health, particularly midwives and health visitors who are well placed to discuss child maintenance issues with new parents. We are also working with the Financial Services Authority to ensure that its financial education products stress the importance of financial responsibility and set out the Commission's services.

We are also examining ways to engage with the Department for Communities and Local Government.

Until now, the focus on the promotion of the Child Maintenance Options service has been on separating and new lone parents, particularly those claiming benefits and those whose family and friends may influence their behaviour. We hope this will help to foster collaboration and encourage the establishment of arrangements at the earliest opportunity. In July 2009, we successfully carried out a test promotional campaign in the Midlands region to promote the service.

The results of the test have been very encouraging and headline results show a 56 per cent increase in calls to the service and a 103 per cent increase in website visits during the 12 week period of the campaign. Of those responding, we estimate that 65 per cent were parents with care, 22 per cent non-resident parents and 13 per cent friends and family. This supports our decision to launch the campaign nationally, from January 2010, to promote awareness of and encourage demand for the Child Maintenance Options service on a larger scale.

The Commission is taking a number of steps to consider whether possible enhancements could be made to improve the service further.

A strategic review of the Child Maintenance Options service has recently been completed and some key stakeholders, including Gingerbread and Relate, were invited to an open forum to discuss our plans for the future. Some of these plans include testing a range of service enhancements in the early part of next year to establish which are the most effective in helping customers to establish a maintenance arrangement that works for them.

There are a number of research and evaluation programmes being used among current and potential customers to enhance the information and guidance which the service offers, and to develop further the processes of referrals from other government organisations.

The Commission will continue to evaluate each activity on an ongoing basis to inform future strategy.

I hope you find this answer helpful.

Cold Weather Payments

John Mason: To ask the Secretary of State for Work and Pensions what steps the Government is taking to inform pensioners not registered for pension credit of their entitlement to cold weather payments. [312400]

Helen Goodman: As this group of pensioners would not be eligible to receive a cold weather payment it would be inappropriate to target publicity towards this group.

Customers eligible for cold weather payments are those in receipt of pension credit or income-related employment and support allowance that includes a work-related activity or support component. Those in receipt of income support, income-based jobseeker's allowance or income-related employment and support allowance in the assessment phase are also eligible if they have a pensioner or disability premium included in their benefit or they have a child who is disabled or under the age of five in the family.

The Government are committed to ensuring pensioners receive the support they are entitled to. The claim process has been simplified and since November 2008 claims for housing benefit and council tax benefit, made over the phone with pension credit, can be forwarded directly to the local authority without the need for a signed claim form.

Targeted regional take-up campaigns are being rolled out in selected regions, based on partnership working. The new campaign is designed to engage with the local pensioner population, by using channels of communication and working with organisations that they are likely to be familiar with. Using regional media to support targeted communications and raise awareness among friends and family.

The Pensions Disability and Carers Service use business triggers in Pension Centres to help ensure those who may be entitled to pension credit claim it. Customer advisers will discuss making a pension credit application with those who may be eligible when a customer makes a claim to state pension, turns 60 years of age or informs the Pensions, Disability and Carers Service of a significant change in their circumstances.

The Pension Disability and Carers Service also conduct around 13,000 home visits a week for vulnerable customers to ensure they are receiving the benefits they are entitled to, such as pension credit and attendance allowance. They have established joint Working Partnerships, which are either live or at the implementation stage, with all 203 primary tier local authorities in England, Scotland and Wales. These partnerships enable the Pension Disability and Carers Service, local authorities and the voluntary sector to provide a single point of access to social care and benefit entitlement.

Also, we are planning a small pilot in 2010 which is designed to investigate the viability of making better use of the data currently held by DWP to improve pension credit take-up. The pilot will involve making awards of pension credit to a sample group of pensioners without them first having made a claim. During the course of the pilot, each award will be for a period of 12 weeks, and will be based on information we already hold. At the end of the pilot there will be a thorough investigation. This should provide evidence which could help inform future policy development in the area of benefit take-up.

Crisis Loans

Jim Cousins: To ask the Secretary of State for Work and Pensions how many crisis loans were made in each social services authority area in England in (a) 2006-07, (b) 2007-08 and (c) 2008-09; and at what cost in each of those years. [313803]

Helen Goodman: The information is not available.

