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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES**

(HANSARD)

Monday 24 January 2011

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OFFICIAL REPORT

IN THE FIRST SESSION OF THE FIFTY-FIFTH PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 18 MAY 2010]

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

SIXTH SERIES

VOLUME 522

THIRTEENTH VOLUME OF SESSION 2010-2011

House of Commons

Monday 24 January 2011

The House met at half-past Two o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

HOME DEPARTMENT

The Secretary of State was asked—

Alcohol (Licensing)

1. **Fiona Bruce** (Congleton) (Con): What steps she plans to take to amend the licensing regime affecting the sale of alcohol. [35089]

2. **Gordon Henderson** (Sittingbourne and Sheppey) (Con): What steps she plans to take to amend the licensing regime affecting the sale of alcohol. [35090]

The Secretary of State for the Home Department (Mrs Theresa May): The Government are taking forward proposals in the Police Reform and Social Responsibility Bill to reform the alcohol licensing regime. These include charging a fee for late-night licences, making it easier for communities to have their say on local licensing matters, doubling the fine to £20,000 for those found persistently selling alcohol to children and overhauling the temporary event notices so that existing loopholes can no longer be exploited.

Fiona Bruce: The Cheshire ArcAngel team does excellent work to combat under-age drinking and sales to under-age drinkers, including working with responsible retailers. Licensing officers inform me, however, that current procedures make enforcement action unwieldy and protracted, even when a sale to an under-age individual has clearly occurred. Will the Minister look into enforcement difficulties, such as problems identifying which salesperson to prosecute, the tactic of a swift change of a named licence holder making closure notices hard to apply and the omission of a power to require mandatory staff retraining?

Mrs May: I thank my hon. Friend for that question and join her in commending the work of ArcAngel in Cheshire. The work that it does is similar to that of other groups throughout the country. Certainly it is important for us not only to change the legislation to ensure that the things I set out in my original answer occur, but to ensure that enforcement takes place properly. I am sure we will be happy to look at the particular issues that she raises in relation to the difficulty of enforcement.

Gordon Henderson: A few weeks back, I spent a Friday night out on the streets of Sheerness with my local police licensing officer, backed up by a team of community policemen, checking out licensed premises in an effort to combat alcohol-related antisocial behaviour. I was deeply impressed by the licensing officer's professionalism and the dedicated way he went about his business. Does my right hon. Friend agree that, as police forces look to reduce the number of back-office staff, one area that should not be cut is licence enforcement?

Mrs May: I thank my hon. Friend for his question and commend him for going out with the licensing officer to see what is done in practice. Of course, licence enforcement is an important part of policing. It is not for us to tell chief constables how to allocate their resources, but they will look to ensure that they have the right mix of police officers and police staff to ensure that the licensing law is abided by and enforced.

Keith Vaz (Leicester East) (Lab): As the Home Secretary knows, 50% of crimes are alcohol-related, according to the British crime survey. May I welcome the Government's proposals for a minimum price for alcohol? They are of course in keeping with the recommendations that the Home Affairs Committee made last year, but will she look at the level of pricing? She is putting it at 21p per unit, whereas health campaigners say that it should be 50p per unit. Let us make this a genuine exercise, not just a box-ticking exercise.

Mrs May: I am grateful to the right hon. Gentleman for his question, and I also commend the Home Affairs Committee for its work in this and a number of other areas. He refers to a minimum price for alcohol, but we are banning below-cost sales of alcohol, and we have set that cost at VAT plus duty. That is slightly different from a minimum per unit price for alcohol, but it is important to recognise that, in relation to cracking down on problem drinking, we have taken not only that step but a number of other measures of the sort that I set out in my earlier response.

Diana Johnson (Kingston upon Hull North) (Lab): In reviewing the Licensing Act 2003, is the Secretary of State satisfied that police forces and local authorities throughout the country are using their existing powers as much as they should? Does the late night levy proposal, aimed at reflecting the cost of policing the late-night economy, risk being an additional tax burden on local businesses while the policing that they receive in return still falls as a result of the 20% cuts in police budgets?

Mrs May: I refer the hon. Lady to the actions of the Labour Government in introducing alcohol disorder zones. Yes, we are reviewing the Licensing Act 2003 that they brought in, because far from introducing the café-style culture that Tony Blair said it would bring, it did the exact opposite. Sadly, we have yet again seen increases in incidents relating to alcohol, and in admissions to hospital owing to alcohol-related injuries. That is why the coalition Government are taking the steps that are necessary to deal with problem drinking and giving local areas the ability to deal with their licensing problems.

Tom Brake (Carshalton and Wallington) (LD): I welcome the Government's commitment to tackling the debilitating impact of alcohol abuse. By how many do the Government expect the recently announced measures to reduce the number of alcohol-related deaths? If they are unsuccessful in that, will the Government consider banning alcohol sales below a cost that includes production and transport costs?

Mrs May: I thank my hon. Friend for his question. We expect that there will be 7,000 fewer alcohol-related incidents and 1,000 fewer hospital admissions as a result of the ban on below-cost alcohol sales.

Immigration (Scotland)

3. **Jim McGovern** (Dundee West) (Lab): What assessment she has made of the effects on Scotland of the limit on immigration. [35091]

The Minister for Immigration (Damian Green): A full impact assessment covering the whole of the UK will be published when we lay new immigration rules in March

to implement the changes that will introduce the new limits from April. As the hon. Gentleman knows, immigration is not a devolved matter.

Jim McGovern: I thank the Minister for his response. In my constituency, there are two universities and a number of successful science and technology companies. I have been presented with cases at my constituency surgery in which promising employees and students have been rejected simply because the immigration limits have been reached. Those people are highly qualified and would be of significant benefit to the Dundee and UK economies. How can we simply turn them away?

Damian Green: As the hon. Gentleman knows, the purpose of the limit is to meet the need to control Britain's immigration system in a way that enables businesses to bring in the skilled workers that they need. I remind him and employers in Scotland that the unemployment rate in Scotland is above the UK average, at 8.4% compared with 7.8% for the UK. We should have regard to the needs of Scottish workers when companies look to recruit.

Tony Baldry (Banbury) (Con): When one of my great-grandfathers left the Gordon Highlanders as a pipe major, he could not find work in Scotland. Like many Scots, he came south to England. If there are job vacancies in Scotland, should people not be thinking of moving the other way? Is it not a bit strange for the Opposition to be on the one hand bemoaning unemployment levels, and on the other hand campaigning for higher immigration levels?

Damian Green: My hon. Friend makes exactly the right point. It was the previous Prime Minister who made the unfortunate point about British jobs for British workers at a time when British workers were not taking the majority of the jobs available in this country. This Government are determined to balance the economy better in many ways, in particular by ensuring that as many of the available jobs as possible are available to workers in Britain and, indeed, Scotland.

Pete Wishart (Perth and North Perthshire) (SNP): I think that everybody in Scotland is getting tired of the complacent response on these issues. The Minister has managed to unite all businesses, all universities, the health sector and all employers in Scotland in opposition to the immigration cap, because of the damage it will do to the Scottish economy. When will he acknowledge that Scotland's population issues are entirely different from England's? Will he accept that one cap does not fit all when it comes to immigration?

Damian Green: There are indeed differences in Scotland, and one is that unemployment in Scotland is higher than in England, and higher than the average for the rest of the UK. I dare say that those who are complaining about this matter do not include workers in Scotland, and do not include the unemployed in Scotland.

Youth Services (CSR)

4. **Julie Elliott** (Sunderland Central) (Lab): What funding her Department plans to provide for youth services during the comprehensive spending review period. [35092]

The Minister for Equalities (Lynne Featherstone): As the Home Secretary told the House during oral questions in December, the Home Office does not provide youth services. However, it does contribute towards local youth crime prevention work, including youth offending teams and family intervention work. We will continue to fund activities that divert young people from crime and will set out our plans for future funding in due course.

Julie Elliott: Northumbria police are proposing massive cuts in support staff, which will take front-line officers off the streets, including those who work on youth crime prevention, to do back-room jobs that are currently being done by support staff. Will the Minister explain how that will not result in the level of crime going up in Sunderland and Northumbria?

Lynne Featherstone: Our challenge is to use the resources that we have in the most effective way possible by freeing up officer time to deal with crime. Front-line services will always matter most to the public. It is up to the local force in Northumberland how to deploy its forces, but other forces are increasing their front-line staff, so perhaps Northumberland should follow suit.

Simon Hughes (Bermondsey and Old Southwark) (LD): I accept what my hon. Friend the Minister says about her Department not having direct responsibility for the matter, but can she assure me that it and the police will contribute to the review of youth provision led by the Department for Education? There is a lot of learning and expertise in community engagement to be gained by the Home Office and the police.

Lynne Featherstone: I absolutely agree with my right hon. Friend. There is a lot that we can learn, and we will listen to all that comes out of the review and work with the Department for Education. As he will know, youth services are provided by that Department and not the Home Office, but we work closely together.

Alun Michael (Cardiff South and Penarth) (Lab/Co-op): But does the Minister understand the basic principles of the matter? Youth services are essential to directing young people into positive engagement, and they are better and more cost-effective for the Home Office than dealing with the consequences after young people have got involved in crime. Will she and other Home Office Ministers understand and pursue that, in the way that was suggested in the Justice Committee's report on justice reinvestment?

Lynne Featherstone: That is exactly why the Department for Education's early intervention grant, worth £2.2 billion in 2011-12, is in place. Early indications of how local areas might make best use of that grant were given in December 2010. It will give them the flexibility to target funding on early interventions, which, as the right hon. Gentleman said, are absolutely vital.

Police (Rural Areas)

5. **Julian Smith (Skipton and Ripon) (Con):** What assessment she has made of the challenges faced by police forces required to police large rural areas. [35094]

The Minister for Policing and Criminal Justice (Nick Herbert): Rural areas can present challenges for policing because of their geographical size and the remoteness of their communities. The Government's reform programme to reduce bureaucracy will help policing in rural and urban areas alike.

Julian Smith: I thank my right hon. Friend. Will he urge police forces to work much more closely with fire services and others to share back offices and facilities in rural areas and save taxpayers' money?

Nick Herbert: The short answer is yes. Police forces could make huge savings by collaborating with each other and with other authorities. An example is the proposed national police air service, which will save £15 million a year once it is fully in place. I hope that police authorities will agree to it.

Chris Leslie (Nottingham East) (Lab/Co-op): Would it not be a mistake to prop up rural police funding by plundering the police resources of urban areas? For example, many people in my constituency are worried about the future of Sherwood police station. Why are the Government cutting the most from the least well-off communities?

Nick Herbert: I agree with the hon. Gentleman that that would be a mistake, and we certainly do not make funding allocations on that basis. Of course police forces have had to make savings, but we have decided that the fairest approach is to ensure that all forces make an equal share of the savings. The majority of grant is, of course, allocated according to the formula.

Mr James Gray (North Wiltshire) (Con): Although co-operation among forces, and indeed between the police, ambulance and fire services, is essential, as the Minister correctly suggests, does he not agree that there is a real risk that if a rural police force such as mine in Wiltshire were to co-operate too closely with, say, Bristol on one side or Swindon or Reading on the other, resources would be pulled out of the rural areas and into the urban ones? Keeping a rural police service is extremely important.

Nick Herbert: I strongly agree with my hon. Friend about the importance of keeping rural policing services. In the end, these are matters for the determination of chief constables, who must remain operationally independent and allocate resources properly, and their police authorities. We do not seek to interfere with that, but we do seek to drive savings where they can be made by greater collaboration between forces.

Susan Elan Jones (Clwyd South) (Lab): The chief constable of North Wales says that it will be impossible to protect front-line services with cuts of £22.6 million over the next four years. Will the Prime Minister please tell us—[*Interruption.*] I apologise for what may appear to be a promotion. Will the Minister explain what assessment he has made of those figures?

Nick Herbert: That is easily the nicest thing that has been said to me since I have been in this job—indeed, it may be the only nice thing.

I want to discuss these issues with the chief constable of North Wales. We believe that by making significant savings in their back and middle offices, by sharing services and by improving procurement, it is possible for police forces to deal with funding reductions while protecting front-line services. It is up to the police authority and the chief constable to do everything they can to ensure that that is the case.

Migration

6. **Gareth Johnson** (Dartford) (Con): What recent progress has been made towards the Government's commitment to reduce net migration. [35095]

The Secretary of State for the Home Department (Mrs Theresa May): We have already announced that we will introduce a new permanent limit on non-EU economic migrants, with a reduction in visas from tiers 1 and 2 in the next financial year from 28,000 to 21,700. Those changes to the economic routes will be introduced in April. We are currently consulting on changes to tighten the student route and will consult on family and settlement later this year.

Gareth Johnson: I am grateful to the Home Secretary for her answer. I am sure she agrees that reducing net immigration is essential to the United Kingdom. How successful was the points-based system in controlling immigration to this country?

Mrs May: My hon. Friend is right, and that is why the Government have the aim of reducing net migration to tens of thousands from the hundreds of thousands. Of course, it reached the hundreds of thousands under the points-based system that the previous Government operated. However, the problem was not the points-based system, but the fact that the previous Government had no proper policy for ensuring that immigration was brought under control. This Government will ensure that immigration is controlled and that net migration is reduced.

Shabana Mahmood (Birmingham, Ladywood) (Lab): What is the exact reduction that the Secretary of State will achieve in the net migration figures this year and in each year up to 2015 to fulfil the firm pledge, which she appears to have again relegated to the status of an aim, to cut net migration to the tens of thousands by 2015? [Interruption.]

Mrs May: As one of my hon. Friends just said, "Nice try." Of course, I am unable to give the hon. Lady an exact figure for net migration this year. There will be people across the world who have not decided whether they want to apply to come to the UK, and people in the UK who have not yet decided whether they want to leave. Nobody knows exactly what that figure will be.

Non-EU Student Immigration

7. **Mr Desmond Swayne** (New Forest West) (Con): What steps she plans to take to control student immigration from non-EU states. [35096]

11. **Andrew Selous** (South West Bedfordshire) (Con): What steps she is taking to control levels of student immigration from non-EU states. [35100]

The Minister for Immigration (Damian Green): The Government launched a public consultation on proposed changes to the student visa arrangements on 7 December 2010. The proposals will result in a more selective system and reduce the numbers to support our aim of reducing net migration to sustainable levels.

Mr Swayne: What importance does the Minister attach to student visas in his overall objective of reducing net migration to a sustainable level?

Damian Green: It is an extremely important part of the overall reduction that we need. Taking action on students is particularly important as they make up roughly two thirds of non-European economic area immigrants, and the number of student visas issued has been rising in recent years. Getting a proper grip on the out-of-control system that we inherited requires action on all the main routes of immigration, and that is precisely what the Government will do.

Andrew Selous: Will my hon. Friend reassure me that in future there will be robust checks on the departure of all foreign students whose visas have expired?

Damian Green: Yes, we are proceeding with the e-Borders system, which already manages to track the journeys of roughly 55% of those who come in and out of the country. By the end of the Parliament, that figure will be up to mid-90%. My hon. Friend identifies a key problem: it is not just a question of who comes but of how long they stay and whether they go at the end of their stay.

Barry Gardiner (Brent North) (Lab): In taking the action on students about which the Minister has spoken, will he acknowledge the importance of non-EU students to British institutions of higher education and learning? Will he ensure that he clamps down on the bogus colleges that have violated those students' expectations?

Damian Green: I am happy to agree with both points in the hon. Gentleman's question. Of course we want our universities to flourish and the brightest and best students to come to this country and study at good, genuine institutions. However, we are already cracking down on the bogus colleges and on those that do not provide a proper education. The significance of the distinction between those two things, which the hon. Gentleman rightly makes, is that more than 40% of those who come here on student visas study at below degree level. Often, the public perception of a student as somebody who studies at a university is simply wrong in the case of those who come here from abroad on student visas.

Mr Gerry Sutcliffe (Bradford South) (Lab): But if, as the Minister says, 40% of students are on below-degree courses, his policy could have a major impact on the funding of colleges and universities. Has he had discussions with Government colleagues about the impact of achieving the 40% reduction that he is apparently looking for?

Damian Green: I welcome the hon. Gentleman to his first Home Office questions as the Labour party's immigration spokesman. Yes, of course we have extensive discussions within the Government on the effects of the controls that we will introduce. He will have seen that very surprising numbers of people come here to do sub-degree courses not at public further education colleges but at privately funded colleges. He will be aware that there are many hundreds of those colleges, and that they are—frankly—of variable quality.

Crime Levels

8. **Barbara Keeley** (Worsley and Eccles South) (Lab): What estimate she has made of the change in the level of crime since 1997. [35097]

The Minister for Policing and Criminal Justice (Nick Herbert): The two main measures of crime—the British crime survey and police recorded crime—provide either a partial or confusing picture of trends in crime since 1997. It is crucial that we have a measure of crime in which the public have confidence. That is why we have asked the national statistician to lead an independent review of how it is produced.

Barbara Keeley: The picture of crime in Greater Manchester is neither partial nor confusing—between 1998 and 2009, the number of police officers rose by 1,200 and crime fell by a third. However, with the cuts imposed by this Government, Greater Manchester police will lose 1,400 police officers. Our chief constable told the Select Committee on Home Affairs that that will mean changes to policing, fewer police on the streets and a lesser service. What does the Minister—in his current role or any future exalted one—plan to do if the Government's cuts lead to a rise in crime, as my constituents fear they will?

Nick Herbert: I should first of all point out to the hon. Lady what the chief constable of Greater Manchester police actually said. He said that

“the end result will be more resources put into frontline policing and a more efficient and effective service for the people of Greater Manchester.”

If she is going to mount her attack on the basis of police numbers falling, perhaps she will reflect on the fact that police numbers in Greater Manchester fell in the last year of the Labour Government.

Andrew Bridgen (North West Leicestershire) (Con): Under the previous Government, more than 4,000 new offences were created—an average of 28 new offences for every month of that Government. Does my right hon. Friend agree that we should not have a deluge of new offences under this Government?

Nick Herbert: I agree with my hon. Friend that the previous Government's record was repeatedly to introduce criminal justice Bills and to create more and more offences. This Government want to ensure that the police can focus on crime fighting rather than on form writing and the bureaucracy that they were landed with by the previous Government.

Mr Jack Straw (Blackburn) (Lab): As the British crime survey was established by the previous Conservative Administration to produce greater accuracy in assessing levels of crime, why does the right hon. Gentleman not show the same courage as the former Home Secretary, now Lord Howard, and simply admit that crime went up inexorably until 1995, and that since then, on the Conservative's own measure, crime has consistently fallen to one of the lowest levels that we have seen in three decades?

Nick Herbert: I note that on the right hon. Gentleman's measure, crime started to fall two years before the advent of a Labour Government. He knows as well as I do that the British crime survey excludes important crimes—those against young people and property—and we therefore believe it is important that we have measures in which the public can have confidence. That is why we have asked the national statistician to conduct an independent review of those matters. I urge him and Opposition Members to join us in giving evidence to the national statistician. Let us reach a measure in which we can all trust and have confidence.

Philip Davies (Shipley) (Con): Does my right hon. Friend agree that a DNA database, CCTV cameras and having as many criminals in prison as possible all contribute to a reduced level of crime? Would he like to comment on what impact the Government's plans will have on levels of crime in future?

Nick Herbert: As so often, I do not agree entirely with my hon. Friend. Of course, the national DNA database and CCTV are important, but it is equally important that there is proper governance of them and that we achieve a proper balance between civil liberties and crime-fighting measures.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): It is a pleasure to be working once again opposite the Secretary of State, the right hon. Member for Maidenhead (Mrs May). I am only sorry not to be asking my first Home Affairs question of her.

The Minister for Policing and Criminal Justice said that there is no link between the number of police officers and the level of crime. However, the *Birmingham Mail* has reported that some parts of Birmingham have already seen a recruitment freeze, a cut in the number of officers in the neighbourhood team and a significant increase in the number of burglaries in the past nine months. The local police, who are being put in a very difficult position by the Government, have said that they are struggling to fight crime in the area as a result. Does he still stand by his claim or will he admit, to the police and the public, that he has got it wrong?

Nick Herbert: May I first welcome the right hon. Lady to her post? I look forward to debating these issues with her, although I hope she will not follow the poor example of her successor—[Laughter.] I mean her predecessor. I hope that she will not follow his poor example by partially quoting Government Members. I did not say that there was no link, and she should know that. Instead, I should point out something said by somebody with whom I believe she has regular conversations: that this was a tighter environment for police spending, and would be under any Government.

That was what the new shadow Chancellor said to the Home Affairs Committee on 22 November 2010, when he was shadow Home Secretary.

Child Protection

9. **Jo Swinson** (East Dunbartonshire) (LD): What factors she took into account in reaching her decision to merge the Child Exploitation and Online Protection Centre and the national crime agency. [35098]

The Parliamentary Under-Secretary of State for the Home Department (James Brokenshire): Protecting vulnerable children is an absolute priority for the Government, and we believe that the work of CEOP is central to ensuring that children are protected at a national level. Whatever final decision we make on the future status of CEOP, we will carefully take full account of the particular characteristics needed to ensure that CEOP continues to thrive in the future.

Jo Swinson: CEOP is well respected for the excellent work it does, including in improving protection on social media—for example, the panic button on Facebook. The resignation of Jim Gamble will cause great concern to many parents, so what reassurance can the Government give that child safety online will be prioritised and enhanced under the new structure, and certainly in no way compromised?

James Brokenshire: I thank the hon. Lady for her comments because they allow me to underline the Government's gratitude for the continuing work of CEOP and the importance that we place on it. That has certainly been highlighted by the thematic assessment that it is undertaking of the appalling incidents uncovered as a consequence of Operation Retriever. We are looking closely at the specific characteristics that need to be retained to ensure that CEOP continues to thrive, including a clearly delegated authority for its budget, operational independence and the ability for external partners to continue to work alongside it. We regard CEOP as very significant, and will continue to support it.

Paul Goggins (Wythenshawe and Sale East) (Lab): On that last point, I am sure that the Minister will acknowledge that one of CEOP's great strengths is the partnerships it has created with the private sector and children's organisations. What evidence can he give to the House, therefore, that under his proposals CEOP will continue to be able to raise about one third of its running costs from sources outside Government?

James Brokenshire: An important point to make is that some people have suggested that were we to decide that CEOP should form part of the new national crime agency, it would in some way change its characteristics. The right hon. Gentleman will know probably better than most that CEOP is already part of the Serious Organised Crime Agency, where it has been able to attract partners from the voluntary and community sector as well as the private sector. We are clear that that relationship needs to be maintained into the future, whatever the format or wherever CEOP sits when we finally reach our conclusions in the current review.

Vernon Coaker (Gedling) (Lab): Cuts in police officer numbers will mean reductions in the numbers of specialist officers and specialist units. CEOP has been a great success, working with others to protect children. Children's charities such as the National Society for the Prevention of Cruelty to Children and people such as Sara Payne oppose its merger with the new national crime agency. The Chair of the Home Affairs Committee has also expressed concern, and CEOP'S chief executive has resigned. Why are they all wrong and the Minister right?

James Brokenshire: We are still considering this issue, but the Home Secretary has said that her preferred option would be for CEOP to be part of the national crime agency, because of the strong links and the need for enforcement capability. However, we recognise the other functions that CEOP performs, which is why we are considering the matter carefully. It is also why I set out clearly the relevant factors and characteristics that we recognise in CEOP, and why we will ensure that it is protected.

Police (Regulatory Burden)

12. **Nicky Morgan** (Loughborough) (Con): What steps she plans to take to reduce the burden of regulation on police forces. [35101]

18. **Sajid Javid** (Bromsgrove) (Con): What steps she plans to take to reduce the burden of regulation on police forces. [35108]

The Secretary of State for the Home Department (Mrs Theresa May): We have removed central targets by scrapping the policing pledge and the public confidence target, and we will be abolishing the assessment of policing and community safety. We are also working with Her Majesty's inspectorate of constabulary to develop new, light-touch monitoring arrangements for police forces that will allow us to focus on performance, at the same time as reducing the inspection burden.

Nicky Morgan: I thank the Secretary of State for her answer. Police community support officers and police officers are a valuable resource in the communities that they serve in Loughborough and surrounding villages. Does my right hon. Friend agree that where savings need to be made, Leicestershire police force and others should be looking at the back office for those savings, not the front line?

Mrs May: I entirely agree with my hon. Friend. It is possible for police forces to make significant savings in the back office, and that is where they should look first. We are helping them by scrapping the stop form and reducing what needs to be recorded on the stop-and-search form. We will save 800,000 hours of police time a year.

Sajid Javid: My local police force, West Mercia, finds itself involved in increasing amounts of social work. Although that is to be commended—such compassion is good—it draws resources away from fighting crime. Will my right hon. Friend commit to reviewing regulations and working with her Cabinet colleagues to look at the

issue carefully and ensure that social work is carried out by dedicated social services, so that the police can focus on fighting crime?

Mrs May: I have made it absolutely clear to the police that their aim is to cut crime, but of course they work with other agencies, in a variety of ways, on the issues that they deal with. The important thing is that when such work takes place, it leads to effective action, whatever that action should be, and not, sadly, what used to happen, as we saw from HMIC's report on the response to antisocial behaviour. All too often, meetings and partnership meetings took place just for the sake of it, rather than something being done on the ground to benefit people.

Mr Bob Ainsworth (Coventry North East) (Lab): The Home Secretary appears to be continuing with the trend of what she has been saying, which is that the cuts in the police budget can be met by back-office cuts and reductions in regulation. In the west midlands there have been huge reductions in back-office staff and a freeze on police recruitment. Does she believe that the chief constable is just a fool, or is she in denial?

Mrs May: I was interested that the right hon. Gentleman's initial comment was that he was grateful for some consistency from a Minister. Perhaps that was more a comment about the Labour Government, of whom he was a senior member, and the policies that they introduced. What I would say to him is indeed what I have been saying since I came into this role. It is possible for police forces to make significant savings in their budgets by making savings in the back office. HMIC reported that simply ensuring that all police forces met average efficiency levels could save 12% in their budgets, which does not take into account issues such as procurement, IT procurement and the potential for a two-year pay freeze, were that to be agreed by the police negotiating board.

Andrew Gwynne (Denton and Reddish) (Lab): One way to reduce the burdens on front-line police is to have a team of support staff in place to do many of the tasks necessary to bring about successful convictions. Does the Home Secretary not understand the anger and dismay of people across Greater Manchester, who are set to lose not only almost 1,400 front-line police officers, but 1,500 support staff? Will she think again?

Mrs May: One way to release the police to do the job that the public want them to be doing, on the front line, is to get rid of the bureaucracy that was introduced by the last, Labour Government, which ties too many police officers up behind a desk, so that they are not out there on the streets.

South Wales Police (CSR)

13. **Kevin Brennan** (Cardiff West) (Lab): What recent estimate she has made of the effects of the outcomes of the comprehensive spending review on police numbers in south Wales. [35102]

The Minister for Policing and Criminal Justice (Nick Herbert): It is for the police authority and chief constable to determine the number of officers in south Wales

within the available resource. The Government are determined to help forces protect the front line by reducing costs and bureaucracy.

Kevin Brennan: It is quite clear that there are going to be huge reductions in the number of police officers in south Wales and elsewhere. Will the Minister tell the House exactly when the Conservative party decided that it was no longer interested in being known as the party of law and order?

Nick Herbert: I do not accept what the hon. Gentleman says. We have to deal with a budget deficit bequeathed to us by the previous Government. The police service spends some £13 billion a year, and it can contribute to the savings that have to be made. Those on the Labour Benches have conceded that police forces can save more than £1 billion a year without affecting the front line.

Family Intervention Projects

14. **Mrs Sharon Hodgson** (Washington and Sunderland West) (Lab): What funding her Department will make available during the spending review period for the implementation of family intervention projects. [35103]

The Minister for Equalities (Lynne Featherstone): From April 2011, funding decisions on specific early intervention priorities, including family intervention projects, will be devolved to local areas. The Department for Education's new early intervention grant, worth £2.2 billion in 2011-12, will give local authorities the flexibility that they need to plan how best to use central Government funding for local services according to local priorities.

Mrs Hodgson: Earlier today, the former shadow Home Secretary, the right hon. Member for Haltemprice and Howden (Mr Davis), said that, without Andy Coulson, the Government would lack any idea about what the priorities of the general public were. I can inform the Minister that one of the major priorities for most of the general public is antisocial behaviour, and that family intervention projects are a proven way of nipping that problem in the bud. Can she guarantee that, even without the man-of-the-people guidance of Mr Coulson, important but low-profile projects such as family intervention projects will continue to be a funding priority?

Lynne Featherstone: I am not sure that the hon. Lady was listening to my earlier response, in which I said that the Department for Education had already allocated £2.2 billion for 2011-12. There will be almost £2.3 billion in 2012-13. I do not think that that suggests that we do not think this is important.

Simon Kirby (Brighton, Kemptown) (Con): Does the Minister agree that, in the past, there has been far too much duplication in the public services, and that a more holistic approach would not only benefit families but save money?

Lynne Featherstone: My hon. Friend is entirely right. A great deal of money is spent on chaotic families, who, up to now, have had a series of agencies trying to help them. The move to a single key worker will save an enormous amount. The original estimate was between

£250,000 and £300,000, but with a specially allocated key worker and early intervention, the cost could be as low as £14,000.

UK Border Agency (CSR)

15. **Kelvin Hopkins** (Luton North) (Lab): What estimate she has made of the likely change in the number of UK Border Agency staff as a result of the outcome of the comprehensive spending review. [35105]

The Minister for Immigration (Damian Green): The UK Border Agency has estimated that the number of UK Border Agency staff will reduce by about 5,200 during the spending review period.

Kelvin Hopkins: We deal with hundreds of immigration cases in my constituency every year. While the situation undoubtedly improved under the previous Government, there are still substantial delays in the UK Border Agency's dealing with cases. May I suggest to the Minister that we need an increase in staff, not a reduction?

Damian Green: I am interested to hear that those on the Labour Back Benches are still calling for public spending increases. It will be interesting to see what those on the hon. Gentleman's Front Bench say about that. He is wrong in several respects. The UK Border Agency is getting better, and it will get better still. It will do that in two ways. First, we will replace the costly and outmoded paperwork that it depended on in the past with the appropriate use of new technology. Secondly, the very use of that technology will mean that we can better target our resources of people and money on those who are most likely to cause harm to the UK. So we will be able to provide a better service, even with fewer staff.

Dr Julian Huppert (Cambridge) (LD): What estimates has the Minister made of the number of staff that would be required if the UK Border Agency got its decisions right the first time?

Damian Green: My hon. Friend makes a very good point. The higher the quality of the initial decision making, the fewer resources of money and people will be needed later. Part of the reason for having the new technology—new ways of applying for visas, for example—is that we will be able to use senior and more experienced staff to take the initial decisions, so that more of them can be got right first time.

Police (Bolton)

16. **Mr David Crausby** (Bolton North East) (Lab): What estimate she has made of the number of police officers in Bolton (a) on the latest date for which figures are available and (b) at the end of 2014-15. [35106]

The Minister for Policing and Criminal Justice (Nick Herbert): Bolton Metropolitan borough division had 527 police officers on 31 March 2010. It is not possible to forecast the position in 2014-15. It is a matter for the chief constable and the police authority to determine the number of police officers and other staff that are deployed to Bolton.

Mr Crausby: Well, the Minister might be in denial about the numbers in 2014, but the rest of us know that under this Government there will be fewer police officers in Bolton in that year than there are now. After all those years in opposition making a case for having more bobbies on the beat, how can this Government retain any credibility without admitting that fewer police officers will mean more crime?

Nick Herbert: Perhaps the hon. Gentleman will pay more attention to what the chief constable of the Greater Midlands [HON. MEMBERS: "Greater Manchester"] police is saying. I am sorry, I mean the chief constable of the Greater Manchester police. He told *The Bolton News* that cuts would not affect the front line and went on to say that there was "no reason" why crime should go up. He pointed out to the Home Affairs Committee that some of the force's headquarters operations had got too big and that some police officer numbers had been kept artificially high. He said that they had lots of police officers doing administrative posts just to hit that number.

English Defence League

17. **Gavin Shuker** (Luton South) (Lab/Co-op): What recent assessment she has made of the extent of the activities of the English Defence League. [35107]

The Secretary of State for the Home Department (Mrs Theresa May): The Government work with a range of partners to assess the activities of the English Defence League and its impact on communities, in order to inform Government policy on tackling extremism, promoting integration and managing public order challenges.

Gavin Shuker: On Saturday 5 February, the English Defence League will rally in Luton, leading to the biggest police operations in Bedfordshire's history. Although there are undoubted concerns about short-term public order offences, does the Home Secretary share my concern and that of many of my constituents about the long-term effects on community cohesion resulting from this extremist group?

Mrs May: I do indeed share concerns about the EDL, its actions and its impact on communities when it marches. As I understand it, Bedfordshire police are looking very carefully at the policing arrangements for the march in Luton. We should all be aware of the damage that the EDL's divisive message can do to communities.

Paul Uppal (Wolverhampton South West) (Con): Can the Home Secretary do anything to address the issue of the internet, which is having the effect of radicalising young people on both sides of the political spectrum?

Mrs May: My hon. Friend has raised an extremely important issue, to which we need to pay close attention. It is much harder these days—precisely because of the internet—to ensure that young people do not find themselves exposed to these radicalising messages, and we have sadly seen some individuals radicalised by access to it. This is a matter that the Government take very seriously; we are talking with partners about it.

Topical Questions

T1. [35114] **Bob Blackman** (Harrow East) (Con): If she will make a statement on her departmental responsibilities.

The Secretary of State for the Home Department (Mrs Theresa May): At the end of last year, Parliament passed the Identity Documents Act 2010, which the Home Office introduced to scrap the previous Government's regime of intrusive, ineffective and expensive ID cards. In 2011, we will take further steps towards restoring the rights of individuals, eliminating wasteful bureaucracy and making the police service more accountable to local people.

Bob Blackman: I congratulate my right hon. Friend on the moves she is taking to sort out the chaotic immigration system that she inherited. Issues of concern include students who come to this country on a temporary basis, but fail to leave; and people who come as visitors, who overstay their welcome and then attempt to transfer to permanent status. What moves is she making to break that link?

Mrs May: We are making a number of moves. As my hon. Friend the Minister for Immigration said in response to an earlier question, we are looking at the student visa route and ensuring that we can stop abuses pertaining to it. We are also looking at stopping people here on a temporary basis from moving on to a permanent settlement basis. Last year, 62,000 people who came here to fill temporary skills gaps then moved into permanent settlement. That is not right.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): I shall ask the Home Secretary about the counter-terrorism review. On Thursday, the Minister for Immigration had to be dragged to the House to tell us Government policy on pre-trial detention. He told us that emergency legislation would be kept on hand in the Library of the House. The old powers lapse at midnight, yet as of half an hour ago, there was still no draft emergency legislation in the Library. On Sunday, the Deputy Prime Minister told the media that control orders were being abolished and at lunch time today, the BBC—not this House—was briefed that the new measures would include tagging and overnight residence requirements and would look a lot like control orders. This is a chaotic, shambolic and cavalier process. Where is the draft legislation? Will the Home Secretary now tell us what is happening with the legislation and with control orders, and will she take the opportunity to apologise for this shambolic process on such an important issue?

Mrs May: First, may I welcome the right hon. Lady to her new post as shadow Home Secretary? I am sure that she will enjoy the post. She is the third shadow Home Secretary I have faced in my nine months as Home Secretary. For her sake, I hope that she stays longer in the role than her predecessors have.

The right hon. Lady makes a point about process and refers to the 28-day pre-charge detention issue. May I say to her that the previous shadow Home Secretary clearly supported the Government on taking pre-charge detention down from 28 days to 14 days? Earlier today,

the shadow Home Secretary was unfortunately unable to answer the question whether she supported 14 days' pre-charge detention. If she is interested in chaos, she should look at sorting out her own policy.

T3. [35116] **Sarah Newton** (Truro and Falmouth) (Con): Will my hon. Friend the Minister meet me and Detective Inspector Snell to learn how Devon and Cornwall constabulary have been able to tackle the growing incidence of child sexual exploitation, so that the Government can develop a holistic plan of action to tackle a most serious situation involving thousands of children in every part of the country?

The Parliamentary Under-Secretary of State for the Home Department (James Brokenshire): I thank my hon. Friend for raising the point and for highlighting the work of Devon and Cornwall police on Operation Lakeland, which led to the conviction of six men jailed for sexually abusing girls in Cornwall. I would be happy to meet her and the detective inspector to learn from their experiences. She will be aware of the thematic review that the Child Exploitation and Online Protection Centre is undertaking in relation to this area of policy. I am also discussing with the Under-Secretary of State for Education, my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton), some of the significant matters highlighted by the recent report by Barnardo's.

T2. [35115] **Hazel Blears** (Salford and Eccles) (Lab): Contrary to the assertion of the Minister for Policing and Criminal Justice, the chief constable of Greater Manchester, Peter Fahy, has said that £134 million of cuts will have a significant effect on front-line policing. He has gone on to say that police stations across Greater Manchester will now have to close. Does the Minister think that police stations are front-line? Will he tell us which police stations in Greater Manchester will close and when?

The Minister for Policing and Criminal Justice (Nick Herbert): The closure of police stations is an operational matter for police, but the right hon. Lady should know perfectly well that under the previous Labour Government some 400 police stations closed. What responsibility does she accept for that?

T4. [35117] **Neil Carmichael** (Stroud) (Con): In my constituency, there is a healthy appetite for more policemen actually on the beat. Will the Minister join me in welcoming the fact that the chief constable of Gloucestershire has reorganised his force and has increased the number of policemen on the beat, from 563 to 661?

Nick Herbert: I welcome the action taken in Gloucestershire. The chair of its police authority has said that

"we are making sure that what we do is increase our capacity to police and not increase our costs."

That shows that it can be done. Other forces are either protecting neighbourhood policing or even increasing it. I note that the chair of Gloucestershire police authority is also the chairman of the Association of Police Authorities.

T6. [35119] **Siobhain McDonagh** (Mitcham and Morden) (Lab): Year after year, my constituents tell me that their greatest concern is fear of crime. That is why they have fought hard to get 10 safer neighbourhood teams. Because of the cuts, the local police force is now consulting not on merging back offices or services, but on cutting those 10 safer neighbourhood teams down to two or three. Does the Minister believe that those cuts will help my constituents fear crime less, or make them less likely to be victims of crime?

Nick Herbert: I have had several discussions with the Mayor, the deputy Mayor for policing and the acting Metropolitan Police Commissioner, all of whom are absolutely committed to protecting neighbourhood policing. We are all convinced that it is possible to drive considerable savings in policing, including the Met, in the back and middle office, so that the visible and available policing that the public value can be protected.

T5. [35118] **Karen Lumley** (Redditch) (Con): I congratulate the UK Border Agency on its work. At the weekend, it caught five illegal immigrants on the French border who had been making their way to my constituency in a lorry. I welcome the increased border policing on the other side of the channel, but what further steps will the Department take to ensure that stronger measures are introduced to deter those who try to smuggle people into the United Kingdom?

The Minister for Immigration (Damian Green): I am delighted to hear that the effective controls that we are reinforcing at the border are having a beneficial effect in my hon. Friend's constituency. She asked about further measures. I am happy to tell her that only a couple of months ago, at the Anglo-French summit, I signed a new treaty with my French counterpart which commits both countries to increasing the strength of our existing controls in Calais and extending them to other parts of the French coast. That means that we will be equally tough on any activity that is displaced from Calais to other parts of France. We are ensuring that our borders are much better controlled than they were in the past.

T8. [35121] **Mr Dave Watts** (St Helens North) (Lab): Is the Government's position that the number of police officers and community support officers in this country has no impact on crime levels?

Mrs May: Both the Policing Minister and I have responded to that point on a number of occasions. We have made absolutely clear that there is no simple link between the number of officers and the level of crime. There are instances throughout the world in which police forces have increased their numbers and crime has risen, and other instances in which police numbers have fallen and crime has fallen.

T7. [35120] **Dr Sarah Wollaston** (Totnes) (Con): Last year, nearly half all violent crime in Devon was alcohol-related. That represents 4,568 instances of completely avoidable violence. I welcome the introduction of a ban on below-cost sales of alcohol as a first step, but does the Minister share my fear that, because it involves only VAT plus duty, it will not go far enough in tackling this serious problem? What other measures will be introduced to tackle alcohol-related crime?

James Brokenshire: My hon. Friend is right to highlight the link between alcohol and levels of crime. In fact, 50% of violent incidents are associated with alcohol. Our proposal to ban below-cost sales on the basis of duty plus VAT constitutes an initial package. We will introduce further measures to deal with licensing and other issues involving problem pubs and other alcohol outlets, and also with problem practices. That is precisely what the duty plus VAT element is about.

We will continue to monitor this complex area of policy. In particular, we will consider the rate of duty in the context of super-strength lagers, which have been associated with problematic behaviour.

T10. [35123] **Fiona Mactaggart** (Slough) (Lab): Why are the Government—unlike the Governments of other European countries which are increasing the support for the victims of trafficking—proposing to reduce the period during which a victim of trafficking will not face deportation from 45 days to 30 days?

Damian Green: The hon. Lady knows that the United Kingdom is committed to working with others, including our European partners, to tackle human trafficking. She was present for the debate in which I said that later in the year we would announce a new strategy on trafficking as a whole. That strategy will enable us not only to build on the work of the last Government in relation to caring for the victims of trafficking—which I commend—but to become much more efficient at prevention, in particular by acting overseas, so that fewer and fewer people are trafficked in the first place. That is the most effective action that we can take to reduce the incidence of this dreadful crime.

T9. [35122] **Julian Smith** (Skipton and Ripon) (Con): How concerned is the Minister about the increase in family violence towards young women who adopt values that are contrary to the beliefs of their families?

The Parliamentary Under-Secretary of State for the Home Department (Lynne Featherstone): Obviously the Government are very concerned. Any form of violence is unacceptable, and tackling violence against women and girls is a key priority for us. Work to tackle all forms of honour-based violence is included in the strategic narrative that we launched on 25 November, and further information about our approach to the issue will be provided in the supporting action plan that we will publish in the spring.

Ms Karen Buck (Westminster North) (Lab): Further to the Minister's answer on safer neighbourhood team policing, will he give a commitment that by this time next year there will continue to be a dedicated ward sergeant for every safer neighbourhood ward team, as now?

Nick Herbert: The hon. Lady should know that we cannot give commitments like that. The previous Government would not give commitments on police officer numbers. These are operational matters for the police. I point out to her that we have protected the neighbourhood policing fund, including by ring-fencing it for the next two years, because we value neighbourhood policing.

Greg Mulholland (Leeds North West) (LD): Alcohol disorder zones did not work and they also penalised well-run community pubs that did nothing to contribute to alcohol-fuelled disorder. I am pleased that the Government are listening on this, but can the Minister reassure the House that the new late-night levy will make allowances for late-night community pubs, be that for one-off or once-a-year events, such as new year, or for staying open a little later at the weekends, as my excellent local, the Manor House in Otley, does? Will he assure us that they will not be penalised by a blanket charge?

James Brokenshire: The hon. Gentleman has rightly highlighted those responsible premises that act appropriately and reflect their communities. Our proposals in the Police Reform and Social Responsibility Bill on the late-night levy are intended to be an additional tool for local communities to decide what is appropriate for their area. We are learning from the cataclysmic failure of the previous Government's alcohol disorder zones. They were simply incapable of being implemented, and it was therefore not surprising that nobody took them up.