Departmental Public Expenditure

David Simpson: To ask the Secretary of State for Work and Pensions how much her Department spent on (a) new furnishings, (b) works of art and (c) new vehicles in each of the last two years. [312547]

Jonathan Shaw: The information requested on new furnishings and new vehicles is provided in the table.

Works of art displayed in the Department for Work and Pensions are from the Government Art Collection (GAC), which publishes an annual list of acquisitions. The most recent details of acquisitions made by the GAC were published on 5 October 2009 and are available on the GAC website:

<http://www.gac.culture.gov.uk/information/publications.asp>

Financial year	£ million	
	Cost of new furnishings ¹	Cost of new vehicles ²
2007-08	5.0	0.008
2008-09	4.3	³ —

¹ The provision of furnishings is for approximately 100,000 staff in 1,000 buildings and includes desks, chairs and other office furnishings.

² The figures provided for the cost of new vehicles represent capital spend. The Department changed from purchasing to leasing vehicles in August 2007.

³ The DWP moved from outright purchase of vehicles to leasing in 2007. The overall cost of the vehicle fleet was £9.992 million. However, this cost includes charges for all vehicles, service and maintenance charges, Road Fund Licence and accident management services etc.

Departmental Telephone Services

Andrew Selous: To ask the Secretary of State for Work and Pensions what estimate she has made of the cost to callers to her Department's telephone helplines with the prefix of (a) 0845 and (b) 0844 in the last 12 months; and if she will make a statement. [313468]

Jim Knight [*holding answer 26 January 2010*]: The cost of calls to the Department's 0845 numbers will vary according to each service provider, who will determine their own costs. BT landlines charge the lowest tariff and 70 per cent. of DWP callers do so from a BT landline. BT provide free 0845 calls if the call is made within the individual caller's call plan. The cost of calls to 0845 numbers from mobile phones will also vary according to which mobile operator a customer uses.

It would not, therefore, be possible to determine the cost of calls to the Department's 0845 telephone numbers.

The Department does not use 0844 telephone numbers.

Employment and Support Allowance

Mr. Streeter: To ask the Secretary of State for Work and Pensions what assessment her Department has made of the compliance of the benefits application process for employment and support allowance with disability discrimination legislation. [310930]

Jonathan Shaw: Jobcentre Plus conducted an Equality Impact Assessment of employment and support allowance prior to its introduction in October 2008. This included

the process for benefit applications. The screening stage of the assessment concluded that the introduction of employment and support allowance is not likely to discriminate unlawfully or have an unfair effect on particular groups of people.

Employment and Support Allowance: Mentally III

Hazel Blears: To ask the Secretary of State for Work and Pensions what proportion of employment and support allowance claimants with mental health problems scored enough points to be considered unable to work in 2009. [313319]

Jonathan Shaw: The information requested is not available at the moment. Data will become available in the near future.

Employment Schemes: Young People

Mr. Frank Field: To ask the Secretary of State for Work and Pensions how many places the Government has made available under the Young Person's Guarantee excluding those from the Future Jobs Fund; and if she will make a statement. [312871]

Jim Knight: The Young Person's Guarantee went live on 25 of January and therefore we have no figures of places to date. However, we will make sufficient places available to ensure all eligible young people are delivered the Young Person's Guarantee through a combination of the initiatives in Backing Young Britain, the existing 6 Month Offer, the Future Jobs Fund, Routes into Work, training and the Community Task Force, which will underpin the offer. We have designed the Community Task Force procurement to offer the necessary flexibility to respond to changing volumes and demand for places. The information on numbers of young people participating is not available as DWP does not project unemployment.

The Young Persons Guarantee places will be demanded and all young people claiming past six months will be guaranteed a job, work-focused training, or work experience. A personal adviser will work with them to create a personalised back to work plan, ensuring they receive the most appropriate help to return to work quickly.

Flexible Working: Parents

Chloe Smith: To ask the Secretary of State for Work and Pensions how many parents of young children have requested flexible working in (a) each region and (b) Norwich North constituency since the Employment Act 2002 came into force. [301695]

Mr. McFadden: I have been asked to reply.

The proportion of employees with children (under 16 years old) who have requested to work flexibly and the acceptance rate for these requests by region and nation in Great Britain are provided in the following table. These figures are from the Flexible Working Survey (2005) and information is not available for the Norwich North constituency.