Mr David Winnick (Walsall North) (Lab): Is the Home Secretary aware that in last Thursday's exchanges on counter-terrorism there was criticism from those on her side, as well as those on our side, about the leaks to the media? Is it not important that the House of Commons should learn first of these things? That certainly has not happened in this case. Why on earth can we not have a statement today, instead of waiting until Wednesday or some other time?

Mrs May: We made absolutely clear to the House the procedure that we were going to follow on announcing the results of the counter-terrorism legislation review. On 13 January, my right hon. Friend the Leader of the House explained that a statement would be made this week, and last Thursday, in my absence abroad, the Minister for Immigration said that a statement will be made on Wednesday. Not only will that statement set

out clearly the results of the review, but it will be accompanied by the publication of the review and the report of the independent reviewer, Lord Macdonald.

Jessica Lee (Erewash) (Con): At my Friday surgery, I had the real privilege of meeting a constituent who volunteers at the local rape crisis centre. I say that not least because she, herself, has been a victim of the horrific crime of rape and has, none the less, given up her time to train and support others. Would my right hon. Friend like to thank volunteers who really do conduct themselves in this impressive way and give back to our communities on this difficult subject?

Lynne Featherstone: I thank my hon. Friend for her question. I think that Members on both sides of the House would acknowledge that volunteers do an incredible amount of work. That is particularly noticeable in the violence against women sector, where so many organisations work closely in small groups, particularly with minority communities. I thank her constituent for the work that she does.

Lilian Greenwood (Nottingham South) (Lab): Nottinghamshire is set to lose more than 300 police officers over the coming four years. What guarantee can the Minister give my constituents that crime in our city will continue to fall?

Mrs May: We have answered a similar question on a number of occasions, both today and previously. First, there is no simple link between the number of officers and the level of crime. Secondly, the decisions that the hon. Lady's local force is taking about the deployment of particular police officers and about the number of officers and staff it has are operational matters for the police to address, within the resources available to them. We know that it is possible for significant savings to be made from the back and middle office without affecting front-line policing.

Several hon. Members *rose*—

Mr Speaker: Order. I could happily listen to my colleagues' questions and answers all afternoon, but I am afraid that we must move on.

Points of Order

3.34 pm

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): On a point of order, Mr Speaker. This Chamber was told on Thursday that the draft emergency legislation would be placed in the Library of the House. The matter was raised in an urgent question and on a point of order from my hon. Friend the Member for Bradford South (Mr Sutcliffe), yet it is not there. The BBC has been told that the counter-terrorism review is now complete. What can you do to assist the House and to get the Home Secretary to give a statement to the House this afternoon, not on Wednesday, on the counter-terrorism review and the location of the emergency draft legislation before the old powers run out at midnight tonight?

Mr Speaker: The Home Secretary is about to provide enlightenment.

The Secretary of State for the Home Department (Mrs Theresa May): I am grateful for the opportunity to do so. We will place draft emergency legislation in the Library of the House—[HON. MEMBERS: “When?”] We did not say that it would be placed in the Library before the current legislation lapsed. Emergency legislation is available for the use of this House in the intervening period, if necessary, and that is section 25 of the Terrorism Act 2006. The correct legal process for reducing the period from 28 days to 14 days is to allow the existing legislation to lapse because that was the sunset clause put in the legislation by the last Labour Government.

Mr Gerry Sutcliffe (Bradford South) (Lab) *rose*—

Mr Speaker: Is it a separate point of order?

Mr Sutcliffe: No.

Mr Speaker: In that case, we should leave it where it is for today—[*Interruption.*] Order. The shadow Home Secretary has raised a point of order and comment has been made on the matter. Those accounts are before the House and I do not think that there is anything further I can do at this stage.

Chris Bryant (Rhondda) (Lab): The Home Secretary said the opposite of what was said last week.

Mr Speaker: Order. I say to the hon. Gentleman that these are at least in part matters of debate and argument. The point has been made very clearly by the shadow

Home Secretary, expressing concern not merely on her behalf but on that of many others. The Home Secretary has replied to that point.

Mr Tom Watson (West Bromwich East) (Lab): On a point of order, Mr Speaker. We hear serious allegations that two former Prime Ministers were concerned about phone hacking. Have you had notice of a statement from the Home Office to see what steps it is taking to establish whether the current Prime Minister and his Chancellor were also victims of News International's phone hacking?

Mr Speaker: I have received no such notification and the hon. Gentleman has put his point on the record. I know that he and the House will appreciate that I have a responsibility to protect the important business that will follow these points of order.

Andrew Miller (Ellesmere Port and Neston) (Lab): On a point of order, Mr Speaker.

Mr Speaker: I hope that it is a different and unrelated point of order.

Andrew Miller: I said that it was—[*Interruption.*]

Mr Speaker: Order. The hon. Gentleman can raise a separate and unrelated point of order.

Andrew Miller: During two successive business questions, I have raised an issue with the Leader of the House relating to the failure of the Department for Transport to answer questions that have been properly laid in this Chamber. Last Wednesday, for the first time in my 19 years here, I used the device of an answer for today. It still has not been answered. Will you please use your good offices to ensure that the Department for Transport does its duty towards this House?

Mr Speaker: The pledge that appeared to have been made to the hon. Gentleman does not appear to have been fulfilled, as far as I can tell. At any rate, the hon. Gentleman has used a device to try to extract a reply and it has not been forthcoming. The dissatisfaction that he has expressed will have been heard. As of now, my best advice is that he should get over to the Table Office and pursue the issue further. If he needs to revert to this House again, I do not think, on the strength of his 19 years' experience, that he will hesitate to do just that. That is perfectly proper.

European Union Bill (Programme)(No. 2)

3.38 pm

The Minister for Europe (Mr David Lidington): I beg to move,

That the Order of 7 December 2010 (European Union Bill (Programme)) be varied as follows:

1. In paragraph 2, for 'five days' there shall be substituted 'six days'.

2. In paragraph 4, in the Table, for the entries relating to the proceedings required (so far as not previously concluded) to be brought to a conclusion on the fifth day there shall be substituted the following:

<i>Proceedings</i>	<i>Time for conclusions of proceedings</i>
Clauses 15 to 17, Schedule 2, new Clauses relating to Part 2, new Schedules relating to Part 2, Clauses 19 to 22, remaining new Clauses, remaining new Schedules, remaining proceedings in Committee.	The moment of interruption on the fifth day.
Any proceedings on consideration.	Two hours before the moment of interruption on the sixth day.
Proceedings on Third Reading.	Two hours after the commencement of proceedings on Third Reading or at the moment of interruption on the sixth day, whichever is earlier.

As the House will be aware, the Government have proposed a small number of amendments to the European Union Bill and they will be debated, subject to your grouping of those amendments, Mr Speaker, in greater depth and at the relevant time.

Mr Peter Bone (Wellingborough) (Con): The Minister must be in absolute despair. In his very good ConservativeHome article, he said that this House would scrutinise this important legislation—the most radical since we went into the European Economic Community—but clearly we will not be able to do that today, because a number of amendments and clauses will not be reached. Is he not disappointed that the guillotine has not been lifted tonight?

Mr Lidington: As far as I am aware, it has not been a question of a guillotine. We have the normal 10 o'clock rule in place. As my hon. Friend the Member for Wellingborough (Mr Bone) is aware, the Government were keen to ensure that the House had sufficient time to consider this important legislation. We therefore proposed five days for the Committee stage in the programme motion that was tabled on Second Reading. That had been agreed in advance through the usual channels. My recollection of that day's debate is that there was no attempt to divide the House on the programme motion at that time.

With all respect to my hon. Friend the Member for Wellingborough, I am conscious that he cares passionately about the Bill and about the relationship of the United Kingdom with the European Union. He has strongly held, honourable and principled views on that matter, and I am sure that if he catches the Speaker's eye in the

course of today's proceedings, he will speak trenchantly on the subject, as he has done on other occasions recently. But when it comes to a debate, there is also a duty on all Members of Parliament to consider the time available for the various amendments that have been grouped together, and to measure their own contributions to that debate accordingly.

Mr William Cash (Stone) (Con): Does my right hon. Friend agree that if there were any attempt during the proceedings on the programme motion or at any point during the day that might give rise to suspicions that Members were talking matters out in order to prevent important business being arrived at, his words might sound rather hollow?

Mr Lidington: I am sure that my hon. Friend the Member for Stone (Mr Cash), who has been here for a long time, knows that a balance needs to be struck between the time that is needed to examine important political and constitutional issues fairly and in the depth that both the House and the general public would expect, and the time that is available for debate, bearing in mind the many other priorities that the House has to consider. I would say gently to my hon. Friend the Member for Stone that I believe that he spoke at some length—more than 60 minutes—during the first day's proceedings in Committee. I hope that so far he has not had reason to complain that his contributions are being crowded out.

Mr James Clappison (Hertsmere) (Con): Is my right hon. Friend aware that there are no fewer than 29 amendments, some of which are Government amendments, before we reach the fourth or fifth group, which contain the provision relating to whether there should be a referendum in the case of the accession of a new member state? That provision is extremely important, and without proper scrutiny being given to that, it could hardly be said that the Bill had had proper scrutiny in the terms that my right hon. Friend described? Would he regard it as unsatisfactory if we did not scrutinise that question, which is important for many, many people?

Mr Lidington: It would be improper for me to comment on the selection or grouping of amendments, which is properly a matter for the Chair and not the Government. My hon. Friend is right to say that the question of the possible need for a referendum on accession treaties is a matter of importance. I hope we get the opportunity to debate that in the course of today's proceedings. One of the consequences of the programme motion, which I support, is that the House will get the opportunity of a sixth day of consideration. There will therefore be opportunities for my hon. Friend and other Members in all parts of the House to table further amendments and new clauses when we reach Report.

It would have been open to the Government, having decided to table amendments and hoping—I believe not unreasonably—that those amendments might be accepted by the House, to have said to the House, "Well, we now have to make provision for a Report stage, so what we suggest is that we curtail the Committee stage from five days to four, and that we have Report and Third Reading on the fifth day." If it would be of some assurance to my hon. Friend, I want to make it clear that we had no thought of doing that.

[*Mr Lidington*]

We decided at the start that it was important to continue with the full five days in Committee that we had promised all parties in the House, so in order to provide for a debate on Report we have allocated an additional, sixth day for debate on Report and Third Reading. If, by some chance, the House decides not to accept any of the amendments tabled by the Government or other Members and to leave the Bill unamended in Committee, that sixth day would be available for a full parliamentary day's debate on Third Reading.

Sir Peter Bottomley (Worthing West) (Con): There seem to be three issues on which the Minister must guide the House: first, whether the Government thought that there would be no amendments and, therefore, no need for debate on Report, which seems a rather odd thing to have assumed in the first place; secondly, whether he believes that the extra day is sufficient for debating on Report any amendments that might have been made by then and any that might not have been made; and thirdly, whether he intends to avoid debate on matters on which there is substantial interest in the House. I do not intend that to be a criticism, but I would be grateful if he would comment on those three issues.

Mr Lidington: I am grateful to my hon. Friend for his intervention and will deal with each of his three points in turn. On the question of amendments, the terms of the original programme motion provided that on the fifth day we would deal with the Committee stage and with remaining stages, so the assumption was that if there was a need for a Report stage, there would be provision for it. The Government have looked closely and carefully at each of the amendments that have been tabled, from whichever side of the House they came. As I hope to have the opportunity to explain when we debate the substance of the Bill and the various amendments selected for debate, we have been influenced in our policy and in the amendments that we have tabled by the amendments that have been tabled by Back Benchers.

On the question of whether the additional day will allow adequate time for debate, I ask my hon. Friend to look at the provision of time overall for consideration of the Bill. I think that a full day for Second Reading, five complete days in Committee and a full day for the remaining stages is a pretty fair allocation of time. I am confident that it will be possible for all the important issues that colleagues on both sides of the House wish to see debated to be debated within that time, but how long Members take to debate each group of amendments or how long they spend on particular clause stand part debates is, of course, a matter for them and for the House. The Government have no intention of trying to constrain debate artificially. I very much hope that we have time to consider all the important issues that have been raised in the amendments.

3.48 pm

Mr Wayne David (Caerphilly) (Lab): This is a fascinating and intriguing Bill. There have been times in the past few weeks when, because I have had trouble sleeping, I have simply reached for a copy of the Bill to read and have been off in a wink. There are a number of important points to make. The Government have tabled several

significant amendments that need to be debated and considered fully in due course by the House. They are in part concessions to comments that have been made by Government Back Benchers. One of the amendments due for consideration today relates to the treaty change for which the Germans are pressing strongly. Amendments have also been tabled due to the complexity of the Bill. From the start, one of our criticisms has been the Bill's undue complexity, and that point has been borne out, because the Government have tabled amendments to try to clarify things. There has been tremendous debate among lawyers in the Foreign Office and elsewhere about whether the Bill is compatible with existing legislation, and that simply underlines the fact that the Bill is an extremely complex piece of legislation.

We have had one day in Committee of the whole House, and during the course of the debate we heard that there are grave reservations about the inadequacy of the explanatory notes. I hope that the Government will rewrite them, given that we have an extra day, and come forward with a full and comprehensive explanation for the changes that they are bringing about.

In light of that, and because of our belief that we need the maximum amount of time to debate the Bill, we have no objection to the motion.

3.50 pm

Mr Peter Bone (Wellingborough) (Con): I appreciate that I am eating into our time in Committee of the whole House, but that is due to an unfortunate manoeuvre that the Government now use instead of adding on time for the programme motion. If the Government had been serious about scrutiny, they would have moved a motion to lift the moment of interruption, and there would have been no point in filibustering, because everybody would have known that the debate could continue until any hour. To the people outside, it must seem extraordinary that Members of the House of Lords, who on the whole are much older than Members of this House, can speak and debate through the night, but that this House effectively has a guillotine on its proceedings. This is exactly what the previous Government did when they were in power; it is exactly what we said we would not do when we were in power; and it is an utter disgrace.

3.51 pm

Sir Peter Bottomley (Worthing West) (Con): The days of the guillotine started before the 1970s, when the then Labour Government began using it for all kinds of things that most people did not want. They were in effect a minority Government, passing legislation that was not doing any good to anybody, and there were great objections to the guillotine. Some of the greatest speeches were made by Michael Foot defending it and by Conservatives attacking it. Since then, we have carried on with it for some 35 years.

I do not agree with my hon. Friend the Member for Wellingborough (Mr Bone), and today is not necessarily the day to suspend the rule and go on through the night. On this issue as on others, one or two of us, if we speak for 60 minutes, have only just cleared our throats and are perfectly capable of going on for two or three hours. That would not resolve whatever issue the Government are trying to resolve.

What matters most to me is that if the Government are deliberately, and rightly, adding extra debates for the Committee's consideration, there should be injury time. That will not happen all the time, but on this Bill I welcome the fact that the Government have made the change voluntarily and at an early stage of the Committee's proceedings. We are coming up to day two of Committee of the whole House. I praise them for making an early change and recognise it openly.

What worries me is the issue raised by my hon. Friend the Member for Hertsmer (Mr Clappison), who asked, "Is there a possibility that, because of how the programme operates, certain major debates will not take place?" That is what I hope we were addressing in opposition and will not do in government. We should say, for example, "What would a Backbench Business Committee do if it was considering the issues that should be debated?"

I am not concerned about the Speaker's groupings; I am concerned that there should be debates on any issues that most people in the House say should be debated. So, I put it to those on both Front Benches, that Back Benchers on both sides of the House expect there to be debates about the issues that we believe matter most. There obviously needs to be room for the particular enthusiasm of one Member, if they can get a relevant amendment accepted and debated, but, on those amendments that are clearly accepted as important to the whole House, let us not reach the point at which, by some chance or design, they are not debated.

3.54 pm

Kelvin Hopkins (Luton North) (Lab): I add my concern to that of other hon. Members over the time allocated for the Committee of the whole House. I suspect that had the Bill been referred to a Committee that was not of the whole House, more time would have been available to discuss the amendments. Given that this is a constitutional Bill of great importance, it is right that it be considered in Committee of the whole House, but we should have at least as much time as would have been given to a Committee not held on the Floor of the House. Given that more people are likely to want to speak in a Committee of the whole House, surely that time should be expanded even further. I therefore echo what other hon. Members have said.

I am one of the Members—perhaps rare beasts now—who regret the introduction of the guillotine and the way in which it has been used in recent years. Time and again we miss out on speaking, are curtailed in what we want to say and cannot speak at the length that we think appropriate, because of the time limits. I have argued on many occasions that we ought to have two-day debates for Second Reading, because it deals with the principle of the Bill. Time and again, large numbers of people want to speak and are not able to. I therefore echo what other hon. Members have said.

3.55 pm

Claire Perry (Devizes) (Con): I enter this debate with some trepidation, because there is the most complicated series of amendments and proposals that I have seen in my short career as a parliamentarian. I will make a couple of points. First, when we are debating critical legislation that sets out for the first time since 1973 how we define our relationship with Europe, I find it astonishing

that fewer than 10% of sitting Members are in the House and that the Opposition Benches, in particular, are rather empty. Given that we are debating a shortage of time and a lack of ability for people to be heard, it is extraordinary how few people have bothered to show up.

Secondly, I urge hon. Members from all parts of the House to focus on the fundamentals of the debate, rather than on the time-wasting proposals that the Opposition parties have tried to table. I am still confused about whether the Opposition parties support or oppose the principle of the Bill. I think that perhaps they support the principle, but cannot bring themselves to stand up and say so. I hope that we will have a debate on the fundamentals of the Bill over the next few hours. I therefore hope that we will pass the motion and proceed to the debate.

3.57 pm

Mr Bernard Jenkin (Harwich and North Essex) (Con): I rise briefly to plead that we do not divide the House on this matter, because time is pressing. However, I am prepared to forecast that we will not get beyond the first group of amendments today. The Bill, if about nothing else, is about what might trigger a referendum, and the first group is concerned with that matter. It is extremely likely that we will not discuss much else today, given that that is the heart of the Bill. That suggests that the timetable motion is ill-conceived. Although it is generous of the Government to add an extra day, that does not resolve the problem we will have today, which is that it is most unlikely that we will discuss anything about clauses 2, 3, 4 or 5, the new clauses relating to clauses 1 to 5, or anything else. That is not what was envisaged when we discussed the strengthening of Parliament in the previous Parliament. A great disadvantage of these very curtailed debates on contentious pieces of legislation is that there is an incentive for people to use up the time for the convenience of the Government, rather than to provide a platform for those who actually want to discuss the Bill.

Mr Cash: Does my hon. Friend recall the speech made by Mr Speaker only last week, in which he drew attention to the necessity not only to maintain the sovereignty of Parliament, but to ensure that the Government are held properly to account? That was from Mr Speaker himself—a most unusual, but very important speech. What we may witness today would be in defiance of the principles that he enunciated.

Mr Jenkin: I agree with my hon. Friend. We have yet to find a way of respecting the Government's right to obtain their legislation in reasonable time, subject to the consent of the House, and of reasonably limiting the time spent on debate, while ensuring that all parts of the Bill are debated properly. We do not want to start following the example of the other place, where a tiny minority of Members are brutally filibustering, but we do need to improve the procedures that we have today. It is a sad comment on the state of the House of Commons under this new Government, who purported to believe in something called "new politics", that we are carrying on the old politics implemented by the Labour Government.

3.59 pm

Chris Heaton-Harris (Daventry) (Con): I rise rather sheepishly, because I almost feel partly responsible for the Government adding an extra day. Some of their amendments have taken over from ones that I had previously tabled, so I find them quite important.

I am particularly pleased that the Government have tabled amendments 57 and 58, which are about the European public prosecutor, because they had inadvertently left a gap in the Bill relating to opt-in arrangements under the EU treaties. They are now closing that gap. They have also tabled the important amendment 60, relating to the common foreign and security policy, so I am pleased that we have the extra time for debate.

I understand what hon. Members have said about what will happen later today, but from a personal point of view I have been chasing amendments such as those that I have mentioned for quite some time, to close the gaps in the Bill, and I am very pleased that the Government have paid some attention to what I and other hon. Members have said.

4.1 pm

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): The accession of new member states can be fairly insignificant numerically, but there could be an extremely large new member state, with a population probably larger than Germany's. For the House to pass a Bill such as this without having reached the point of discussing the matter would be an abdication of duty. Will the Minister undertake that, should we not reach that point today, he will find time for the House to return to the matter for however long it takes?

4.1 pm

Martin Horwood (Cheltenham) (LD): I will not often rise in sympathy with the hon. Members for Wellingborough (Mr Bone) and for Stone (Mr Cash) during the passage of the Bill, but I share some of the fears that they have expressed. One is that, as the hon. Member for Birmingham, Edgbaston (Ms Stuart) and others have said, some very significant issues might not be reached today, especially in light of how the grouping of the amendments has panned out.

I am obviously not criticising Mr Speaker at all, but he has wisely included a very large number of amendments in the first group, covering three different clauses and various arguments. I suspect that that is likely to lead to a long and convoluted debate. That will almost inevitably take up a large part of our time, so we might not reach issues such as enlargement, which, as the hon. Lady said, could be very significant.

My other fear is that debates such as today's, by their nature, can sometimes be hijacked by what one could unkindly call filibustering. Reference has been made to the shenanigans up the corridor in the other place in recent weeks, which I am afraid are not an enlightening example of how to conduct parliamentary business. If the other place has traditionally conducted itself in a more gentlemanly way, with such things not being allowed to disrupt debate, it has certainly failed that test in recent weeks. I therefore reluctantly accept that there is an argument for having guillotines and knives, to prevent a debate of such importance from being hijacked in that way.

However, I ask the Minister to reassure all of us that, as the hon. Member for Birmingham, Edgbaston said, if significant issues cannot be debated today and are cut off by the guillotine, we will have some opportunity to address them later in the process, at the very least by allowing significant time on Report. I hope that the Minister will welcome debate on enlargement in particular at that time.

4.3 pm

Charlie Elphicke (Dover) (Con): I, too, rise to welcome the fact that the Government have agreed to add a sixth day. The Bill is receiving better consideration than many such Bills, and so it should, because it is an important constitutional Bill.

Notwithstanding that, I have sympathy with my hon. Friend the Member for Wellingborough (Mr Bone), who would like further time to discuss the Bill because of its immense constitutional significance. I personally regret that we will not reach discussion of the ambit of the Parliament Act, because it is right that the House has time to consider what happens in our Parliament, including in another place, and the sort of behaviour that we have witnessed of late, particularly by former members of the Labour Whips Office, who are behaving most disgracefully.

Mr Jenkin: Perhaps my hon. Friend is going on to say this, but I would have thought that he would be disappointed that we will not have time to discuss amendments 48, 49, 50 and 51 on holding an in/out referendum, which he champions. Personally, I do not champion it, but does he not regret that we are most unlikely to be able to discuss those amendments?

Charlie Elphicke: I agree with my hon. Friend. What will we discuss? A wrecking amendment, tabled by the Labour party, which cheated the nation of a referendum in the past.

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. If it was a wrecking amendment, it would not have been selected. I remind the hon. Gentleman that amendments are selected with due consideration.

Charlie Elphicke: I defer to you, Mr Deputy Speaker, and apologise for using language that was perhaps too simple. Of course, the amendment could not be a wrecking amendment; it is an amendment that would bring destruction on the Government's intent and purpose in the Bill. I hope that I remain in order with that description.

I agree with my hon. Friend the Member for Harwich and North Essex (Mr Jenkin), who makes an important point about the time that is needed to discuss the purpose of referendums and whether we should have a national debate—perhaps a referendum?—on whether to hold an in/out referendum. It seems that we will not have time to discuss that today. I hope that, at some point—perhaps not in the Bill, but sometime—the House will be able to discuss that properly.

Mr Douglas Carswell (Clacton) (Con): Will my hon. Friend share with the House whether his Whip asked him to take part in the debate?

Charlie Elphicke: I should be delighted to share that information with the House. For the record, my Whip did not ask me to take part in the debate; he simply asked me whether I intended to rebel—I think he had some interest in that matter. As my hon. Friend probably realises, when we discuss in/out referendums, one is slightly off-piste in the context of the general approach of both major parties. Nevertheless, the House should have time to discuss the matter at greater length. *[Interruption.]* I will ignore the sedentary chuntering that tempts me to digress from being in order. I recognise that the clock is ticking and I do not want to eat further into the time for debate.

Mr John Spellar (Warley) (Lab): On a point of order, Mr Deputy Speaker. Several Members on the Government Benches have referred to proceedings in another place. Page 435 of “Erskine May” clearly states:

“Members are restrained by the Speaker from commenting upon the proceedings of the House of Lords.”

For the guidance, particularly of newer Members on the other side of the House, could you give a ruling on that point?

Mr Deputy Speaker: There should be no criticism of the other House. We can all learn from that.

4.8 pm

Mr Lidington: With the leave of the House, let me reply briefly to some of the main points. I do not want to take up much time.

I found it difficult to take seriously the strictures of the hon. Member for Caerphilly (Mr David) about the Bill’s alleged complexity. If there is complexity in the

Bill, it flows from that in the Lisbon treaty, which he and his party, when in government, negotiated, supported and rammed through the House.

Members from both sides of the House made important points about the amount of time available. I am grateful for the acknowledgement of the Government’s offer of a sixth full day. I point out that, with no statements or urgent questions today, roughly six and a half hours are available for debating the motion and proceedings on the amendments. There is a balance to be struck between time available and Members’ self-discipline in the length of their speeches.

On Report, hon. Members on both sides of the House will obviously have the opportunity to table amendments and new clauses to raise subjects that they believe need further debate or that they think have been overlooked and ought to be debated. The hon. Member for Birmingham, Edgbaston (Ms Stuart), who has been in the House since 1997—almost as long as I have—knows well how the rules of order operate and how to draft an amendment to maximise its chances of selection and of being high up in Mr Speaker’s groupings on Report. I am sure that Back Benchers on both sides of the House will be happy to take her advice on the canny ways of achieving those objectives.

A number of hon. Members, including the hon. Lady, mentioned the question of accession treaties. It is obviously for the Chair and not for me to determine whether the content of any speech is in order. I simply point out that the first group of amendments includes proposals to remove the exemption conditions altogether from the Bill, but the exemption conditions include an exemption for accession treaties. I invite the House to draw its own conclusions, but I hope that it supports the motion.

Question put and agreed to.

European Union Bill

[2ND ALLOCATED DAY]

[*Relevant document: The Fifteenth Report from the European Scrutiny Committee, The EU Bill: Restrictions on Treaties and Decisions relating to the EU, HC 682.*]

Further considered in Committee

[MR LINDSAY HOYLE *in the Chair*]

Clause 1

INTERPRETATION OF PART 1

4.12 pm

Mr Wayne David (Caerphilly) (Lab): I beg to move amendment 85, page 2, line 6, at end add—

‘(7A) References to “the Committee” are to the European Union Referendum Committee as established by section [European Union Referendum Committee] below.’.

The Chairman of Ways and Means (Mr Lindsay Hoyle): With this it will be convenient to discuss the following:

Amendment 86, in clause 2, page 2, line 10, leave out ‘a statement relating to the treaty was’

and insert

‘the treaty and a statement relating to it were’.

Amendment 1, page 2, line 13, leave out ‘or the exemption condition’.

Amendment 92, page 2, line 16, leave out from ‘until’ to end of line 22 and insert

‘the referendum procedure set out in subsection (2A) below has been completed.’

‘(2A) The referendum procedure is completed if—

(a) a decision has been taken by either or both Houses of Parliament not to hold a referendum, whether by agreeing with a recommendation from the Committee that a referendum is not required or by disagreeing to a recommendation from the Committee that a referendum is required; or

(b) a referendum has been held throughout the United Kingdom, or where the treaty affects Gibraltar, throughout the United Kingdom and Gibraltar, and a majority of those voting in the referendum are in favour of ratification of the treaty.’.

Amendment 2, page 2, line 23, leave out subsection (3).

Amendment 87, in clause 3, page 2, line 29, leave out ‘a statement relating to the decision was’

and insert

‘the decision and a statement relating to it were’.

Amendment 67, page 2, line 32, leave out paragraph (c).

Amendment 3, page 2, line 32, leave out ‘the exemption condition or the significance condition’.

Amendment 68, page 2, line 34, leave out subsections (2), (3) and (4).

Amendment 93, page 2, line 36, leave out from ‘until’ to end of line 42 and insert

‘the referendum procedure set out in subsection (2A) below has been completed.’

‘(2A) The referendum procedure is completed if—

(a) a decision has been taken by either or both Houses of Parliament not to hold a referendum, whether by

agreeing with a recommendation from the Committee that a referendum is not required or by disagreeing to a recommendation from the Committee that a referendum is required; or

(b) a referendum has been held throughout the United Kingdom, or where the treaty affects Gibraltar, throughout the United Kingdom and Gibraltar, and a majority of those voting in the referendum are in favour of approval of the decision.’.

Amendment 4, page 2, line 43, leave out subsection (3).

Amendment 5, page 3, line 1, leave out subsection (4).

Amendment 64, page 3, line 3, leave out from ‘4’ to ‘and’ in line 4.

Amendment 65, page 3, line 4, leave out ‘(1)(i) or (j)’ and insert

‘(1)(a), (d), (e), (f), (g), (h) (i), (j), (k), (l) or (m)’.

Amendment 66, page 3, line 4, after ‘(1)’, insert ‘(g), (h)’.

Amendment 88, in clause 4, page 3, line 8, before ‘(1)’ insert—

‘(A1) A treaty or Article 48(6) decision which falls within this section shall be subject to the procedure of determination by the Committee and both Houses of Parliament as to whether a referendum is required’.

Amendment 89, in clause 5, page 4, line 10, leave out ‘the required statement before Parliament’

and insert

‘the treaty and the required statement before the Committee and before Parliament’.

Amendment 90, page 4, line 14, leave out

‘the required statement before Parliament’

and insert

‘the decision and the required statement before the Committee and before Parliament’.

Amendment 7, page 4, line 17, leave out subsections (3) to (5) and insert—

‘(3) The required statement is a statement that there will be a referendum on that treaty.’.

Amendment 91, page 4, line 19, leave out subsections (4) and (5).

Amendment 11, page 4, line 24, at end add—

‘(6) If the Minister’s opinion is that the effect of that provision in relation to the United Kingdom is not significant the Minister must seek Parliamentary approval for his opinion.

(7) Parliamentary approval is given if—

(a) in each House of Parliament a Minister of the Crown moves a motion that the House approves of the Minister’s opinion; and

(b) each House agrees to the motion without amendment.

(8) If the Minister fails to obtain Parliamentary approval for his opinion the significance condition is not met.’.

New clause 9—*European Union Referendum Committee*

‘(1) There shall be a Committee, to be known as the European Union Referendum Committee, to examine—

(a) any amendment of the Treaty on the European Union or the Treaty on the Functioning of the European Union, whether by simplified or ordinary revision procedure;

(b) any decision already provided for in those treaties, as set out in Schedule 1 to this Act;

(c) any treaty or Article 48(6) decision as defined in section 4 of this Act; and

(d) any decision as set out in section 6(2) or 6(4) of this Act.

(2) The Committee shall report to Parliament in respect of each such treaty amendment or decision as to—

- (a) whether it involves a significant transfer of power or competence, and if so
- (b) whether it requires a referendum to be held.

(3) When the Committee has reported its view as to whether or not a referendum is required, a Motion shall be moved in each House of Parliament to give effect to that recommendation.

(4) If both Houses agree to recommend a referendum, a referendum shall be held accordingly.

(5) The Committee shall consist of no more than 19 Members, drawn from both Houses of Parliament, none of whom shall be Ministers of the Crown.

(6) The members of the Committee shall be nominated by the Speaker of the House of Commons and the Lord Speaker of the House of Lords respectively, in accordance with the Standing Orders or Resolutions of their respective Houses, and subject to the approval of their respective Houses.

(7) Members of each House shall be members of the Committee until discharged by their House or if they cease to be a Member of that House or if they become a Minister of the Crown.

(8) The Committee shall elect a Chair from among those of its members who sit in the House of Commons.

(9) The Committee may determine its own procedure, which shall be broadly in line with that followed by Joint Committees of the two Houses.’

Mr David: The week before last, the House enjoyed an excellent debate on the sovereignty clause of the Bill. Perhaps surprisingly, there was a high degree of consensus on the need to ensure that Parliament remains central to our democracy. Indeed, it must be said that even the Government appeared to acknowledge that there was at least a genuine debate on whether Parliament owed its sovereignty to common law or whether sovereignty was a fundamental right. Consequently, we look forward to seeing how the Government rewrite the Bill’s explanatory notes to acknowledge that debate.

That makes it all the more surprising that part 1 of the Bill so profoundly departs from the consensus established in the House that Parliament is central to this country’s democratic process. The Government do that by proposing that most extensions of EU competence or power, even relatively small ones, should be subject to a referendum if the change has a material impact on the UK’s relationship with the EU.

The Government set out in the Bill in mind-numbing detail umpteen scenarios when a referendum might be triggered. The Opposition believe that there is a case for referendums to be held on important constitutional issues. For example, in government, we introduced referendums on devolution in Scotland and Wales, and indeed, there will be a further referendum in Wales on 3 March.

Mrs Anne Main (St Albans) (Con): With reference to the hon. Gentleman’s remarks on holding referendums on fundamental matters that affect the UK, does he regret not giving us a vote on the Lisbon treaty?

Mr David: Not at all, because it is pretty obvious to anybody who has given the matter any detailed study that there is a fundamental difference between a proposed constitution on the European Union and the treaty of Lisbon.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): I am sorry, but having written the constitution and having read the Lisbon treaty, I think that it is sheer sophistry to go on like this. May I just—

The Chairman: Order. We are not dealing with the Lisbon treaty. Can we please stick to the amendments before us?

Mr David: With all due respect to my hon. Friend, it was not she who wrote the treaty or the constitution; she made a contribution, as did many people.

We support a referendum on the alternative vote system, and we believe that a referendum should be held if ever there is a European constitution or if any Government favoured Britain’s joining the single currency. I remind the Committee that Baroness Thatcher declined to hold a referendum on the Single European Act, and that the Foreign Secretary voted against a referendum on the Maastricht treaty when he was in opposition.

Richard Fuller (Bedford) (Con): The issue is that the Labour party promised a referendum and then reneged on it when in office.

Mr David: I will stick to the point. It is really important that Members recognise that there is a fundamental difference between the constitution and the treaty of Lisbon. I am more than happy to explain those differences, with your permission, Mr Hoyle, but I know that you want us to pursue the issue under discussion.

Ms Stuart: On Europe, is not the real lesson that when in government, we do not give referendums, but when in opposition, we ask for them?

Mr David: I do not think that is the case at all. There are certain principles at issue that it is important we consider. One of the things that has marred the debate about Europe is the fact that too much expediency has been demonstrated. We need to talk about principles, and I would argue that an important one is at stake here. We have to make it clear that we are talking about political consistency, of which there is little among Government Members. Only in January last year, an hon. Gentleman said:

“The Conservatives want a referendum on the bulk purchasing of paper clips. That is nonsense. It does not stand up to any serious scrutiny, and I do not believe that if they were in government, they would put forward this proposal.”—[*Official Report*, 19 January 2010; Vol. 504, c. 238.]

I am tempted to have a competition to see whether anyone knows who might have said that, but I will just tell the Committee instead: yes, it was a Liberal Democrat, and yes it was the Under-Secretary of State for Business, Innovation and Skills, the hon. Member for Kingston and Surbiton (Mr Davey)—so much for consistency; so much for principles.

One of our main concerns about the Bill is the proposal that referendums could be held on highly technical issues that are not of constitutional significance. I am not suggesting that a future Labour Government would want to change the European treaty, but are the

[Mr David]

Government seriously suggesting that we should have a referendum on changing the voting system in the Council of Ministers on the environment from the special legislative procedure to the ordinary legislative procedure?

Claire Perry (Devizes) (Con): I appreciate the point that the hon. Gentleman is trying to make, which is that there is a lot of complexity and a precise attempt to define the conditions under which referendums would be held, but surely it is better to ask the British people to make up their minds than to wriggle out of one fundamental promise on the whole constitutional question of whether we should be signed up to the Lisbon treaty. My constituents would far rather have the opportunity to vote on these things than have 13 years of broken promises.

Mr David: With all due respect to the hon. Lady, it was her party that reneged on the commitment to have a referendum on the Lisbon treaty. Government Members could have had a referendum had the Government kept their promise, but it was they who decided not to have one despite their commitment to do so.

Charlie Elphicke (Dover) (Con): The hon. Gentleman will forgive me, but my recollection of the history is that the treaty was ratified and then it became impossible to have a referendum on it. Would new clause 9 not enable a Government to make a promise at election time to hold a referendum and then wriggle out of it under the cover of some committee, as the previous Labour Government did?

Mr David: This party does not make promises which it breaks. [Laughter.] I would point out to Government Members that, as I recall, there was a clear commitment on the Lisbon treaty. The hon. Member for Devizes (Claire Perry) cannot get out of that by saying, “Well, it was already endorsed. It was ratified. We couldn’t do anything about it,” because they could have done. If the Conservatives had wanted a referendum on a treaty change, they could have had one. It is political will that this Government lacked.

Although I am not suggesting that a future Labour Government would want to change the Lisbon treaty, are this Government serious about introducing some of the changes that they claim they want to introduce? Are they seriously suggesting that we should have a referendum on the voting system for introducing a European patent, for example? Are they seriously suggesting that we would have a referendum on how judges are appointed to the European Court? [HON. MEMBERS: “Yes.”] It seems that some Members are quite happy to have referendums, even on the proverbial paper clips. But seriously, the place to make a decision on the merits of any potential changes that are not of constitutional significance is in Parliament.

Jacob Rees-Mogg (North East Somerset) (Con): Is it not in fact remarkably important to have a detailed Bill that sets out all the conditions? The habit of Europe has been to accrete power by stealth; therefore, when added together, things that seem to be minor turn out to be creating a European Government, about which the British people should have the choice.

Mr David: There are two problems with that intervention. The first concerns the issue of detail. We have already seen the Government getting themselves into a right knot, bringing forward new amendments to plug some of the gaps that they have left. My guess is that, even at the end of the day, if this Bill goes through, there will still be gaps. The other issue concerns constitutional creep, and I will come to that point later, because there are exceptions in the Bill, which I will touch on.

The role of Parliament should be absolutely central to the issue of Europe—and, indeed, to all our deliberations. It is Parliament that should formally and properly consider such issues; it is Parliament that should devote the time to focused debates and deliberations on the pros and cons of any change; and it is Parliament that is accountable to the people. Hopefully, before too long there will be a House of Lords that is wholly or partly elected, and then both Houses will be answerable to the people for their actions. That is surely the essence of representative democracy. Indeed, in recent times the most authoritative inquiry into the role of referendums has come from the Lords Select Committee on Constitution, whose report was published last year. After hearing from many witnesses, the Committee concluded:

“The balance of the evidence that we have heard leads us to the conclusion that there are significant drawbacks to the use of referendums.”

It continued:

“Notwithstanding our view that there are significant drawbacks to the use of referendums, we acknowledge arguments that, if referendums are to be used, they are most appropriately used in relation to fundamental constitutional issues.”

That report is important and should be acknowledged. However, it is not just the opinion that that House expressed that is significant; the evidence that was submitted is also important. In an important appendix to the report, it was pointed out that the distinguished commentators David Butler and Austin Ranney had noted that

“while the vast majority of democracies”

throughout the world

“have held referendums, only a few have institutionalised them, and used them in anything other than an ad hoc fashion. The vast majority of referendums are held at founding moments: decisions about joining a state or federation, accepting or rejecting new constitutions, or making constitutional revisions.”

If the Bill reaches the statute book in its present form, not only will it be at odds with common sense; it will also be out of step with most of the world’s democratic states. And before any Members think that the Lords Constitution Committee was packed with Labour Peers, I would simply point out that they were in a minority on the Committee.

In the second excellent report produced by the European Scrutiny Committee, chaired by the hon. Member for Stone (Mr Cash), one of the key witnesses, Professor Simon Hix, lucidly made the case for the limited, rather than widespread, use of referendums. I would not agree with everything that Professor Hix argued, but he was absolutely right when he said that

“Referendums are a legitimate tool, but often they are not regarded as legitimate unless they are on major constitutional questions. In a democracy we believe that ultimately sovereignty resides with the people, so it is legitimate that referendums should be used for major constitutional changes.”

Professor Hix was correct in his argument about major constitutional issues. He was also correct to question the wisdom and legitimacy of referendums on much smaller, technical issues.

Graham Stringer (Blackley and Broughton) (Lab): I understand the logic of my hon. Friend's argument, but, given the profound changes since 1975 in the prospectus set out by members of all three parties in the House, is there not now a thirst among the public for a referendum, either on whether we should be in or out of the European Union or on some of the other issues of major constitutional significance—from the Single European Act to the Lisbon treaty—on which they have not been consulted?

Mr David: I have to say that I have not had one constituent come into any of my surgeries since the last election—or, indeed, during the last Parliament—to raise this issue with me. People are concerned about their jobs, their livelihoods, and, under this Government, their falling standards of living. Those are the issues that we should be focusing on. Nevertheless, we are addressing the issue before us today, the European Union Bill.

George Freeman (Mid Norfolk) (Con): On the subject of what we were sent here to do, I can assure the hon. Gentleman that the people of Mid Norfolk sent me here to speak up against their powers being given away without their consent. He quoted the evidence to the European Scrutiny Committee. In written evidence, Professor Philip Allott, professor emeritus of international public law at Cambridge, said:

“The Bill has a whiff of revolution about it. It is a Boston Tea Party gesture against *creeping integration*... So far as I know, no other member state has anything remotely approaching the degree of parliamentary involvement which the Bill would create”.

The Bill might not be perfect, and it might not be the ideal mechanism, but does the hon. Gentleman acknowledge that the Government are trying to ensure that the creeping integration that my hon. Friend the Member for North East Somerset (Jacob Rees-Mogg) referred to earlier is prevented in future?

Mr David: I have read all the evidence submitted to the Committee, and the significant point about that particular quote was the use of the word “gesture”. The Bill is a gesture, and I will say more about that later. It is a gesture to placate hostility to the European Union among Government Back Benchers, but it is not a serious, considered piece of legislation.

Mr William Cash (Stone) (Con): The hon. Gentleman has referred to Professor Hix's evidence to the European Scrutiny Committee. Will he note that the professor also said that previous EU amending treaties—Maastricht under a Conservative Government and Amsterdam and Nice under a Labour Government, as well as the Lisbon treaty—should all have been subjected to referendums? If the conditions of the Maastricht referendum campaign, which I founded and which had about 750,000 signatures, had been implemented by the Government at the time—let alone those for Amsterdam and Nice—is it not right to say that we would not be sitting here today discussing this nonsense?

Mr David: I am aware of all Professor Hix's comments, and I was careful to say earlier that I did not agree with all his remarks. The point remains, however, that he is fundamentally opposed to the idea of having a multiplicity of referendums, for the reasons that he outlined to the Committee.

Charlie Elphicke: The hon. Gentleman will correct me if I am wrong, but I believe that Professor Hix also went on to say:

“I think there should have been a referendum on Maastricht, on Amsterdam, on Nice...on the Lisbon treaty”.