The new employment rights introduced on April 2003 gave parents of children under six and disabled children under 18 the right to request flexible working, this was extended to carers in April 2007 and parents of children aged 16 and under in April 2009. The Flexible Working Survey was conducted in January 2005 and respondents were asked to consider whether they made

a request to their current employer in the last two years. BIS' Work Life Balance Survey (2006) and EHRC's YouGov Survey of Parents' Attitudes to Work, Care and Family Life (2008) provide more recent information on requests to work flexibly, but cannot provide robust data by region due to their smaller sample sizes.

Requests to work flexibly over last two years, employees with children

	<i>Employees with children (under 16) requests for flexible working</i>	<i>Percentage Acceptance (fully and partially)</i>
Great Britain	19	85
England	19	85
North East	20	1__
North West	1__	89
Yorkshire and the Humber	19	73
East Midlands	1__	1__
West Midlands	13	1__
East of England	1__	1__
London	25	90
South East	18	81
South West	27	83
Wales	1__	1__
Scotland	19	88

¹ Reliable figures are not available due to small sample sizes.

Source:

Flexible Working Employee Survey 2005

Institution of Occupational Safety and Health: Finance

Mr. Stewart Jackson: To ask the Secretary of State for Work and Pensions what funding (a) her Department and (b) the Health and Safety Executive has provided to the Institution of Occupational Safety and Health in 2009-10. [311786]

Jonathan Shaw: To date, DWP has not provided any funding to the Institution of Occupational Safety and Health (IOSH) in the financial year 2009-10.

To date, HSE has not provided any direct funding to IOSH in financial year 2009-10.

HSE is funding a feasibility study by the Chartered Institute for Environmental Health (CIEH) and IOSH on an accreditation system for health and safety professionals. HSE's contract is with CIEH, which will receive £42,000. CIEH will pay IOSH for the work that it carries out on the project.

New Deal for Young People: Salford

Hazel Blears: To ask the Secretary of State for Work and Pensions how many young people in the City of Salford have participated in the New Deal for Young People in each year since its introduction. [311670]

Jim Knight: The available information can be found in the following table:

New deal for young people—starters (spells): Salford parliamentary constituency, time series by year of starting the new deal

	<i>Number</i>
1998	420
1999	420
2000	340
2001	290

New deal for young people—starters (spells): Salford parliamentary constituency, time series by year of starting the new deal

	<i>Number</i>
2002	280
2003	390
2004	320
2005	300
2006	290
2007	450
2008	440
2009	350
Total	4,280

Notes:

1. Figures are rounded to the nearest 10. Some additional disclosure control has also been applied. Totals may not sum due to rounding.
2. The latest new deal figures will be affected by the introduction of the new jobseeker's regime and flexible new deal (gradual implementation started from April 2009).
3. Westminster parliamentary constituency (post May 2005) is allocated using ONS Postcode Directory and customer's postcode.
4. The new deal for young people pilots began in January 1998 and full national roll-out occurred in April 1998.
5. Latest data are to August 2009.

Source:

Department for Work and Pensions, Information Directorate.

New Deal Schemes: Nottingham

Mr. Allen: To ask the Secretary of State for Work and Pensions how many people in Nottingham North constituency have been assisted into work through the New Deal since 1997. [308296]

Jim Knight: The information requested is in the following table:

New Deal—Jobs (spells) jobs gained: Nottingham North parliamentary constituency

	<i>Total number of jobs gained</i>
1997	—

New Deal—Jobs (spells) jobs gained: Nottingham North parliamentary constituency

	<i>Total number of jobs gained</i>
1998	180
1999	660
2000	710
2001	660
2002	760
2003	760
2004	870
2005	730
2006	650
2007	690
2008	550
2009	190
Total	7,410

Notes:

1. ‘—’ is Nil or Negligible.
2. Figures are rounded to the nearest 10. Some additional disclosure control has been applied. Figures may not sum due to rounding.
3. The latest New Deal figures will be affected by the introduction of the new Jobseekers Regime and Flexible New Deal (gradual implementation started from April 2009).
4. Time series is the calendar year that the job was gained. Latest data are to May 2009.
5. Total number of jobs gained refers to the sum of all jobs (spells) obtained through New Deal for Young People, New Deal for 25+, New Deal for Young Parents, New Deal for Disabled People, New Deal for 50+ and New Deal for Partners.
6. Spells are not available for New Deal 50+ and New Deal for Partners so individual level data are used.
7. An error has been discovered in the numbers gaining a job through New Deal 50 Plus. This problem affects numbers from 2005 onwards where monthly jobs gained are overstated. The level of the overstatement rises gradually from 1 per cent. in early 2005 to around 13 per cent. for the most up to date numbers. Due to data processing methodology, other New Deals will be affected by less than 1 per cent. when this error is resolved. This issue will be corrected in the next release of statistics on 17 February.

Source:

Department for Work and Pensions, Information Directorate

New Deal Schemes: Torbay

Mr. Sanders: To ask the Secretary of State for Work and Pensions how many people resident in Torbay constituency have received assistance through New Deal schemes in each year since 1997. [312862]

Jim Knight: The information requested is in the following table:

	<i>Total number of Starts to New Deals¹ in Torbay</i>	<i>Number</i>
1997		*
1998		640
1999		1,040
2000		940
2001		860
2002		1,050
2003		1,040
2004		1,470
2005		850
2006		910
2007		1,050
2008		950
2009		490

Total number of Starts to New Deals¹ in Torbay

	<i>Number</i>
Total	11,290

¹ Some additional disclosure control has also been applied. Totals may not sum due to rounding.

Notes:

1. Definitions and conventions: “—” nil or negligible; “*” not applicable. Figures are rounded to the nearest 10.
2. The latest New Deal figures will be affected by the introduction of the new Jobseekers Regime and Flexible New Deal (gradual implementation started from April 2009).
3. Spells are not available for New Deal 50 plus and New Deal for Partners so individual level data is used instead. Spells data is used for New Deal for Young People, New Deal for 25 plus New Deal for Lone Parents, New Deal for Disabled People.
4. “Time Series—year of starting”. The calendar year of starting New Deal. Latest data is to August 2009.
5. The New Deal for Young People pilots began in January 1998 and full national roll-out occurred in April 1998.
6. The New Deal for 25 plus programme was introduced in July 1998.
7. The New Deal for Lone Parents was introduced in October 1998.
8. The New Deal for Disabled People was introduced in July 2001.
9. Data on New Deal 50 plus is available from January 2004 (programme was introduced in April 2000).
10. Data for New Deal for Partners is available from April 2004 (programme started in May 1999).

Source:

Department for Work and Pensions, Information Directorate

Pension Credit: Fraud

Mr. Waterson: To ask the Secretary of State for Work and Pensions what percentage of the sum overspent on pension credit between April 2008 and March 2009 was attributable to fraudulent claims; and what steps she plans to take to change the pension credit application process to prevent such claims. [310972]

Helen Goodman: In 2008-09, 28 per cent. of pension credit overpayments were a result of fraud.

In 2009-10 we have strengthened the pension credit application process by ensuring that claims in high-risk categories are selected for further scrutiny.

Pensions Act 2008

Gordon Banks: To ask the Secretary of State for Work and Pensions what assessment her Department made of the effects on competition of the decision to implement the provisions of the Pensions Act 2008 over a four year period. [314266]

Angela Eagle [*holding answer 29 January 2010*]: The challenge of implementing the workplace pension reforms contained in Part 1 of the Pensions Act 2008 is unprecedented with over a million employers and over 10 million people affected.

In order to deliver the workplace pension reforms successfully, we are intending to stage in the automatic enrolment duties over a four year period, starting with large employers, medium and then small.

Inevitably, staging of employers by size can affect the ability of employers to compete with each other in the short-term. This is because some employers will face the cost of administering the reforms and contributing to their employees’ pensions sooner than employers staged later. The extent to which implementation affects employers’ ability to compete will depend on: how employers choose to cope with the reforms (e.g. increase prices, reduce wages, reduce profits) and the level of competition between firms staged at different times.

If, for instance, employers who are staged in earlier cope with the cost of the reforms by increasing prices then they will experience a price differential from competitors who are staged in later.

We considered a number of approaches to staging, including segmenting employers by random selection, by industry type or by geographical region. We believe that staging by size offers the best balance of maximising deliverability while minimising employer burdens and competition impacts.