That is surely significant. The Bill is all about ensuring that, having been cheated of referendums on those treaties in the past, we can now have referendums on other matters, enabling the House to give greater consideration to them before passing away powers to Europe. The committee proposed in the hon. Gentleman's new clause 9 would not achieve that.

Mr David: With all due respect, I must point out that the hon. Gentleman has made exactly the same point that the hon. Member for Stone (Mr Cash) has just made. I therefore give him the same answer: I was careful to say earlier that I did not agree with all of Professor Hix's comments, but the central thesis that he presented to the European Scrutiny Committee was that there should be referendums on major constitutional issues, not on the minutiae of legislation as is proposed in the Bill, and this Bill is what we are now debating.

4.30 pm

It is important for us to recognise that having a proper national debate on technical issues presents a real problem. If this were to happen, it might mean that debates focused on other issues and voters might not vote on the question on the ballot paper. That is perhaps a fundamental problem with all referendums, but it is certainly the case with referendums on issues that are highly technical and very specific. A second problem is that such referendums might attract only very low turnouts. For many people, a shift from unanimity to qualified majority voting in the Council of Ministers on the issue of permanent structural co-operation might not be a huge motivator to come out and vote.

Mrs Main: I cannot believe that the hon. Gentleman really means to imply that the voting public are so dim that they cannot understand the question asked of them. I seriously hope that that is not what he is saying.

Mr David: The hon. Lady should realise that all Members have had enormous difficulty understanding this Bill. Can she, hand on heart, say that she understands every dot and comma of the Bill before us? Please answer.

Mrs Main: With the greatest respect, I think the hon. Gentleman is dodging the question. I asked him whether he felt that the voting public were too dim to understand the question put on a referendum, as he seemed to imply that they were.

Mr David: What I am saying is that if some of the questions implied by the Bill were put, no reasonable human being, including Members in this House, would

[Mr David]

understand what on earth the debate was all about. Nobody would. Debating how many angels can stand on the head of a pin might be okay for the middle ages, but it is unlikely to enthuse people in 21st century Britain.

Martin Horwood (Cheltenham) (LD): I may well be more in sympathy with the hon. Gentleman's position than some of my colleagues on the Government side, but is he not aware—I appreciate, as he said, that he might have some difficulty understanding all of the Bill—of the “significance” provision in clause 3(4)(b)? Surely that is designed to guard precisely against the possibility of having referendums on minutiae.

Mr David: It is interesting to hear the hon. Gentleman refer to the exceptional clause in that way. I will come on to the very interesting point that he has raised, which I am sure would not be shared by many Conservative Back Benchers.

Let me pursue my argument. These two factors—the lack of proper debate that having a referendum on a small technical issue would mean, and the low turnout—might lead to a questioning of any referendum result. For example, I cite Professor Hix again in his evidence to the European Scrutiny Committee, when he referred to the example of Texas. I heard a Government Member earlier making a sedentary comment about the USA, so let us look at this example from Texas. It has referendums in local communities on whether smoking or drinking should be banned. I am sure that everybody understands the questions, but they have a referendum on the same issue every year. Why? It is because people keep on questioning the validity of every year's result because the turnout is so low.

The Bill implies that this Parliament can bind future Parliaments, but we all know that this cannot be done constitutionally. It is an interesting point, as the Government have made it clear that they do not intend to test the legislation. Perhaps one of their amendments might do so, but generally speaking, they do not intend to use this legislation—it is intended for something in the future. I would argue very strongly that there is a constitutional question mark over that.

I also believe that the Bill weakens the role of Parliament because it obliges Parliament to pass on much of its decision-making capacity. Yes, it is true that the Bill gives additional responsibilities to Parliament in some areas, which we will debate at a later stage. The Bill's most important impact, however, will be to weaken the role of Parliament. I would even suggest that the Bill's whole approach is crudely populist and fraught with practical problems and constitutional risks.

Kwasi Kwarteng (Spelthorne) (Con): The hon. Gentleman's comments seem to be a diatribe against all referendums anywhere and are not specific to the Bill. Of course a referendum is populist; it is the most direct form of gauging the popular will. The approach of his argument seems a complete waste of time.

Mr David: That is completely untrue. My argument is that there is a clear distinction between important constitutional issues and detailed minutiae. We can

argue about the constitutional issues, but there is a big difference between them and a referendum on a raft of detailed minutiae. That is the big difference, which the Bill fails to acknowledge. The Bill is about having referendums on not the big issues, but the small, relatively unimportant ones.

Ms Gisela Stuart: It might come as a great relief to my hon. Friend to learn that I totally agree with him on this occasion. The Bill would weaken Parliament. Does he not find it extraordinary that a Bill that is meant to strengthen Parliament has in clause 5 a provision whereby, if in doubt, the matter will be given to the courts, which we cannot even remove in the way we can a Government, so it is an abdication?

Mr David: I thank my hon. Friend for that intervention; she makes a good point. However, the matter might not be quite as she has said. I will address that point later in my contribution, if I may.

Amendment 85 seeks to reaffirm the role of Parliament by giving it the power to consider and decide whether a proposed European change is significant enough to hold a referendum on. A special Committee of both Houses—we call it the referendum Committee—would be established, and it would consider the fine detail of the Government's proposal. A recommendation would then go to both Houses, and if both Houses agreed that the change was important enough to warrant a referendum, a referendum would be held.

Stephen Gilbert (St Austell and Newquay) (LD): Will the hon. Gentleman tell the Committee what would happen if one of the Houses of Parliament took the view that a referendum should take place, and the other took the view that it should not? Is that not an inherent contradiction in the Opposition amendments?

Mr David: It is important that Parliament speaks with one voice, so both Houses would, under our proposal, have to give a positive vote in favour.

Stephen Gilbert: I understand the hon. Gentleman's purpose, but it is conceivable that the House of Commons would reach one view on whether a referendum is required, and the House of Lords would reach another view. How do the Opposition intend to settle that discrepancy?

Mr David: Before too long, we hope, both Chambers would be elected. Therefore, we believe that it is important for Parliament to speak with one voice. Under our amendment, Parliament would be centre-stage in the whole process. Parliament, and Parliament alone, would decide whether a referendum ought to be held, which is far preferable to referendums being decided according to abstract criteria under this ill-conceived Bill. It is also far better than allowing the Government to make the decision.

Claire Perry: I am intrigued to know whether the workings of the proposed Committee would have come into force when the previous Government decided, without, I believe, a debate on the Floor of the House, that the Lisbon treaty was not the same thing as the EU constitutional treaty and therefore could be signed. At that point, would his Committee have intervened, given

the definitional question of whether it was an EU constitutional treaty, as Open Europe and most of the country believe that it was?

Mr David: I have argued consistently that that was not the case, but the new Committee, drawn from both Houses, would consider all changes that occur inside the European Union and that have a direct impact on the United Kingdom. We can discuss what is significant and what is not, but my point is that the proposed Committee would come to a considered view on what was important and what should warrant a referendum.

I emphasise this point because we are concerned about the extent to which the Government will have discretion to decide what goes to a referendum. We are concerned because we fear that the Government's rhetoric does not match the reality of their Bill. I am sure that the Minister is absolutely sincere in his intention to give the electorate the maximum ability to vote on a range of European minutiae, but just suppose that the Bill is smoke and mirrors. The nature of the proposals before us could turn out to be more apparent than real.

By common agreement, the Bill is one of the most complicated pieces of legislation to come before the House of Commons for many years. As we all know, in legislation the devil is always in the detail, and this Bill contains one heck of a lot of detail. Some Members, including those on the European Scrutiny Committee, have suggested that the Government may be looking for wriggle room. In particular, there has been reference to clause 3(4), the so-called "significance" subsection, which allows the Government to avoid a referendum if they believe that certain EU sanctions or obligations are insignificant. If I were a Government Member, I should consider that very ominous, as little detail is provided.

The Minister for Europe (Mr David Lidington): Given the concerns that the hon. Gentleman has just expressed, will he please explain why the Opposition amendments, and in particular new clause 9, would extend the significance test so that the Committee that he proposes would consider whether a decision to join the euro, or a decision to scrap British border controls, was significant enough to warrant a referendum at all?

Mr David: The answer is simple. I have faith in Parliament; I do not have faith in this Government. That is the issue that is at stake. I think that many Members have twigged that the subsection is very significant.

Mr Stephen Dorrell (Charnwood) (Con): Will the hon. Gentleman address the question asked by my hon. Friend the Minister a bit more seriously? New clause 9(2) makes it clear that the Opposition are suggesting that there could be significant transfers of power that did not merit a referendum. Will the hon. Gentleman give us an example of a significant transfer of power that he thinks should not merit a referendum? The principle is there in his new clause.

Mr David: There is a fundamental point here. We are not second-guessing Parliament's view. These are essentially subjective statements. I think it wrong for the Government to pretend that there can be predetermined formulas that will suit any eventuality. They know in their heart

of hearts that that is not possible in the real world, which is why they have come up with the "significance" subsection.

Mr Dorrell: Will the hon. Gentleman give way?

Mr David: I will give way once more, but then I must move on.

Mr Dorrell: I am grateful to the hon. Gentleman, who is being very patient. However, he is not second-guessing the Government; he is proposing an amendment to the House of Commons. He is proposing that there should be a dual key before a referendum is held. First, a proposal should be significant; secondly, his committee should recommend a referendum. That implies the possibility of a significant transfer of power that would not require a referendum. It is his proposal; I am simply asking him to explain it to the Committee.

Mr David: What I am saying is that it depends on how "significance" is defined. I propose that, rather than our accepting a formula stating what is and what is not significant—which, as the Government themselves recognise, would fall at the first hurdle—responsibility for deciding what is important should be in the hands of parliamentarians. That would mean a transfer of decision-making power from the Executive to Parliament, of which we are in favour.

Ms Gisela Stuart: In our system the Government are drawn from the largest party in Parliament, and our Committees have a tendency to reflect the composition of Parliament. Would my hon. Friend's committee also have an inbuilt Government majority?

4.45 pm

Mr David: That would be for the House to decide, which is why this is important. We are talking not simply about the Commons, but the Lords too. We must recognise the need to go beyond crude party politics, but this Bill does not do so.

Several hon. Members rose—

Mr David: I must make progress, because other Members will want to speak in this debate.

Hywel Williams (Arfon) (PC): Will the hon. Gentleman give way on that point?

Mr David: No, I have made my decision.

I have referred to the significance provision but, as if that were not enough, the Bill also contains the exemption condition. If the significance provision is the smoke, the exemption condition is surely the mirrors. With a striking lack of clarity, clause 4(4) refers to "the codification of practice"—one hon. Member mentioned that earlier. That could lead to a significant extension of competences by European Union institutions, yet the Bill does not provide for a referendum on such matters.

Clause 4(4) then stipulates that changes that apply "to member States other than the United Kingdom" should not attract a referendum. That may appear reasonable but, given that this country is an integral part of a single European market, it is impossible to say

[Mr David]

with any degree of certainty that anything happening in the rest of the European Union would not have an important impact on this country.

In addition to all that is the most amazing exemption. In a Bill that claims to be about giving the electorate the ability to make decisions on important changes affecting this country, the

“accession of a new member State”

is expressly excluded in that regard; accession will not trigger a referendum. Where is the logic in saying that we can have a referendum on whether or not a voting system should be changed for the appointment of judges, but not on whether Turkey joins the European Union? Does the Minister seriously suggest that Turkey joining the European Union would be of no consequence? Does he seriously believe that the membership of Turkey, a country of more than 70 million people, will not affect the United Kingdom’s vote in the Council of Ministers? The Minister is a nice chap, but surely he cannot honestly believe that Turkey’s membership will not have a significant impact on Britain’s role in the European Union?

Martin Horwood: I understand the point that the hon. Gentleman is making, but surely the issue under discussion is the transfer of power to Europe and that transfer triggering a referendum. What powers does he think would be transferred from the British to the European level in the event of Turkey joining the European Union?

Mr David: The ultimate decision-making body in the European Union is the Council of Ministers, where, broadly speaking, votes are exercised according to the size of a country relative to other countries. I am suggesting that if a large country such as Turkey joins the European Union, the influence of the United Kingdom will inevitably diminish—that is absolutely simple and straightforward. Given the logic of the Government’s argument for this Bill, I find it incredible that that circumstance is painfully excluded.

Chris Heaton-Harris (Daventry) (Con): I thank the hon. Gentleman for his wholehearted support for the amendment that I tabled on this issue, which, alas, we are not going to get to later this evening. Are we not assuming that Turkey would want to join the European Union? Given the direction in which its economy is going and given that it is already a member of the customs union, it would perhaps be very wise of Turkey to take a step back and have a look at where it is going. I was wondering whether this approach is a complete change in Labour party policy on this area, and it would be fascinating to know whether the party is for or against Turkish accession. Has the diminution of powers at the Council, whereby the previous Government gave away so many powers in different qualified majority voting circumstances that it sends shudders down the spine, led to Labour Members beginning to tighten up and see that we really should not have given away some of these powers?

Mr David: Perhaps I should not have given way on that point. I want to go on to make it absolutely clear that the Opposition would like to see Turkey join the

European Union. There are a host of positive reasons for that to happen. Our position on the European Union and Turkey’s membership have not changed, but I cannot understand how the Government can say on the one hand that they believe in holding referendums on EU changes that affect the UK and on the other that they are against holding a referendum on such a huge issue of great importance to this country. The Government cannot have their cake and eat it.

Mr Dorrell: May I bring the hon. Gentleman back to the subject of his amendment? Does it follow from what he is now arguing that if the Committee existed he would anticipate that a proposal that Turkey should join the European Union would constitute a significant transfer of power or competence? Does he think that in those circumstances, if the committee reached that conclusion, the decision would require a referendum to be held?

Mr David: It is not for me or anyone else in the debate to say what the Committee should or should not decide. I am saying that the Bill expressly excludes a referendum on Turkey’s accession, irrespective of whether it is considered important or not, as a matter of principle. The Bill says that there will not be a referendum on Turkey’s accession no matter how important it is. That is illogical.

Kwasi Kwarteng: The simple question that Government Members wish to ask the hon. Gentleman is whether, under his Committee, the proposed referendum on Turkish membership would take place? It is incumbent on him to explain how the proposal that his party has made will work in practice. That is what we are trying to get to.

Mr David: Who knows who will be on the Committee? Who knows what opinions will be expressed? Who knows on what terms Turkey will join the EU, if it ever does join? The big difference is that we are suggesting that there should be proper, open-minded consideration. We are against a closed book on the issue, which is what this Bill suggests.

Kwasi Kwarteng: Will the hon. Gentleman give way?

Mr David: For the final time.

Kwasi Kwarteng: I am reminded of a constituent of mine going to a doctor who gave her some very powerful medicine. When she drank the medicine, she asked, “What will happen to me?” The doctor gave her a reason, but the hon. Gentleman’s answer reminds me of the doctor saying, “I don’t know what will happen to you if you drink this medicine. I do not know what condition you will be in after you have drunk the medicine. I cannot possibly tell you how it will work out.” That seems analogous to the hon. Gentleman’s position.

Mr David: I do not think that it is.

Members have asked about our rationale in tabling the amendment. I believe that we have explained it logically and systematically, but I ask the Minister: what is the Government’s rationale in specifically excluding a referendum on accession? Will the Government respond to that? What is the rationale? This is a debate and there

is silence from Government Front Benchers—I can only conclude that there is no rationale. There is not, is there?

The situation is quite simple. The Government want Turkey to join the European Union. They consider that to be of tremendous foreign policy importance and they will not allow a referendum to get in the way. That is the truth and they should accept it.

Martin Horwood: First, I apologise for saying that I was in sympathy with the drift of the hon. Gentleman's argument. I am certainly not now. I am very puzzled. A minute ago, he was arguing that we should be wary of having too many referendums. He now seems to be arguing for another one. Does he want more or fewer referendums?

Mr David: Once again, the hon. Gentleman is not following the debate very closely. What we are saying is that these issues should be considered—watch my lips—carefully by a special Committee drawn of both Houses. What we are against is a predetermined conclusion that irrespective of the circumstances, there should not be a referendum on Turkish accession. Although I challenged the Minister to explain the rationale, he declined to do so. I am sure the Committee will draw its own conclusion.

Mr Dorrell: May I ask the hon. Gentleman a simple question? Is he in favour of a referendum on Turkey's accession to the European Union?

Mr David: In terms of this debate, I believe it is important for the special Committee to consider the pros and cons.

Several hon. Members *rose*—

Mr David: No. I will move on. It is important that we realise that as well as the significance provision, the exception provision and the specific exclusion of a referendum on accession of any kind, our good friend the explanatory notes make matters worse and add to the obfuscation of the Bill.

I shall quote from the explanatory notes. Although they are wholly inaccurate and unsatisfactory, they are of some significance. They state that the so-called list in clause 4(4) is “illustrative rather than exclusive,” and they continue:

“In other words, there may be other types of treaty change which do not transfer competence or power from the UK to the EU and therefore do not trigger a referendum.”

What are the other types of treaty change? Has anyone got any ideas? Has the Foreign Office been rubbing its crystal ball? It is not good enough. There should be a clear indication of what the other types of treaty change are.

Mr Cash: The shadow Minister referred earlier to the meaning of the word “significance”, and he has just mentioned it again. Is he aware that the “Oxford Dictionary” defines “significance” as

“having a particular meaning; indicative of something”,

and goes on to give as an example,

“in times of stress her dreams seemed to her especially significant”.

Does he know something we don't?

Mr David: I would not claim that for one moment. I had better move on.

If I am bemused by the Government's exceptions, I am intrigued by their apparent advocacy of judicial reviews as a safeguard for a Government decision not to hold a referendum.

Kwasi Kwarteng: Will the hon. Gentleman give way?

Mr David: No, not yet.

When I first read the Bill, I was worried about this complicated piece of legislation, compounded by the lack of clarity about the meaning of “power” as opposed to “competence”. I was concerned that it was a potential paradise for lawyers. As I am not an enthusiast for judicial activism, that worried me. I was also worried by the comments of the Foreign Secretary in the Second Reading debate.

Then I delved deeply into the how and why of judicial reviews, and in particular the circumstances in which they are held and the criteria that they examine. The House of Commons Library, as always, provided excellent objective information, and with forensic precision the European Scrutiny Committee carefully examined whether, in the case of the Bill, judicial reviews are likely.

Kwasi Kwarteng: I shall try again. In the context of the Bill, does the hon. Gentleman believe there should be a referendum on Turkish accession to the EU?

Mr David: I was talking about judicial reviews. I cannot see how that fits into judicial reviews. With all due respect, I know the hon. Gentleman is a new Member, but he should follow the debate.

Charlie Elphicke: Will the hon. Gentleman give way?

5 pm

Mr David: No, I will not give way.

I asked the House of Commons Library whether a judicial review was likely. The European Scrutiny Committee's conclusion was that

“re-course to Judicial Reviews is a more illusory safeguard than the Explanatory Notes imply.”

That is important. Surely it would be sensible for the Government to set out clear criteria for reviewing the reasonableness of a Minister's decisions. More importantly, the European Scrutiny Committee report tells us that the courts have already ruled that decisions by Government on whether to hold referendums are political decisions and that the courts have therefore been reluctant to get involved.

That was borne out by the Wheeler case in 2008, in which the divisional court was asked to review the previous Government's decision not to hold a referendum on the Lisbon treaty. It concluded that the issue lay

“so deep in the macro-political field that the Court should not enter the relevant area at all”.

If that was the case in the past, it is certain to be the case in the future.

Stephen Phillips (Sleaford and North Hykeham) (Con): Is not the distinction that the Bill envisages that, were a Minister to decide that something was not of significance,

[Stephen Phillips]

even though it was of significance, that could be reviewed by the courts in a judicial review? Surely the hon. Gentleman would agree that it is those provisions in the Bill that create the difference and distinguish the Wheeler case and that it is for that reason that the explanatory notes are to at least some extent correct.

Mr David: Part of the problem, as was mentioned earlier, is that we are talking about a Government making subjective decisions, and the courts have ultimately said that such decisions are political. Given the lack of clarity and the level of obfuscation in the Bill, my contention is that the courts are likely to come to exactly the same conclusion in future.

Graham Stringer: I share my hon. Friend's worry about judicial review and the interference of the courts in what should be the business of the House. Given that, does he intend to support amendment 11, tabled by some of our hon. Friends, because it would get over that point?

Mr David: The Committee will have to wait to see how we will decide to vote.

I should like to finish the point about judicial reviews. Why do the explanatory notes refer to the so-called safeguard of judicial review on no fewer than four occasions? The reason is obvious: it is an attempt by the Government to give the wrong impression. It is yet another example of smoke and mirrors. The Minister has already promised to amend the woefully inadequate explanatory notes in one respect, but I urge him to rewrite them with regard to judicial reviews.

Neil Carmichael (Stroud) (Con): On the significance test, why has the shadow Minister skipped over the idea that anything that was judged to be significant would end up being a matter for an Act of Parliament anyway?

Mr David: We have not skipped over the issue at all. While we recognise that some people might have a different view on what is significant and important, we suggest that rather than subjectively expressing a view on what is significant, it should be for a purposeful and deliberative forum representing both sides of the House to come to an objective decision on what is of significance, according to the priorities of its members, because they are accountable directly to the people.

Neil Carmichael: Is that where the hon. Gentleman's proposed committee would ride to the rescue and perhaps solve the problem?

Mr David: The important point to stress is that it would not be our committee, but Parliament's committee. We are not saying that it should be a partisan body; its membership should be drawn from all parties in this House and from the other House. To allow the Executive simply to make their own decisions on what is or is not important and on what should or should not have a referendum is to undermine the sovereignty of Parliament.

Jacob Rees-Mogg: There is a slight contradiction. The hon. Gentleman is worried on the one hand about judicial activism and Parliament giving away its sovereignty,

and on the other that the judicial review will not be operative anyway. It cannot really be both ways around. He also says that the committee will come to its decision, which will be voted on. Is he promising that when the vote takes place neither House will be whipped, so it will be genuinely independent, or is it just going to be part of the great party machine?