We believe that any impacts on competition will be short-term and outweighed by the overall positive benefits of our approach. To further minimise competition issues we are also ensuring that employers will be required to contribute 1 per cent. of qualifying earnings throughout the staging period, before all employers move, at the same time, to 2 per cent. contributions, then 3 per cent.

Table 1 shows the estimated average additional contribution cost per firm during the staging period for different firm sizes. It can be used to quantify the competition impact between firms. The longer the difference in staging between firms that actively compete with each other, the greater the difference in the contribution costs they face. For instance, a small firm staged in 12 months before another small firm that it actively competes with will face approximately £960 more in contribution costs than the firm that is staged later¹.

¹ This is the cost of 12 months of additional contribution costs for large firms based on a £80 monthly cost.

<i>Average additional contribution costs by firm size</i>	
	<i>(£ monthly)</i>
Large firms (250 + employees)	5,340

Average additional contribution costs by firm size

	<i>(£ monthly)</i>
Medium firms (50-249 employees)	615
Small firms (5-49 employees)	80
Micro firms (1-4 employees)	15

Notes:

Figures are expressed in 2009-10 earnings and prices and are rounded to the nearest £5.

Source:

DWP modelling.

Poverty: Children

Jim Cousins: To ask the Secretary of State for Work and Pensions if she will estimate the (a) number and (b) proportion of children in (i) each region of England, (ii) Scotland, (iii) Wales and (iv) Northern Ireland who experienced material deprivation in (A) 2006-07, (B) 2007-08 and (C) 2008-09. [313264]

Helen Goodman: Information on the number and percentage of children living in low income households in each region and country of the UK is given in the following table for periods where data is available. Regional data are presented as three-year averages, due to variability in single-year estimates. Information for 2008-09 is not yet available.

Material deprivation and low income is defined as being in a household with a household income of less than 70 per cent. of contemporary median income and a material deprivation score of greater than 25. Full details of the way scores are constructed are available in the public service agreement document "Halve the number of children in poverty by 2010-11, on the way to eradicating child poverty by 2020". A copy is available in the Library.

<i>Country or region</i>	<i>Number and proportion of children falling below thresholds of low income and material deprivation, three year average</i>			
	<i>Percentage of children</i>		<i>Number of children (million)</i>	
	<i>2004-05 to 2006-07</i>	<i>2005-06 to 2007-08</i>	<i>2004-05 to 2006-07</i>	<i>2005-06 to 2007-08</i>
England	16	17	1.8	1.8
North East	20	20	0.1	0.1
North West	19	20	0.3	0.3
Yorkshire and the Humber	17	17	0.2	0.2
East Midlands	17	19	0.2	0.2
West Midlands	20	21	0.2	0.2
East of England	11	10	0.1	0.1
London	22	21	0.4	0.3
South East	11	11	0.2	0.2
South West	13	13	0.1	0.1
Scotland	15	15	0.2	0.1
Wales	18	17	0.1	0.1
Northern Ireland	15	14	0.1	0.1

Notes:

1. The reference period for households below average income figures is single financial years. Three sample years have been combined as regional single year estimates are subject to volatility.

2. A child is defined above as anyone aged under 16 or an unmarried 16 to 18-year-old in full-time non-advanced education.

3. Information on households in low income and material deprivation is available only from 2004-05.

4. The income measures used to derive the estimates shown employ the same methodology as the Department for Work and Pensions publication "Households Below Average Income" (HBAI) series, which uses disposable household income, adjusted (or "equivalised") for household size and composition, as an income measure as a proxy for standard of living. The HBAI is available in the Library.

5. Low income and material deprivation is one of the three indicators for measuring child poverty. The other two measures are absolute low income, which includes households with incomes below 60 per cent. of the median income held constant in real terms from a 1998-99 baseline, and relative low income, which includes households with incomes below 60 per cent. contemporary median income.

6. The figures are based on Organisation for Economic Co-operation and Development equivalisation factors.

7. Numbers of children have been rounded to the nearest hundred thousand children, while proportions of children have been rounded to the nearest percentage point.

8. Small year-on-year movements should be treated with caution as these will be affected by sampling error and variability in non-response.

Source:

Households Below Average Income 2004-05 to 2007-08.