Mr David: On judicial activism, I read the explanatory notes, and they gave me the impression that I should not worry if the Government decide not to have a referendum, because there will be the ultimate safeguard of judicial reviews. The notes made that point not once or twice, but four times, and many Members said, "Fair enough; we will have an opportunity to challenge a decision in the courts because we believe that right is on our side and the strength of our argument is self-evident." That opportunity does not really exist, however, because all the evidence suggests that all the Government are proposing, as the European Scrutiny Committee concludes in its report, is an illusory safeguard. At the end of the day, the Executive will decide in many, many areas whether there will be a referendum.

Mr Dorrell: The hon. Gentleman cannot get away with that. Some of my hon. Friends are concerned, as he appeared to be, about the threat of judicial activism, but as my hon. Friend the Member for North East Somerset (Jacob Rees-Mogg) says, if the judges are not going to engage in the issue, it will be a matter for the House of Commons, not for the Executive. The Executive make a recommendation; it is the House of Commons that decides.

Mr David: And I want the House to have more influence and power; I want clause 18 made real. I believe in the sovereignty of Parliament, but the Bill undermines that in pursuit of weak-kneed, ill thought-out populism.

Mr Dorrell: Will the hon. Gentleman give way?

Mr David: No, because other Members want to contribute to the debate.

In conclusion, this tortuous Bill is problematic in the extreme. This part of the Bill in particular undermines the centrality of Parliament in Britain's democracy. The convoluted clauses setting out when a referendum will be held are not only complex but contradictory; the significance and exemption clauses place a question mark over the Government's true intentions; and the false impression given in the explanatory notes about judicial reviews is truly reprehensible.

We have tabled amendments that would significantly alter and, we believe, improve this ham-fisted Bill. Central to our main amendment is a belief that Parliament should be at the very heart of our democracy, and such an approach would ensure that the long-standing principles of representative parliamentary democracy were truly upheld. Without the amendment, this part of the Bill is at best a ragbag of half-baked inconsistencies and at worst a recipe for constitutional chaos.

Chris Heaton-Harris: Before I make the couple of points that I want to make, I suggest to the hon. Member for Caerphilly (Mr David), as a Welsh Member, that referendums are quite important to people, that

they understand simple and basic details and that they can understand, within the questions set, technical and important points. Democracy evolves, it always has done and it always will do, and through the Bill we suggest that referendums are a solid and sensible way forward. We trust the people who elected us in the first place to take a view, if asked, on the issues that the legislation raises.

Christopher Pincher (Tamworth) (Con): Does my hon. Friend know that the most recent referendum in Switzerland, a country renowned for holding referendums on technical and specific issues, had a turnout of 58%—a very high turnout, and probably somewhat higher than the vote many Labour MPs representing Welsh seats received—demonstrating that people will vote when they have to?

Chris Heaton-Harris: I thank my hon. Friend, because every time he stands up, he educates me with a fact that I do not know.

The Labour proposals, in particular amendment 92, seek to redefine the referendum condition for UK ratification of amending treaties. As I will spell out in a couple of minutes, the proposed referendum committee would have to ask both Houses for agreement. As my hon. Friend the Member for St Austell and Newquay (Stephen Gilbert) said, there must be agreement by both Houses before there is a referendum. The amendments are anti-referendum, anti-people and anti-common sense.

Currently, the referendum condition is that an Act approving an amending treaty must provide that its approval will not be effective until the ratification of the treaty has been supported in a referendum. Under amendment 92, the referendum condition would require an Act approving a treaty to provide that its approval will not come into force until the whole procedure has been completed. If the hon. Member for Caerphilly is to be believed, that procedure would involve the European Union referendum committee delivering a recommendation on whether a referendum should be held, both Houses of Parliament opposing or agreeing to the holding of a referendum, and a majority being in favour of ratification in a referendum on the treaty. The Bill's main alternative, which is the exemption condition for UK ratification of amending treaties, would remain intact. That means that an Act approving an amending treaty could state simply that the treaty did not fall within clause 4—the definition of a transfer of competence or power—and a referendum would not be held.

Essentially, the hon. Member for Caerphilly is selling us a sop. There would be a whole procedure to go through, but a clause that says that there might not be a referendum would not be amended. Amendment 92 is not clear. It is probable that the redefined referendum condition would be met if an approving Act required a referendum to be held on the amending treaty, and if that produced a supportive result, without the EU referendum committee having made a recommendation on whether a referendum should be held. By seeking to amend some parts of the Bill and to leave other parts standing, the hon. Gentleman is confusing the point. I suspect that that is a deliberate ploy, because I am not convinced that the Labour party is willing to trust the people with decisions about significant moves in Europe. I am not convinced that many hon. Members understand the significance of the amendments.

Amendment 88 suggests that the intention behind amendment 92—both were tabled by Labour Front Benchers—is that no referendum should be held unless the European Union referendum committee has delivered an opinion on whether there should be a free public vote. Amendment 88 makes it clear that all amending treaties or article 48(6) decisions, which simplify provisions, that fall under clause 4 must be referred to the procedure involving the EU referendum committee and both Houses to determine whether a referendum is required. In other words, even treaties or article 48(6) decisions that are deemed to fall under clause 4, which require a referendum under the Bill, would be exempted from a referendum under the Opposition proposals. Again, that would take away the British people's chance to have a say in these important areas.

New clause 9 would establish the referendum committee and the procedure for deciding on referendums on treaties and certain decisions, including article 48(6) decisions. It would report to Parliament in all cases on whether an amending treaty or relevant EU decision “involves a significant transfer of power or competence, and if so... whether it requires a referendum to be held.”

In other words, only if the Committee judged there to be a significant transfer of competence or power would it provide an opinion to Parliament on whether the referendum should be held. For all other decisions, it would not have to report to Parliament. That is a recipe for keeping decisions on which the British people might want a say behind closed doors in this place, rather than for adding more transparency.

Mr David: Why does the hon. Gentleman assume that the meetings would be in camera? They would not; they would be open and public.

5.15 pm

Chris Heaton-Harris: That is not what is contained in the hon. Gentleman's amendment. Perhaps we can have this conversation elsewhere at a later date, because I do not wish to take up the Committee's time, but the Labour amendments would confuse the situation. Rather than open up the chance of our having referendums, they would close it down. I would like to think that we will not have to vote on amendment 85, but I fear that we probably will.

I wish to talk about the significance condition in the Bill, and about amendment 11, tabled by my hon. Friend the Member for Hertsmere (Mr Clappison)—an important amendment on which we should divide. The British people have given up on politicians and political parties a bit when it comes to Europe. They elect representatives to this place on party platforms that do not necessarily reflect their views on Europe, because matters European do not stack up in their priorities at a general election. People make decisions based on reforms to the health service, education, defence and a bunch of other matters, and when we ask them how significant Europe is in deciding how to vote, we find that it falls way down the list. They are therefore trusting us, in a way, to do a job for them when we discuss the matter in the House. We, the political classes of this country, and I as a former MEP, have let the people of this country down.

The hon. Member for Caerphilly might say that the Lisbon treaty was not the constitution, but the fact is that the British people do not trust anybody on these

[Chris Heaton-Harris]

matters now. They think that we are all the same, and that whatever we say will simply not happen. As the hon. Member for Birmingham, Edgbaston (Ms Stuart) put it, we are all in favour of referendums when we are in opposition, but we are certainly not when we are in government. I welcome the Bill, because we can say to the British people that that has stopped.

There are matters in the Bill on which a Minister must judge whether something is “significant”. I understand the fact that it sets out 44 vetoes, 12 decisions and eight ways of increasing EU competences on which a referendum will be mandatory and there will be no significance test. I hope that the Minister will say in what situations the significance test will be used, because I should like clarification of that point.

I believe that the significance test will apply when there is a possibility of conferring on an EU body or agency new powers or the ability to raise sanctions against the UK. There is a whole list of exciting and interesting EU agencies, and I understand that the European Agency for the Management of Operational Cooperation at the External Borders having an extra competence might not seem a huge issue for the Committee. However, I should like the decision to be taken by the House, not by a Minister. Such decisions are best taken by the Members of this place and those of somewhere else a bit further away. I should like the Minister to state why he believes such minor matters, as it were, do not warrant debate in the House.

Mr James Clappison (Hertsmere) (Con): My hon. Friend is making a compelling case. He is talking about minor matters, but does he agree that the Government concede that they could be significant enough to warrant a referendum? The question is not whether they are significant enough, but who decides whether they are significant enough. Would a Minister alone or the House make that decision?

Chris Heaton-Harris: I concur with my hon. Friend. Although I completely trust the Minister, I am slightly concerned that, in future, the role might be played by a Minister who was not so interested in those matters.

Ms Gisela Stuart: As a former Member of the European Parliament, the hon. Gentleman knows that the decision-making process on those minor amendments is infinitely longer in the European Parliament than in the House. I cannot remember how many Ministers for Europe there were in the 13 years of Labour government, but although I hate to say it, collective memory in this place is vested not in the Minister for Europe, but in the civil service. It is not even a Minister who makes the decision, but the civil service.

Chris Heaton-Harris: I concur with the hon. Lady. Several manoeuvres have taken place under previous Governments to determine who is Minister for Europe. The incumbents do not often stay in the role for long. Either they are, like the current incumbent, sufficiently ambitious to move up the ministerial pay scale, or they could easily be a journeyman on the way out. There is a historical context to some decisions about conferring a competence on an EU agency, and one needs to know

what the agency was formed to do in the first place. I perceive such conferral as part of the mission creep in Europe. The European Commission, in establishing so many new agencies on such a regular basis, creates its own quangocracy.

When I was a Member of the European Parliament, it was difficult to police the spending and powers of an agency that the European Commission set up. Indeed, it was more difficult than policing some of the agencies and quangos that Governments of different complexions established in this country. If those agencies grab power and take more competences—even for a valid reason at the time—it is important that the Minister of the day understands the historical reasons for setting up the agencies and the intended limits on the powers. I was present when Eurojust and Euro-magistrate were set up—all part of the European public prosecutor, which I look forward to debating tomorrow, and all part of a significant salami-slicing approach of taking powers away from individual member states, and building something that nobody particularly wanted.

I understand that any ministerial decision on the significance test has a kind of double lock. It has been drawn as narrowly as possible, and I would therefore like the Minister to answer a couple of questions. First, I want to check whether any treaty change will require an Act of Parliament. I should like to think that Parliament will have every opportunity to vote for a referendum on such a change. That is why I support amendment 11. Secondly, the decision on significance is subject to judicial review to ensure that decisions not to hold a referendum only on genuinely insignificant matters are backed.

Those matters are important because, as I said, they are about getting the British people to trust the decisions that we make on Europe again. No member of the public wants decisions to be made behind closed doors, without reasonable explanation. I emphasise strongly to the Minister that the amendments are not about trust in him, his ability to undertake the role or his decisions. I would like clarification that Parliament will have a say because that is what we were sent here to do.

My hon. Friend the Member for Stone (Mr Cash) has tabled some tempting amendments to which the Minister and the hon. Member for Birmingham, Edgbaston (Ms Stuart) alluded. In amendment 1, my hon. Friend manages to do a fantastic decapitation job on the Bill that would basically put all changes up for referendum. Although there is validity in my hon. Friend’s reasoning—he has seen through the years a lot more of what goes on in this place than I have—I do not want everything to be decided by a referendum. The British people will not take that. They want Parliament to say, “These are important decisions and there will be a referendum, a debate in both Houses, or an Act and a vote,” and the Bill makes such provisions. We can then choose whether to amend a measure so that it is subject to a referendum because we believe it to be so important. If we think that a subject is insufficiently important, we can decide not to have one. I am tempted by amendment 1, but I am simply unable to support it for those reasons.

I was tempted by amendment 1 because of the accession exemption, which the hon. Member for Caerphilly and a number of hon. Members mentioned. I tabled an amendment on accession to the EU that we will not decide on today, just as we will not decide on many

amendments that have been tabled. Amendment 21 is exactly as the hon. Gentleman described it. It would mean that a 3.5% dilution of our voting powers on the European Council triggered a referendum. That is a catch-all—it is completely designed as such—so that we would have a referendum on the accession of big countries.

Given that, amendment 1 all of a sudden comes back into play and I am once again tempted. I would much rather have had a comprehensive and sensible debate on clauses 4 and 5 today or tomorrow or in extra time.

Mr Cash: I understand where my hon. Friend is coming from, but there is a difference between significance and the opinion of the Minister on the one hand, and the question of exemption on the other. Clause 4(3) says that certain matters are forbidden territory. I am tempting my hon. Friend by saying that that whole category of exemption should clearly be removed, even if there will be a debate on what is or is not significant.

Chris Heaton-Harris: I understand what my hon. Friend says and I am quite sorely tempted, but my problem, as I described earlier, is the minutiae that might be sucked in under amendment 1.

Mr Cash: I understand my hon. Friend's reasoning, but the specific exemptions are set out in clause 4(4)(a), (b) and (c). I understand that he would not want my proposal to go too far. The British people expect these things, which after all include matters such as Turkey and treaties of the type proposed by the French only the other day, not to be exempted. The British people would be left out and not taken into account on such decisions and treaties, yet they would have the most incredible impact on them. I shall explain that later.

Chris Heaton-Harris: I always appreciate the lessons that my hon. Friend can teach a humble new Back Bencher and member of the European Scrutiny Committee, and I very much look forward to receiving them, but he makes a salient point. This is about what the people who put us here expect. That is why I ask the Minister please to listen to what hon. Members say about the significance clause and amendment 11. The proposal is not against him; it is about enhancing Parliament and its transparency.

5.30 pm

I stood in two European elections, in 1999 and 2004, and I think that when I got elected in 1999, more people voted to evict Bubble from the "Big Brother" house than voted in the European elections that year. There is a massive disconnect in relation to what people want to see, do and say about Europe and how they express their views, and the Bill will give them a reason to be more engaged and interested. I know that it is not perfect; as I have said before, I would very much like an in-out referendum, but that is not provided for in the Bill. However, I would say to those who are keen for us to maintain our relationship with the European Union that maybe, just maybe, a general education of the British people through giving them the power to say yes or no on various European matters would benefit all sides of the argument and could give us proper informed debate inside and outside the Chamber.

Mr Cash: Amendments 1 and 3 stand in my name. My comments boil down to what I said in my interventions on my hon. Friend the Member for Daventry (Chris Heaton-Harris) and were somewhat anticipated by the Minister earlier. In a nutshell, I see no reason why clause 2 should refer to an exemption condition or subsection (3) should state:

"The exemption condition is that the Act providing for the approval of the treaty states that the treaty does not fall within section 4."

Without any further let or hindrance, clause 4(4) would exclude from those arrangements that would result in a proposal for a referendum:

"the codification of practice under"

the treaties already established

"in relation to the previous exercise of an existing competence",

and

"the making of any provision that applies only to member States other than the United Kingdom".

That is, I think, an incredibly important point. Also, as we have debated already, it would remove

"in the case of a treaty, the accession of a new member State",

which in this case would include Turkey. In the context of what the Government clearly want to exclude—in other words, their positive policy decision not to allow the British people a referendum on certain treaties of immense importance—they are disavowing the very intentions and principles that underpin the Bill.

I have made that point before over the question of sovereignty, where there is a massive contradiction between what is on the tin and what is in the Bill. I say again that those of us who spoke in favour of the sovereignty of Parliament won the argument, but that was not on the tin and it was not what the Whips—or, indeed, the Prime Minister—wanted, so it was voted down. That does not reflect particularly well—if I may say so—on our democratic system. We are faced with exactly the same point here. We are told on the tin that we will have a referendum on important matters—that is the general idea as explained in the Foreign Secretary's article in *The Sunday Telegraph* only a week ago—but on examination in Committee, it becomes perfectly obvious that certain kinds of treaty will be excluded. I have mentioned the example of Turkey, but I want to give another specific example of the kind of treaty that would be excluded.

Charlie Elphicke: Will my hon. Friend give way?

Mr Cash: I think that my hon. Friend can wait, if he does not mind.

I want to give an example that deals explicitly with a matter of immense importance that is coming up in the lift. In fact, it is not merely in the lift; the lift has come up and the doors are opening. Monsieur Fillon, the French Prime Minister, came over to see the Prime Minister specifically about this issue, and I have here the exclusive interview in *The Times* with Monsieur Fillon. I also had the opportunity to meet the French Minister for Europe and discuss the matter with him personally and privately.

There is no doubt about what they want or what they intend, which is effectively a twin-track treaty, which is a treaty entered into between us and the rest of the European Union—that is, with all 27 member states, in

[Mr Cash]

order to legitimise it within the framework of the treaty arrangements—so that, on the one hand, they get their treaty, and, within that treaty, an arrangement specifically designed to exclude the United Kingdom, even though we would be gravely affected by it. It would apply only to those other member states.

Clause 4(4) refers to

“the making of any provision that applies only to member States other than the United Kingdom”.

They look like innocuous words, but what do they actually mean? That exemption condition—in other words, no referendum, to put it bluntly and simply—means that there would be no opportunity for a referendum if the other member states agreed to go down that route. They may well do that, despite all the protestations to the contrary, some of which were rather subtly indicated by the Prime Minister in his press conference, albeit without excluding the idea of any such treaty; rather, it was merely on the supposition that that might not affect us as much as we believe, or as I believe the British people would believe if they saw it in black and white. What do those provisions include? In particular, they include arrangements of that kind relating to fiscal, political, social and employment measures, not to mention other matters that would affect the relationship between us and the rest of the European Union. A massive juggernaut would be created, through a form of extremely enhanced co-operation between those member states, that would have an enormous impact on the United Kingdom.

I have been looking at the balance of payments between us and the other member states. The figures, which I got from the Library, only bring us up to 2009, before the catastrophe that hit Europe occurred, and they are alarming. The imbalance in the balance of payments between us and the other member states has been moving critically in the wrong direction. I could give the precise figures—I may do so later—but we only have to consider the following example, which was on the “Today” programme this morning. If one had listened to the programme, one would have heard about Belgium, which is in massive crisis, with protests and people on the streets, and no Government for 22 months. Greece is in absolute chaos, with protests and implosion, while Ireland, with its political crisis, is totally imploding. Spain has 4 million unemployed, with 40% youth unemployment and people on the streets on a massive scale today. Similar problems are also occurring in Italy, and there have been riots and serious unrest in France, too.

The bottom line is that Europe is not working according to the economic governance that has been prescribed. Yet under what is proposed, the opportunity to address the very kind of treaty that would enhance the ability to confront us with a massive juggernaut of policies that have been going wrong—policies that would undermine the opportunity to grow from our 45% to 50% investment in Europe—would be severely depleted. That would be the most damaging kind of treaty that could be entered into. Indeed, as I said in *The Times* on the day that the French Prime Minister came over, it would be the kind of treaty that I would expect our Prime Minister to veto on behalf of the British people. However, we cannot have confidence that that would happen, because of the argument being presented. This Bill was introduced on

11 November, when we know that treaties of the kind that I have just described were already being anticipated, however damaging and disastrous they would be for the very people of this country who, if they knew the facts, would say, “I insist on a referendum on any treaty relating to arrangements of this kind.”

It would be an abomination for us to be confronted with the kind of arrangements that are being put into place—arrangements that would be so damaging to our growth and our relations with the European Union. That is why I say that this exemption provision has to be taken out of the Bill, for precisely the reasons that I have given. I do not need to enlarge on that point, but I absolutely insist that these provisions should be taken out. I look to the Minister, if he thinks that I am wrong, to give me a reasoned answer as to why.

Ms Gisela Stuart: I rise to speak to amendment 11, on which I hope the Committee will have time to vote. The amendment goes to the heart of what is wrong with the Bill. There are plenty of other things wrong with it: it is inconsistent, and all kinds of other things, but let us leave that aside for the moment. The hon. Member for Daventry (Chris Heaton-Harris) made an important point when he said that there was not a particularly clear party political divide on Europe, and that there were pros and cons on both sides. Very few people vote for their Member of Parliament because of the candidate's view on Europe. They do, however, have a sense that, in a parliamentary democracy involving the Crown in Parliament, the House will ultimately have to decide on these matters.

What worries me about the whole construct of the Bill, which purports to strengthen Parliament, is that it will actually do no such thing. There is a sense of “Oh God, make me virtuous, but not in this Parliament”, and, because one Parliament cannot bind another, God knows what will happen in the next one. However, the default position will introduce the judiciary into the proceedings. It was bad enough that, when we were discussing parliamentary sovereignty, we were seriously asking whether it was a common law concept that would be open to judicial interpretation. It is not. The default position is that there must be a substantive vote in the Commons, and that that must be the ultimate decider if there is any doubt. There are manifold reasons why people have lost trust in the political process, but it is true to say that all parties have a tendency to behave differently once they are in government. They are much less inclined to ask the people than they were when they were out of government.

I am fundamentally in favour of the accession of Turkey to the European Union, but I would not like to go out and campaign in a referendum on that question. The Bill calls for referendums on significant changes. At the time when Turkey might accede to the European Union, its population will be larger than that of Germany. It will be the largest country in the EU by population, and its voting weight would therefore be larger than that of any other country. Anyone who argued that that Turkey's accession did not represent a significant change would be living in cloud cuckoo land.

Kwasi Kwarteng: My issue with a referendum on Turkish accession is that it would not really be within the jurisdiction of the House. Yes, we can hold a referendum

on any transfer of powers from this country to the EU, and potentially veto that transfer. However, if the rest of Europe wanted Turkey to join the EU, we would have very little recourse to any action such as holding a referendum. That is my objection to the point about a referendum on Turkish accession.

Ms Stuart: I genuinely do not want to be patronising, but I might be about to sound patronising. An accession treaty would still have to be decided on by this House. We would have a say on whether Turkey would join. We might also go further and ask the people whether it should happen. Also, on the question of the transfer of new powers, there are very few areas—apart from the questions of a European standing army and joining the euro—in which the European Union does not already have powers in some shape or form. So this is not just a question of new powers; it is also a question of the strength of powers. If there were a question on the accession of Macedonia, I could argue that that was so insignificant that it would not affect our powers. However, the accession of a country such as Turkey is massive. So, to respond to the hon. Gentleman's question: this House—or perhaps the people—will decide whether Turkey joins the European Union, because the accession of a member state that would be larger than any of the others represents a significant change.

I shall return to amendment 11. There is so much wrong with this place, and my lungs are still full of dust, so my voice will go at any moment. I am sure that that will be a great relief to quite a number of people, not least those on my own Front Bench.

Amendment 11 states:

“If the Minister's opinion is that the effect of that provision in relation to the United Kingdom is not significant the Minister must seek Parliamentary approval for his opinion”,

and the approval must be on the basis of a substantive vote. If we make this open to judicial review—I am fully aware that some argue that judicial review is never on the substance, but only on whether the Government misled themselves in the process or incorrectly applied the law—we need to be aware that if this House allows decisions to be taken outside, it will weaken itself.

5.45 pm

Let me finish with this observation. If this House has failed—and failed miserably—on one issue, it is on the scrutiny of matters European, although this is no reflection on the European Scrutiny Committee, which does its best. Things move at a very different pace with respect to Europe and they always come in small bits and pieces, making it difficult to judge whether they are significant. We can see what happens with Governments of all parties whenever anyone raises any doubts—over European arrest warrants, for example. On that issue, the previous Government said, “Oh, stop all this paranoia. This is never going to happen. Dream on”. Then, from the moment they are in opposition they start saying, “Oh, do you know, I never realised this was going to happen. With hindsight, I wouldn't have done this”. That has been the story for the last 30 years. We have a Bill before us now and we have an opportunity to improve it, so let us not start saying that the default position lies with some authority outside this House. The issues must keep coming back to this place and we should vote on them.

Martin Horwood: Is not the logic of the hon. Lady's position that the significance condition in clause 3, talking about the simplified original procedure, should have been in clause 2 and then applied to all issues relating to referendums? Why, then, was that not a Labour amendment instead of the rather strange Committee-based structure that Labour Front-Bench Members have proposed?

Ms Stuart: There are plenty of inherent inconsistencies both in the original Bill and in the amendments. I was involved in the tabling of amendment 11, which makes it clear that if there is any doubt, it should be resolved by this House.

As a final observation, in our Parliament, the Executive always has a permanent majority. We can rely on the strength of this House only if there are sufficient Back-Bench Members who defy their Front-Bench Members. I see the Conservative Benches full of Members, so let me point out frankly that tonight provides them with a chance to show whether they have the guts and the courage of their convictions. They said all sorts of things in the process of their election and now they have an opportunity to defy their Front-Bench team, support an amendment tabled by a majority of Members of their own side and restore faith to this place.

Mr Clappison: What a great pleasure it is to follow the hon. Member for Birmingham, Edgbaston (Ms Stuart). As to the generality of her comments, I found nothing in what she expressed to the Committee to contradict my experience over five years of the European Scrutiny Committee. I intend to be as brief as possible, because I know that other Members wish to speak and that important amendments on other issues are due for debate later. I am sure that my hon. Friends share my wish to debate those important issues, particularly accession.

Let me say a few words in support of amendment 11, on which I shall seek a separate vote and hope I am lucky enough to achieve it. By way of introduction I should say that, in seeking to establish that a referendum is required before certain steps are taken, the Bill is a great improvement on the existing position. The Bill is also a significant improvement in requiring other steps, such as an Act of Parliament or a vote of this House where a referendum is not required.

I am genuinely concerned, however, that there remain some very significant gaps in the scheme of the Bill, and I believe that it is at this point in our detailed scrutiny that we should try to fill those gaps. It will be very disillusioning for all those whom we have promised and have led to expect that there will be a referendum on great transfers of power or great decisions in the European Union if that referendum does not take place. We want to do all that we can to avoid that sense of disillusionment. It is against that background that I seek to deal with the problem of the significance condition, to which hon. Members have referred.

Simply, amendment 11 would give Parliament a vote on the question of whether certain transfers of power to the European Union are significant enough to warrant a referendum. As the Bill stands, the decision on whether matters are significant enough is in the hands of the Minister alone, subject to a challenge in the courts. Parliament does not get a say, however, at least on the question of whether there should be referendum.

Mr Bernard Jenkin (Harwich and North Essex) (Con): I am listening carefully to my hon. Friend, not least because I put my name to his amendment. If the significance condition was not met, and therefore the Government were not proposing a referendum, do I understand correctly that legislation would still have to be brought to the House? If so, would the House not get an opportunity to give an opinion on whether the significance condition was met in any case? Will he clarify that?

Mr Clappison: I am grateful to my hon. Friend for putting his name to my amendment, and it is indeed the case that, whether or not the significance condition is met, there will have to be an Act of Parliament to give approval to what is proposed. However, there would be no requirement for a vote in the House on whether to hold a referendum, and there should be such a requirement in the Bill. I will endeavour to explain how relying on an Act of Parliament would be very inferior. If hon. Members want an illustration, they will see none better than all the vicissitudes of parliamentary process that we are experiencing this afternoon in trying to amend the Bill. For example, if we do not reach this evening the question of whether to hold a referendum on an accession treaty, the matter will fall, and unless it is chosen for debate on Report, again subject to all the vicissitudes of the parliamentary process, it will simply not get considered, even though it is very important. That might also happen in future, and that is why relying simply on amending parliamentary legislation is very inferior to putting a requirement on the face of the Bill.

Mr Dorrell: Is there not an important difference, however, between the circumstances today and those that would prevail in the context of future legislation that the Government concluded was not sufficiently significant? Putting such a killer amendment to the Bill would mean that no Member who would have supported that amendment if it had been called should have any reasonable basis to support the Bill on Third Reading.

Mr Clappison: The point could also be made that we have a very friendly Government who have given us five days—we would have liked a bit more time—for debate in a proper way. Those of us who can remember the treaty of Lisbon being taken through the House will remember how guillotines can be applied and how very important issues can go without being debated at all. I seem to remember that we debated the entire foreign and security policy and the question of common defence in about 45 minutes.

Mr Dorrell: I do not think my hon. Friend will remember a Bill going through the House without going through Third Reading.

Mr Clappison: There is that point, but I think that my right hon. Friend would find that it is all subject to the vicissitudes of parliamentary process, and such a reliance is inferior to placing a requirement in the Bill. In future, if the argument were advanced for a referendum, he and I might see a Minister stepping forward to the Dispatch Box and saying, “It is all very well hon. Gentlemen arguing for a referendum. When we had the European Union Bill, it was decided not to make it a requirement

for Parliament to have a vote, and to leave it to the Minister alone to decide whether the matter was significant.” To coin a phrase, that would be a killer argument.

Mr Jenkin: May I put it to my hon. Friend that if we accept the premise of my right hon. Friend the Member for Charnwood (Mr Dorrell) that there is no point putting the amendment in the Bill because the Act will have to come before Parliament in any case, we might as well ask, “Why are we bothering with the Bill at all?” The whole basis of the Bill is to ensure that the Government’s feet are held to the fire over the definition of the treaty. The whole business of significance is totally malleable. If my right hon. Friend the Member for Charnwood does not understand that we need to treat such matters differently from how we treated them in the past, I honestly expect to see him in the Opposition Lobby on Third Reading.

Mr Clappison: My hon. Friend makes a very fair point. Why are we making all the other requirements for a referendum clear on the face of the Bill if we can simply tack something on to Report or Third Reading? Why are we bothering to go through the whole process? To leave out this question, when we are making all those other requirements, would leave a significant gap, and in times to come we might contemplate with some regret our failure to fill in that gap. I cannot see the great problem with requiring a vote of the House to approve a Minister’s opinion. On these Benches, and probably in other parts of the House, Members stood on a manifesto that promised greater parliamentary scrutiny, and this is an opportunity to fulfil that promise. I can see no great obstacle to doing that.

Mr Cash: In supporting amendment 11, may I ask my hon. Friend whether he is aware, as I became recently when the Finnish delegation came over, that Ministers in Finland—and certain other member states—have established a very good practice whereby they must appear before the Finnish Parliament’s equivalent of the European Scrutiny Committee to ensure that there is compatibility between what goes on in Parliament and what the Minister decides on such important matters?

Mr Clappison: With his great experience, my hon. Friend makes an important point, and there are similar arrangements in the Danish Parliament. The House should seek to have the best arrangements possible. I welcome right hon. and hon. Friends’ movement in the right direction, but if they do not move on this point, they leave a significant gap in future. Briefly, I will try to explain how big a gap that could be.

There are only two clauses that cover a statement of significance by a Minister and to which the significance test applies. The others all concern competences or changes in the voting procedure. However, these two clauses are very important, as they cover the transfers of power that are apt to be made under the simplified revision procedure of article 48(6) referred to in clause 4. I will give way to the Minister for Europe, who is looking very interested in these points, if he disagrees with me. The powers on which Ministers will say whether they are significant enough to warrant a referendum, if they are transferred to the European Union, are those that will come to the House as a result of the simplified revision treaty. That important procedure was introduced

specially by the treaty of Lisbon. I will give way to any Member, including my right hon. Friend the Member for Charnwood (Mr Dorrell), who wants to disagree. That procedure made it easier and quicker to make constitutional change, and to bring about a transfer of power from nation states to the European Union.

We have spent some time debating whether we should have had a referendum on the treaty of Lisbon, the treaty of Maastricht, the treaty of Amsterdam or the treaty of Nice. However, under the simplified revision treaty, a treaty in those forms is not required. There is no requirement for a convention and all the other lengthy procedural steps that preceded the treaty of Lisbon. It is simply a matter that can be agreed between the member states at a Council meeting, and then approved by the individual Parliaments. The whole point of the simplified revision treaty was to make it quicker and easier to integrate powers in the European Union. It is a sort of “speeding up of European integration” provision. The provisions that are subject to a ministerial test of significance are the ones that will ensure that these matters are brought before the House. They embody the procedure of simplified treaty revision. There are only two of them, but they are very important. All the other provisions—or at least the preceding ones, which deal with competence—would require a full constitutional process under the ordinary treaty revision procedure with which we are all so familiar.

6 pm

Martin Horwood *rose*—

Charlie Elphicke *rose*—

Mr Clappison: I shall give way first to the hon. Member for Cheltenham (Martin Horwood) and then to my hon. Friend the Member for Dover (Charlie Elphicke), who has been waiting very patiently.

Martin Horwood: Surely the whole point of the simplified revision procedure is that it relates to changes that are relatively uncontentious and therefore insignificant. That is quite an important factor. Moreover, as even those changes will require an Act of Parliament, they will be subject to a vote in the House of Commons.

Mr Clappison: We have just been debating the hon. Gentleman’s second point, but I shall say more about it shortly. However, I think that if he studies the Bill he will find that if he votes in favour of the clause, he will be voting in favour of the possibility of a referendum if the Government consider the effect of the provision concerned to be significant enough. It is not a question of whether it might be significant enough, otherwise the clause would not be in the Bill. If a Minister says that it is significant enough there will be a referendum, and I welcome that. It is a question of how we decide whether it is significant enough for a referendum. Should we leave that decision to a Minister, or should it be made by means of a vote in the House of Commons and the other place?

Charlie Elphicke: I find amendment 11 very attractive, because it would ensure that the Minister was subjected to a vote in both Houses. But what would happen if sweeping powers were passed to the European Union

which anyone would describe, objectively, as significant, if both Houses were whipped to ram the legislation through, and if they did so? Where is the backstop to ensure that the British people are not cheated out of a referendum in such a case?

Mr Clappison: It would be a matter for this House and the other place to express their opinion and to vote for a referendum. That is in addition to all the other procedural steps contained in the Bill. It is not a case of either/or. We propose a further process: indeed, a further safeguard against the granting of significant powers to the European Union, as well as the powers for which the Bill already provides. I know that my hon. Friend is concerned about that issue.

Martin Horwood *rose*—

Mr Clappison: No doubt the hon. Gentleman will try to persuade me that the Bill does not say that that is significant enough for the holding of a referendum. I think that, if he reads the Bill carefully, he will find that it is.

Martin Horwood: The hon. Gentleman is being very generous with his time.

Surely even provisions that the Minister considers to be insignificant must be subject to a vote in the House of Commons, as an Act of Parliament will still be involved, and surely the backstop referred to by the hon. Member for Dover (Charlie Elphicke) is the ability of Members to vote against the Bill concerned and defeat it if they disagree with it so strongly.

Mr Clappison: I do not wish to be unkind to the hon. Gentleman, but I believe that I dealt with that point in my reply to my hon. Friend the Member for Dover. As I have said, this is not an either/or situation; the amendment provides an additional safeguard. I repeat that the powers that are transferred may or may not be significant, and this House and the other place may or may not vote in favour of the transfer. It is a question of whether the decision is made by Parliament or by an individual Minister—a Minister of the Crown, as the Bill puts it.

Jacob Rees-Mogg: As my hon. Friend knows, I have considerable sympathy with his amendment, but I wonder whether he may be looking a gift horse in the mouth. Given that an Act of Parliament is superior to a resolution of the House, if a resolution of the House were rushed through with remarkably little time and heavily whipped, it would be a great deal harder to insist on a referendum when the stage of the Act of Parliament was reached. Although, on first reading, I rather like my hon. Friend’s amendment, I am increasingly concerned that if it were passed, those of us who wish to insist on a referendum would have a harder task to fulfil.

Mr Clappison: My hon. Friend has clearly given the matter great consideration, but I think that he is wrong, and that if others agree with him, they are wrong as well. The procedure for which my amendment provides is exactly the same as that which the Government propose in other parts of the Bill relating to other transfers of power, including those relating to the title V provisions on justice and home affairs. If my proposed procedure is defective, so is the Government’s proposed

[Mr Clappison]

procedure, because the terms of the amendment are the same as the Government's. If the Minister's opinion was that the effect was not significant enough to warrant a referendum and Parliament did not agree with that opinion, there would have to be a referendum, because the significance test would not have been met. That provision is in the Bill, so I do not think that it could be any stronger.

Mr Cash: The opinion of the Minister will in fact be the opinion of the Whips, who will wish to ensure consistency in the Act of Parliament to which reference has been made. For practical purposes, my hon. Friend is right. If Parliament has said that it does not approve of the opinion of the Minister, it will be an awful lot more difficult for the Bill to be whipped; and if the Whips did that, they would be in defiance of the very sovereignty to which I have referred repeatedly during our debates on the Bill.

Mr Clappison: My hon. Friend is right. The amendment follows the scheme of the Bill. Unless a Minister says that the transfer of power is insignificant, there will have to be a referendum, because the significance condition will not have been met. The amendment provides that if the significance condition is met because the Minister says that the transfer is sufficiently significant, there must be a vote in the House to prove that what the Minister has said is correct, and if the significance condition is not met, there must be a referendum.

Broadly, the question is this: does Parliament decide, or does a single Minister decide? The Government propose that a single Minister should decide, but, as my hon. Friend knows, there is a fall-back position, namely that the Minister should be challenged not in the House but by means of judicial review. I find that somewhat strange, as did some of the distinguished academic witnesses who gave evidence to the European Scrutiny Committee.

Under the Bill, if one of our constituents is aggrieved by what the Government propose, his recourse will be not to his Member of Parliament but to the courts, through judicial review. I think that that in itself sends a very odd signal. What should I tell a constituent who comes to my surgery and complains about the European Union, as some of my constituents do when it introduces a regulation that has an adverse effect on their jobs or companies, or when they disagree with some transfer of power? Should I say, "I am sorry. You may want a referendum, but you have come to the wrong place: you need to visit the solicitor's office down the road"? I do not think that that is a very satisfactory state of affairs. We are told that clause 18 trenches parliamentary sovereignty, but I think that if we adopt the proposal in this clause, we will bypass that.

Jacob Rees-Mogg: A Minister's decision can be subject to a judicial review, and, under the Bill, the House would have an opportunity to insist on a referendum. If, on the other hand, the House voted against a referendum in a resolution, that would not be subject to judicial review, because procedures in the House cannot be reviewed by any court. I am beginning to think that the Government's proposal for an Act is a stronger safeguard,

because the Minister's decision could be challenged and then voted on as part of the legislative process, whereas if the House were whipped to oppose a referendum, that would not be subject to any judicial review.

Mr Clappison: I fear that I must part company with my hon. Friend if he is suggesting that our democratic safeguard should lie in recourse to the courts rather than to Parliament. I am afraid that I must put Parliament first. In any event, as was demonstrated by evidence given to the European Scrutiny Committee by esteemed legal experts, it is very unlikely that a challenge to a decision by either a Minister or the House of Commons would succeed in a judicial review. I think that we are being led down a blind alley. In my opinion, even if the possibility of a judicial review of a ministerial decision had been contemplated in the explanatory notes or in ministerial statements, judges would be extremely reluctant to challenge a political decision on the significance of a particular transfer of power. I also believe that the fact that we are contemplating such a step as the main challenge to a Minister's decision risks undermining the House of Commons while not providing any further safeguard.

Mr Cash: Although the Committee has rightly said that a judicial review might be considered unlikely in certain circumstances, the key question is what has Parliament said about the circumstances in which a referendum should be required. We should bear mind above all else that we in Parliament should decide what is in the interests of our own constituents. We are here to give them the opportunity on these matters—that is part of the Government's overall case which, regrettably, fails on a number of tests as we go through these proceedings. The object of the exercise is to ensure that the people of this country have the right to decide on matters relevant to their daily lives. Regrettably, the fancy franchises being thrown up by these exemption conditions and significance arrangements are invading the central question, which is whether the people of this country should be allowed to decide after we have made our judgment on their behalf.

Mr Clappison: I am grateful to my hon. Friend for that point. The long and short of it is that the Bill provides that unless the significance condition is met and it is decided that a transfer of power is not significant enough to warrant a referendum—some transfers of power will not be significant enough, whereas others will be—there will not be a referendum. As the Bill stands, the Minister alone will decide whether that condition has been met and this House of Commons will not have the chance for a separate vote, before an Act of Parliament, on whether a referendum should be held. Even if someone were lucky enough to find the time and all the rest of it to table an amendment on this during the consideration of a Bill, it is unlikely for such an amendment to succeed if this is not contemplated in this Bill. The Minister would simply say, "The Government of the day decided that there were certain occasions when a referendum would be required and this was the procedure for dealing with a referendum in these cases. It was decided that a Minister's opinion was the test of significance or not, so this does not apply." I do not see such an amendment as being a successful avenue or a good defence to which to turn.

My amendment would provide an important safeguard, which is in addition to there being an Act. I welcome the provision for an Act, because that is a good thing. To be fair, an Act of Parliament is not required in these circumstances at the moment, because the transfers of power under the simplified revision procedure are simply subject to the resolution of both Houses. The Bill's proposals are therefore a step forward, but we could do so much better. If we do not make the change that I am proposing, we will be leaving a big gap.

Nick de Bois (Enfield North) (Con): I am very attracted to amendment 11, but I am struggling to understand one thing. It has been debated, but perhaps my hon. Friend can give me some clarity on it. He rightly says that an Act of Parliament will be required, but a Bill that is whipped will surely get through. Why does he believe that his amendment will be any more successful here?

Mr Clappison: For the same reason that placing something in a Bill is a stronger defence—it has stronger legislative authority—than leaving it to chance in the future. My amendment is a safeguard in addition to the Act of Parliament that will be required, and including in the Bill requirements on a referendum would make things legislatively stronger.

We come back to the question outlined by my hon. Friend the Member for Harwich and North Essex (Mr Jenkin), “Why put any of these requirements in the Bill and why provide these 44 situations where a referendum is required, given that each time we have an Act of Parliament for a treaty change, as we would have to have, we could simply do the same thing then?” That argument is being run in certain quarters, but it makes a mockery of the whole Bill. I do not want to be too unkind to those who promote that argument, but I merely say that it was fully ventilated during the European Scrutiny Committee's deliberations and it was dismissed, and not only in one report. We produced a majority and a minority report, which disagreed on almost everything but agreed that a change needed to be made on the significance test. When one understands the two spectrums of opinion in the European Scrutiny Committee, one can see the measure of achievement in uniting the two.

Mr Cash *rose*—

Mr Clappison: I give way to one of those spectrums.

Mr Cash: It seems inconceivable that if parliamentary approval for the Minister's opinion were denied precisely because of the arguments that have been heard in the House of Commons, the Government would then say, “We are going to enact this anyway. Parliament has said that it disagrees with the Minister's opinion that such and such applies, but we are going to pass this by way of an Act of Parliament.” That is just not real. The real decision would be taken on the assessment of the opinion of the Minister and that would be properly gone into if my hon. Friend's excellent amendment were accepted.

6.15 pm

Mr Clappison: My hon. Friend is absolutely right. Hon. Members will just have to face the fact that although the Bill is a step forward and contains very

good provisions, we must not leave gaps. If we leave this gap, we leave a get-out clause to be used in the future. Given the volume of change that could come through the simplified revision procedure, that could prove very important indeed and we may regret our decision in time to come. I cannot see what the enormous problem is with having this requirement in the Bill. I am used to hearing the argument that something could be done in a better way and to hearing technical arguments, but my experience is that when such arguments are put before the House, they usually have little real basis. If we want to have something, we should vote for it. I see no reason of policy or substance that is an obstacle to my proposal. Perhaps the Minister will tell us why. He has been very reasonable and persuasive on many other points in the Bill.

Mr Cash: And very charming.

Mr Clappison: He has been very charming and dealt with things in a very satisfactory and open way.

Mr Cash: And very friendly.