Social Security Benefits: Disabled

Jim Cousins: To ask the Secretary of State for Work and Pensions how many recipients of (a) incapacity benefit and (b) disability living allowance there are in

Newcastle upon Tyne; and how many of these have issues of mental wellbeing or mental capacity or require support for mental health needs. [313258]

Jonathan Shaw: The information is as follows:

Number of incapacity benefit/severe disablement allowance claimants in Newcastle upon Tyne local authority, and those with a diagnosis under the mental and behavioural disorders category—May 2009

Newcastle upon Tyne local authority	Number
All incapacity benefit/severe disablement allowance claimants	14,110
Mental and behavioural disorders	6,490

1. Case load has been rounded to the nearest 10.

2. Data published at
www.nomisweb.co.uk
and

http://research.dwp.gov.uk/asd/tabtool.asp

3. Mental and behavioural disorders claimants are classified under the mental and behavioural disorders category according to the International Classification of Diseases (version 10). To qualify for incapacity benefit/severe disablement allowance, claimants have to undertake a medical assessment of incapacity for work which is called the personal capability assessment. Therefore, the medical condition recorded on incapacity benefit/severe disablement allowance claim form does not itself confer entitlement to incapacity benefits, so for example, the decision for a customer claiming incapacity benefit on grounds of mental and behavioural disorders would be based on their ability to carry out the range of activities in the personal capability assessment.

4. Employment and support allowance replaced incapacity benefit and income support paid on the grounds of incapacity for new claims from 27 October 2008. This does not include employment and support allowance as data by medical condition are not available.

5. The mental and behavioural disorders category includes: Unspecified Dementia, Alcoholism, Drug Abuse, Schizophrenia, Persistent delusional disorder, Unspecified non-organic Psychosis, Manic Episode, Depressive Episode, Recurrent Depressive Disorder, Persistent mood disorder, Unspecified mood disorder, Phobic Anxiety Disorders, Other anxiety Disorders, Reaction to Severe Stress, Dissociative Disorders, Somatoform Disorders, Other Neurotic Disorders, Eating disorder, Mental and Behavioural Disorders associated with the puerperium, not elsewhere classified, Psychological and behavioural factors associated with disorders or diseases elsewhere classified, Specific Personality Disorders, Unspecified Mental Retardation, Specific Development Disorders of Scholastic Skills, Pervasive Development Disorders, Mental Disorder not otherwise specified.

Source:

Department for Work and Pensions Information Directorate 100 per cent. Work and Pensions Longitudinal Survey.

Disability living allowance—cases in payment: Newcastle upon Tyne local authority and by main disabling condition—May 2009

Newcastle upon Tyne local authority	Number
Total	16,050
Learning difficulty	1,500
Mental health causes	3,200

Notes:

1. Case load: Totals show the number of people in receipt of an allowance, and excludes people with entitlement where the payment has been suspended, for example if they are in hospital.

2. Main disabling condition—where more than one disability is present only the main disabling condition is recorded.

3. Case load figures are rounded to the nearest 10.

4. The best statistics on benefits are now derived from 100 per cent. data sources. However, the 5 per cent. sample data still provide some detail not yet available from the 100 per cent. data sources. The Department for Work and Pensions recommends that, where the detail is only available on the 5 per cent. sample data, the proportions derived should be applied to the overall 100 per cent. total for the benefit.

5. Learning difficulty: Includes Down's syndrome, Fragile X syndrome, Autism, Asperger syndrome, Retts disorder, Learning disability—Other / type not known.

6. Claims with mental health causes which started before October 2008 were classified as Psychosis, Psychoneurosis, Personality Disorder, Dementia or Behavioural Disorder. After October 2008 finer classifications were introduced so that Mental Health Causes which started after October 2008 also included: Depressive disorder, Bipolar affective disorder (Hypomania/Mania), Mood disorders—Other/type not known, Schizophrenia, Schizoaffective disorder, Psychotic disorders—Other/type not known, Post traumatic stress disorder, Stress reaction disorders—Other/type not known, Generalised anxiety disorder, Phobia—Specific, Phobia—Social, Agoraphobia, Panic disorder, Anxiety disorders—Other/type not known, Obsessive compulsive disorder, Anxiety and depressive disorders—mixed, Conversion disorder (hysteria), Body dysmorphic disorder, Dissociative disorders—Other/type not known, Somatoform disorders—Other/type not known, Personality disorder, Munchausen syndrome, Factitious disorders—Other/type not known, Dementia, Anorexia nervosa, Bulimia nervosa, Obesity, Eating disorders not otherwise specified, Conduct disorder (including oppositional defiant disorder), Bedwetting (enuresis), Faecal soiling (encopresis), Psychiatric disorders of childhood—Other/type not known, and Severely Mentally Impaired.

7. A diagnosed medical condition does not mean that someone is automatically entitled to disability living allowance. Entitlement is dependent on an assessment of how much help someone needs with personal care and/or mobility because of their disability. These statistics are only collected for administrative purposes.

Source:

Department for Work and Pensions Information Directorate 5 per cent. sample (for main disabling condition breakdown) and Work and Pensions Longitudinal Study.

Hazel Blears: To ask the Secretary of State for Work and Pensions how many people were eligible for (a) incapacity benefit in September 2008 and (b) employment and support allowance in September 2009. [313321]

Jonathan Shaw: The available information is in the following table:

Number of incapacity benefit/severe disablement allowance and employment and support allowance claimants at the dates shown

	Number
Incapacity benefit/severe disablement allowance in August 2008	2,632,000
Employment and support allowance in May 2009	288,270

Notes:

1. Caseload data have been rounded to the nearest 10.

2. August 2008 is the month closest to September 2008 for which incapacity benefit/severe disablement allowance claimant figures are available.

3. May 2009 is the latest quarter for which employment and support allowance claimant figures are available.

4. Employment and support allowance replaced incapacity benefit and income support paid on the grounds of incapacity for new claims from 27 October 2008.

5. The figures are for Great Britain and will include a small number of claimants resident overseas.

Source:

DWP Information Directorate

Social Security Benefits: Medical Examinations

Mr. Hancock: To ask the Secretary of State for Work and Pensions how many benefit claimants have been assessed by ATOS Medical (a) since the start of their contract and (b) in the last 12 months. [311194]

Jonathan Shaw: The Department cannot state the number of individual claimants that have been assessed by Atos Healthcare since the start of their contract as data are not kept at that level.

The total number of completed medical reports carried out by Atos Healthcare in the period requested is as follows:

	<i>Number</i>
1 January to 31 December 2009	1,003,189

Notes:

1. The data refer to all services including but not limited to ESA, War Pensions, IIDB.
2. Figures provided relate to both exam and paper scrutiny.
3. Figures include multiple referrals for individuals e.g. re-referrals.

Source:

Atos Healthcare.

Social Security Benefits: Repayments

Andrew Selous: To ask the Secretary of State for Work and Pensions what the 10 largest benefit debts owed to her Department by individuals resident in Scotland were in January 2010; and to what principal benefit each such debt relates. [314363]

Helen Goodman: [*holding answer 29 January 2010*]: Data on benefit debt is not broken down by geographical area.

Unemployment

Mr. Bone: To ask the Secretary of State for Work and Pensions what proportion of the population in (a) the UK and (b) Wellingborough constituency is in receipt of jobseeker's allowance. [314119]

Jim Knight: In December 2009, 4.2 per cent. of the working age population of Wellingborough and 4.1 per cent. of the working age population of the UK were in receipt of jobseeker's allowance.

Current figures for the UK are 450,000 lower than had been predicted at the time of the Budget.

Vaccination: Compensation

Ian Stewart: To ask the Secretary of State for Work and Pensions how many claims for a vaccine damage payment in relation to each vaccine were (a) made and (b) granted under the Vaccine Damage Payment Scheme in each of the last 10 years. [313627]

Jonathan Shaw: The Department does not hold information on claims made for each vaccine for a vaccine damage payment, or which specific vaccines are linked to a successful vaccine damage payment claim. Claimants are asked to specify on the claim form all the vaccinations the disabled person received. However, as many vaccinations can be given in close proximity to each other it is not always possible to state categorically which vaccine caused the adverse reaction. Where a payment is made disability is not attributed to any specific vaccination.

Winter Fuel Payments: South East

Sandra Gidley: To ask the Secretary of State for Work and Pensions (1) how many and what proportion of people were in receipt of winter fuel payments in each local authority area in South East England at the latest date for which figures are available; [314549]

(2) how many people in each local authority area in South East England were eligible to receive winter fuel payments in winter 2009-10. [314550]

Angela Eagle: Information on the number of people eligible for winter fuel payments is not available. Winter fuel payments are paid to most people over the age of 60. Over 95 per cent. of payments are made automatically without a need to claim.

The following table contains the number of payments made in local authorities within south-east England in winter 2008-09 (the last year for which this information is available). Information on what proportion of all people this represents is not available.

	<i>Number of payments</i>
South-east Government regional office	1,809,250
<i>England unitary authorities</i>	
Bracknell Forest	17,880
Brighton and Hove	44,260
Isle of Wight	39,560
Medway	47,250
Milton Keynes	34,160
Portsmouth	34,260
Reading	22,500
Slough	15,720
Southampton	38,060
West Berkshire	29,790
Windsor and Maidenhead	29,320
Wokingham	29,870
<i>Buckinghamshire</i>	
Aylesbury Vale	32,270
Chiltern	22,270
South Bucks	15,430
Wycombe	33,160
<i>East Sussex</i>	
Eastbourne	26,180
Hastings	18,560
Lewes	26,390
Rother	30,560
Wealden	41,410
<i>Hampshire</i>	
Basingstoke and Deane	295,110
East Hampshire	30,440
Eastleigh	26,670
Fareham	25,480
Gosport	28,000
Hart	17,360
Havant	18,580
New Forest	30,740
Rushmoor	51,870
Test Valley	14,150
Winchester	25,740
	26,080
<i>Kent</i>	
Ashford	320,190
Canterbury	24,310
Dartford	34,120
	17,280

	<i>Number of payments</i>
Dover	27,200
Gravesham	20,340
Maidstone	32,530
Sevenoaks	27,050
Shepway	26,670
Swale	27,910
Thanet	34,320
Tonbridge and Malling	25,240
Tunbridge Wells	23,240
<i>Oxfordshire</i>	125,720
Cherwell	26,590
Oxford	20,130
South Oxfordshire	29,560
Vale of White Horse	26,430
West Oxfordshire	23,010
<i>Surrey</i>	238,320
Elmbridge	26,380
Epsom and Ewell	15,720
Guildford	26,680
Mole Valley	21,520
Reigate and Banstead	27,710
Runnymede	16,490
Spelthorne	20,640
Surrey Heath	17,450
Tandridge	18,850
Waverley	28,760
Woking	18,140
<i>West Sussex</i>	201,050
Adur	16,440
Arun	46,230
Chichester	32,990
Crawley	17,140
Horsham	30,970
Mid Sussex	31,320
Worthing	25,970

Notes:

1. Payment figures are rounded to the nearest 10.
2. Local authorities are assigned by matching against the relevant ONS postcode directory.

Source:

Information Directorate

Work Capability Assessment: Complaints

Hazel Blears: To ask the Secretary of State for Work and Pensions how many complaints her Department and its agencies have received on the conduct of ATOS Healthcare in respect of a work capability assessment; and what percentage of such complaints have been made by claimants with mental health problems. [313316]

Jonathan Shaw: In the quarter September 2009 to November 2009 ATOS Healthcare received a total of 702 complaints from employment support allowance claimants who were referred for a medical assessment. Data are not available to identify how many of the complaints were claimants with mental health conditions.

In the same period ATOS Healthcare completed 118,084 medical examination assessments.

Work Capability Assessments: Chronic Fatigue Syndrome

Mr. Drew: To ask the Secretary of State for Work and Pensions if she will take steps to ensure that the effects of retrovirus and other illnesses associated with myalgic encephalomyelitis are fully taken into account in assessments of claimants' capability to work. [314824]

Jim Knight: Entitlement to employment and support allowance does not depend on a person's diagnosis or on the treatment they are receiving. It depends on the effect their condition has on their ability to work. This is a fairer way than using criteria based on specific conditions or diagnoses, because the same condition can have very different disabling effects in different people.

The Department recognises myalgic encephalomyelitis as a real and potentially very disabling condition. Each person claiming employment and support allowance is assessed on the basis of the way the condition affects them as an individual. The work capability assessment looks at a range of activities relevant to work, and assesses whether or not a person can carry them out reliably and safely, over a period of time.

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