Mr Clappison: He has been friendly. He has been a model of charm and ministerial competence, but he has not yet produced any credible reason why we cannot have a vote in Parliament to decide whether something is significant enough to trigger a referendum, as opposed to leaving it simply to a Minister. What is wrong with trusting Parliament?

Nia Griffith (Llanelli) (Lab): I rise to speak to the amendments standing in the names of my Labour Front-Bench colleagues. People elect their MP to speak up for them in Parliament and that is what they expect us to do. They expect us to speak up, to do business for them and to do certain work for them because they have put us here and they cannot spend every minute of every day looking at every detail that they want us to look at. They expect the party in government to tackle the problems of the day. When I say that the general public do not want numerous referendums on technical matters it is not because I doubt their ability to study the issues and make up their own minds—they could of course spend their time doing that. What people tend to say to me is, “Nia, it is your job. You've been elected to do this. We want you to look at these things and tell us the best ways forward.” That is not because they cannot do this themselves. They expect us to do the nitty-gritty work on the legislation.

Chris Heaton-Harris: I understand where the hon. Lady is going with this argument, but is what she is describing not exactly what she is asking the people of Wales to do in a certain referendum in March?

Nia Griffith: Indeed. I shall be dealing with that point shortly, because it is very important. There is a huge difference between the attitude now in Wales and the one prior to 1999, when people were very excited and enthused about the setting up of a new institution, there was a lot of media coverage and a lot of people were talking about it. With five weeks to go before the vote on 3 March, people are not particularly interested. They are saying, “This is a technical difference. If it is a matter of making the process better and simpler, so that

[*Nia Griffith*]

things can be done in the Assembly rather than in Parliament, could you not just get on with that and do it?” That is not because people are not interested, because they do not appreciate what the Assembly is doing or because they do not accept that we have different ideas about how to run the health service and education and about how to protect the education maintenance allowance; it is because referendum fatigue is setting in. People are saying that on the big issue they want to have a vote—they want to say that there is going to be an Assembly—but on the technical issue they are saying, “You are telling us that there are better ways of doing things. We would like you to look at the detail, rather than for us to have to do that all the time.”

Mr David: Does my hon. Friend agree that an important issue is involved in the case of the Welsh referendum? It concerns whether the Welsh Assembly will have primary or secondary powers, which is an important constitutional issue. Despite that, it is very difficult to get people engaged and to encourage them to make a decision according to the arguments on that constitutional point.

Nia Griffith: My hon. Friend is absolutely right. That is the problem. The referendum is about the technicalities and that is why it is so difficult to get the media and press interested and so difficult to make it the ordinary subject of conversation in pubs.

Priti Patel (Witham) (Con): Does the hon. Lady agree that when it comes to issues that are in the national interest, both the public and the media will be engaged?

Nia Griffith: Absolutely. That is the important point and that is why we are calling for a committee to be set up. That would provide the opportunity for the issues to be discussed. If the subject were important and interesting, there would be media interest and lots of lobbying and, as with any work that is done in Committee, the issue would become one that people considered. The whole point of having any committee is that it can make that difference. Committees can do the work on the detail. An innocuous little detail can turn out to have a major impact and that point can be uncovered in Committee. Likewise, something that seems quite big to start with will, when it is considered in detail, be shown to do not much more than maintain the status quo.

Stephen Gilbert: As I understand the Opposition’s proposals, there will be one committee comprising Members from both Houses, who will then separate and go back to their relevant Chambers to carry the argument in favour of or against a referendum. Perhaps the hon. Lady can enlighten me given that her Front-Bench spokesman was unable to do so. What will happen in the event of a clash between the Houses?

Nia Griffith: It is very clear. The idea is that if one Chamber does not think there is a need for a referendum, there will be no referendum. If both Chambers think there is such a need, there will be a referendum. Clearly, the committee’s recommendations will be considered and we will ask whether the matter is of major significance. One would expect any matter of major significance to create excitement in both Houses.

Stephen Gilbert: So whereas the coalition proposes to legislate to ensure that the people have a referendum, the Opposition are proposing a committee of Members of the two Houses, both of which have a veto, which will mean that we might not have a referendum at all. Is that the position?

Nia Griffith: The hon. Gentleman has to understand that the committee will make recommendations and it is not about what the committee will say. When the committee comes back, we will not all automatically do what it says; it will make recommendations. My hon. Friend the Member for Birmingham, Edgbaston (Ms Stuart) talked about collective memory, what it is and how important it is. The people on the committee might well have an enormous amount of experience and the people who are likely to want to be involved or to consider the detail will have done so previously. As she pointed out, ministerial teams often change and have to pick up a brief very quickly, so they will not necessarily have that knowledge.

The idea is that the committee should consider the detail, sift out what really matters and make a recommendation, but the Houses will not have to take that recommendation at face value. If the issue is of major significance, surely by that time some interest will have arisen, people will be doing their own research and people will be coming to the Chamber with plenty to say.

My constituents are saying to me, “You do the nitty-gritty and sort out the bits and pieces. When you have done that, you can tell us whether you think that this is a matter of major significance.” That is the idea—the committee would bring that information to the House and this House, and the other place, would make the decision.

Kwasi Kwarteng: My understanding of the hon. Lady’s position is somewhat unclear. Is she saying that her constituents have delegated to us the responsibility and have therefore no interest in the outcome of a debate on the referendum?

Nia Griffith: I am saying that my constituents say that there is often detail to be considered before we can decide whether a change will have a major impact. In the Bill, there seems to be great confusion about what a power actually means. We do not seem to have clarity in the Bill. My constituents are saying, “This is the sort of work that you need to do. When you, in Parliament, can tell us whether you think an issue is significant the door is open for a referendum if that is what you think best.”

Mr Robert Buckland (South Swindon) (Con): On the point about when the decision is made, will the hon. Lady enlighten me on the subject of the time scale over which the joint committee would report? It is part of a ratification procedure and there needs to be some defined time scale that I do not see in the amendment.

Nia Griffith: The hon. Gentleman raises a significant point. One difficulty about European legislation is that dealing with these issues often takes an enormous amount of time. Often, developments take place over a considerable amount of time whereas a referendum gives a snapshot of the mood of the country at one time. That might

mean that people vote on different issues. It is important that the committee would have the opportunity to go through the issues and decide what is and what is not important. The hon. Gentleman knows as well as I do the situation in respect of Europe, what has to be decided and how it has to be ratified.

Martin Horwood: Given that we are all agreed that any change would be subject to an Act of Parliament, what is to stop Parliament as a whole subjecting the change to such scrutiny and even possibly suggesting an amendment on a referendum as the Act went through? I am sure there would be many volunteers on the Government Benches to draft the amendment.

Nia Griffith: Perhaps it would be better to have a cross-party committee and to take the matter away from the partisan approach. There are many areas on which there is cross-party agreement on Europe and many issues on which feelings are not particularly partisan. I suspect that there are more differences between Members on the Government Benches than there are between Members on the Opposition Benches and others on the Government Benches.

Graham Stringer: Is not the constitutional position normally that this House is superior to the other place on manifesto commitments, on finance and on secondary legislation where the law is already decided? Is it not a flaw of new clause 9 that we are giving a veto to the other place on whether we consult the electorate? That is an extraordinary position.

Nia Griffith: I am sure that my hon. Friend will enlighten us a little more on his position later. The important thing is that we are talking about the sovereignty of Parliament and the opportunity for us to have that debate and to have a say. Frankly, I think we all agree that there is a role for a committee to sort out the detail.

In many areas, there is general consensus that we do not want to see swathes of power wafted away to Europe. My right hon. Friend the shadow Chancellor has always made a very forceful case for keeping out of the euro and I dare say that many Government Members agree that that is a good position to take. We are trying to provide the opportunity for greater safeguards and for a committee to consider matters that would sift out the unnecessary and trivial, focus on the issues that matter and ensure that we have the discussions that we need.

Charlie Elphicke: I am grateful to the hon. Lady for being so generous in taking interventions. As I understand it, she is saying that she was sent here by her constituents to do the detail, work out the complicated stuff and then tell them whether they need a referendum. Were she selected by Mr Speaker—by an entirely independent process, and not by the Whips, as would seem to be the case—to be on that committee, what sort of detail would there need to be to make her say, “Yes, I vote for a referendum on this issue”? What kinds of subjects does she think would merit referendums?

Nia Griffith: We have spent a considerable time in the European Scrutiny Committee listening to experts on particular issues. We would need to ask what powers are being given away, what would not be the same as it is

now and where the qualified majority vote would become a simple majority. We would need to ask, “Is that acceptable? Is there an issue of sovereignty? Would we be giving away something that we have always had in this Parliament to a European super-structure?” Those are the things that we would want to consider in detail. The whole point is that the committee makes a recommendation; the committee does not simply live by its own views. I have had few letters or e-mails from anybody about a referendum, even during the last Parliament when there was quite a fuss about it in the media. I must have had three or four letters or e-mails throughout the five years of the previous Parliament, when the matter was quite an issue in the press, so I do not think it is such a huge and exciting topic out there as the hon. Gentleman might think.

6.30 pm

Chris Heaton-Harris: I thank the hon. Lady for giving way again; it is very kind of her. Following on from the point made by my hon. Friend the Member for Dover (Charlie Elphicke), the hon. Lady said that the shadow Chancellor had kept us out of the euro. He has ensured that we will never be able to go in, because of our massive level of debt. Would a debate on entering the euro go before the committee before anybody could decide on it in either House?

Nia Griffith: I will address my remarks to the question before us. The issue that the hon. Gentleman is raising is much wider and would merit full debate in the House before any decisions were made. It may well be outside the remit of the Bill. It is a matter that any Government would want to discuss thoroughly. I can hardly see it being a popular move without proper discussion and consensus.

We need to remain in Europe. We do not want the label that Giscard d’Estaing threw upon us in the Lisbon treaty discussions, when he said that the UK would opt out of this and opt out of that, and that we were for ever opting out. We got a reputation as the country that cried wolf all the time and did not engage with the serious issues. It is important that we do not become the spoiled child of Europe. We must take our part; we must stand up and be counted; and we want a mature and sensible approach to what merits a referendum and what does not.

In conclusion, I fully support the idea of a special referendum committee being set up, which would have as its remit to look into the necessary factors and then make a recommendation to both Houses about whether a referendum were needed.

Charlie Elphicke: I see the Bill as a ground-breaking and essential force for good. It is important to understand that the context of the Bill is the reaction that was felt by so many people throughout the land against the denial of a referendum on an EU constitution renamed and rebadged as the Lisbon treaty, but not changed.

It is a pleasure to follow the hon. Member for Llanelli (Nia Griffith), and a privilege to hear from a Member of Parliament who has not had the ire of constituents come down upon her head for not standing up for a referendum on Europe. I congratulate her on having a constituency which is clearly full of people who are delighted with the European Union and delighted never

[Charlie Elphicke]

to be consulted by means of a referendum. It is a fine constituency that she has. No doubt she has the odd housing claim—

Mr David: Surely the hon. Gentleman recognises that people are not concerned about constitutional abstractions. They are concerned about their jobs, their children's education and their health. Those are the issues that matter to people. If he does not realise that, he is not in this world.

Charlie Elphicke: The shadow Minister for Europe makes a fair point. In my constituency, yes, people's prime concern is that Labour all but closed the hospital down and that we will be getting a new hospital. They are concerned that they lost jobs and money. They worry about how they will get by, and about the massive amount of borrowing and taxation. I entirely agree with the hon. Gentleman. My right hon. and hon. Friends in the Government are trying hard to sort out that difficult problem. That will take time.

Kelvin Hopkins (Luton North) (Lab): I take issue with my hon. Friend the Member for Caerphilly (Mr David). Constitutional matters underlie everything else that happens. For example, constitutionally we chose not to join the euro. Had we joined, our economy would now be utterly wrecked, but in fact it will survive.

Charlie Elphicke: I thank the hon. Gentleman, who is highly knowledgeable and skilled on European matters, for making the point far better than I could. I was about to make it myself. Yes, of course schools, hospitals and the economy matter, but what also matters is our sense of nation and our independence as a member state in the European Union, not as a state in a federation. That is essential, and it is essential that we were not in the euro, for the exact reasons that he set out.

Had we been in the euro, we may well have found ourselves in the predicament that we see across the Irish sea or in southern Europe, given the reckless borrowing that took place over the previous decade, which brought our country to the brink of bankruptcy. I, for one, am glad that we did not join the euro. It is the one thing on which I congratulate the new shadow Chancellor and the former Prime Minister—preventing Tony Blair, when he was Prime Minister, from going into the euro. It was the only spark of light and quality in that Government. I am hard pushed to think of any other.

I return to the Bill, having been led astray by those gentle and generous interventions. I shall begin by focusing on clause 11. My hon. Friend the Member for Hertsmere (Mr Clappison) made a series of powerful points about the primacy of Parliament. His argument was that we cannot trust the Ministers of the day because they have their own agenda. If they do not consider a matter significant, they will certify it as not significant. Some check and balance is needed. There must be a resolution of both Houses of Parliament.

When I first thought about that, I found it attractive, but on reflection, my concern is that if the Minister considers a matter not to be significant, he will toddle down to the Whips Office and have a chat to the Parliamentary Secretary to the Treasury. He will say,

“Look, chief, this isn't significant. Let's just whip this vote through the Commons, whip it through the Lords and push it through.” That is what would happen.

Mr Jenkin: Is my hon. Friend seriously suggesting that he would be swayed by his Whips on such a question?

Charlie Elphicke: I defer to my hon. Friend. His independence of mind and spirit is well known, and his championship of the cause of our nation in the matter of Maastricht is well recognised and on the record of the House. I would be proud if I were half as strong, resolute and bold as he is. I hope the day will come. It is, as everyone knows, a feature of the working of our political process that there will be heavy pressure in both Houses for a Government to get their agenda through.

Chris Heaton-Harris: There is history here, is there not? Were we not told as a nation by a former Minister for Europe, the right hon. Member for Leicester East (Keith Vaz), that the charter of fundamental rights had no more significance than *The Beano*? The charter is now incorporated in the Lisbon treaty and we are all suffering from it. A judgment call by a Minister about what is significant could turn out to be very important indeed.

Charlie Elphicke: I entirely agree. I remember in times past the former Prime Minister, Tony Blair, saying that the Scottish Parliament was a parish council, but it has far more sweeping powers than that. He was making a point about sovereignty and saying that it would not change anything, but a considerable amount of devolution has been given to Scotland. In the same way, the movement towards ever-closer union, which we have seen latterly in the Lisbon treaty, has highlighted the fact that although we are told, “It's okay, it's a small step, it won't make any real difference,” it makes a massive difference.

I will be corrected if am wrong, but I think that about seven of every 10 of our laws are now effectively made in Europe. I have costed that and found that the European Union costs each and every household in this country an average of about £2,000 a year in taxes, which is a substantial sum. The hon. Member for Luton North (Kelvin Hopkins) rightly said that our constitution and how we interrelate with Europe are important matters. If he wants to intervene on that point, I will give way.

Kelvin Hopkins: The hon. Member for Harwich and North Essex (Mr Jenkin) made light of the matter in saying that we would not obey the Whips, but surely the important point is that when the House makes a decision, we as individual MPs with individual votes that will go on the record must account to our electorates for that. It is possible that the Whips will bully, cajole, press and threaten—I have no experience of these things, of course—but our responsibility is to our electorates. In my constituency, a mini-referendum was won by those calling for a national referendum on the Lisbon treaty, and it was publicised on television and elsewhere. On something as fundamental as constitutional change relating to the European Union, the electorate do care. We are accountable to our electorates first, even though we pay lip service and tip our caps to the Whips from time to time.

Charlie Elphicke: I entirely agree with the hon. Gentleman. My central concern with clause 11 is that a Minister could say, “This isn’t significant,” and sign over some massive power. The Act of Parliament will then be whipped and rammed through both Houses. An individual, perhaps a constituent of mine in Dover, might then take issue with that because they think that it is significant. How will that constituent have a say? The Bill’s current protection is judicial review, but if we had a whipped vote of both Houses and a resolution that the matter was not significant, that would weigh in the minds of the courts.

I will go further: on this matter I am a renegade among many of my hon. Friends who say that the courts have no place interfering in the business of this House. I am an old-fashioned lawyer, and I take the view that the courts are an important check and balance in our democracy. Perhaps it is just me, but in respect of our political system wishing to ram something through and take away our rights, I always thought that the purpose of the rule of law was to hold back the Executive and act as a check and balance. The purpose of the rule of law—I think this started with Magna Carta, and it has continued in legal documents written since—and the purpose of the courts is to hold back that express, overweening Executive power and ensure that the subject has their say and stands up for their rights. I do not seek to oust the jurisdiction of the courts in determining whether a significant condition has or has not been met, which I think is an important part of the Bill and an important check and balance.

Martin Horwood: The hon. Gentleman is making a powerful case, but surely the ultimate sanction should not be with the courts, but with Parliament. Having an Act of Parliament as part of the process must be the check. He is not really describing a legal check on the Executive; he is implying that it is a legal check on Parliament, which surely rather threatens the constitutional arguments that some of his hon. Friends made last week in relation to the Bill.

Charlie Elphicke: My hon. Friend makes a fair point, so let me to clarify my position. We will hopefully have an Act of Parliament that will state that there will be referendums in the case of matters that are of significance. A Minister might then come along and say that he does not think that a matter is significant. An individual will be able to go to the courts to seek a judicial review, saying that they think that the matter is significant on objective criteria. The court will then rule on that ministerial decision. That has to be right.

Jacob Rees-Mogg: What exactly will the courts do on a judicial review? Will they say that the Minister has not followed the correct process in coming to his decision, or will they try to overturn his decision? My hon. Friend is a lawyer, so I would be grateful for his explanation.

Charlie Elphicke: I believe that they would refer the decision back to the Minister to take into account relevant considerations, which would prevent a perversity. For example, if a Minister were to say that joining the euro was not significant, and if there were no other checks and balances in the Bill, an individual might

decide that the matter was very significant and seek a judicial review. The courts would then tell the Minister that that was a perverse and an unreasonable decision.

6.45 pm

Mr David: Does the hon. Gentleman accept that past precedent and the vagueness of the Bill tend to indicate that it is likely that there would be no judicial review, because the issue would be defined as a political decision?

Charlie Elphicke: With respect to the hon. Gentleman, I think that that is increasingly less likely to be the case.

Michael Ellis (Northampton North) (Con): In a judicial review, the courts would be concerned about any abuses of power and about whether a public body might have taken decisions that were ultra vires, meaning that they were beyond the powers of that body. The courts have recently been involved in reviewing decisions relating to the royal prerogative. As far as judicial review is concerned, the courts will not interfere with primary legislation or the decisions of this House. It seems perfectly reasonable, therefore, that the administrative courts could act as a safeguard in relation to secondary decisions, such as those taken by a Minister of the Crown on whether a matter is significant.

Charlie Elphicke: I completely agree with my hon.—and learned—Friend, who makes the central point. He will correct me if I am wrong, but I believe that until recently the courts shied away from reviewing the exercise of prerogative powers. These days, they are far more gung-ho in acting as a check on the decisions of the Executive. We should be under no doubt that the significance condition set out in the Bill is the decision of a Minister, meaning a decision of the Executive. As such, it is amenable to judicial review. In that way, we have the check and balance, which gets us out of the problem that concerns me: the issue of whipped votes being used to ram legislation through Parliament under some future Government. That does not apply to the current Minister, because he is a fine Minister who will use the powers correctly, but what if a future Minister has a more Euro-enthusiastic approach?

Michael Ellis: A Labour Minister.

Charlie Elphicke: Perish the thought. Were such a Minister to make such a decision, my constituent would be able to challenge it and ensure that there was a more objective assessment.

Mr David: I hope that the hon. Member is not suggesting that the Bill might in some way bind future Parliaments.

Charlie Elphicke: The shadow Minister knows from our discussions on clause 18 that it is not possible to do that. Nevertheless, were he to become Minister in future and find the Act tiresome in holding back the floodgates of his Euro-enthusiasm and desire to embrace the greater Europe, he could dispense with the Bill by repealing it. However, he would take a political hit in doing so, because he would be taking away from the British people their right to have a say on the treaties that would follow. Therefore, he would have to be pretty

[*Charlie Elphicke*]

forthright with the electorate in an election manifesto. If he was not, he would be open to the questions and ire of a large section of the British public who would regard that as an issue of concern.

Without further ado, it is right that I discuss new clause 9, which was tabled by the Leader of the Opposition, the shadow Foreign Secretary and the shadow Europe Minister. As far as I can see, it proposes a total watering down of everything in the Bill. I have been told by the Clerks that I am not allowed to describe it as a wrecking amendment, but I believe that I am allowed to say that it would, in my humble opinion, wreck the Bill, as far as its purpose and intent are concerned.

Richard Fuller: Does my hon. Friend agree that new clause 9 demonstrates that the Opposition have not learned the lessons from when they duped the electorate about the proposal for a referendum? In the new clause, they seek to hide the decision-making authority in a committee, but we do not know who the members would be, in what proportion they would be drawn from either House, whether all of them would be elected or whether they would be whipped. In short, it would lack the clarity that the British people want on such a decision about their future in relation to the European Union.

Charlie Elphicke: My hon. Friend makes exactly the point that concerns me most. New clause 9(5) states:

“The Committee shall consist of no more than 19 Members”—
19 great and good—
“drawn from both Houses”.

But would it include my hon. Friend the Member for Stone (Mr Cash), who is so learned and knowledgeable about European matters? Some future Government, operating that selection mechanism, might find that his services were not required, that he was more trouble than he was worth, and that he would talk too long—perhaps for longer than an hour in Committee—and tie up everyone. In such a manner, they might not include him. I, however, can think of no Member who knows more about the matter than he, except perhaps the hon. Member for Luton North.

Kelvin Hopkins: I absolutely protest. The hon. Member for Stone (Mr Cash) knows infinitely more than I do.

Charlie Elphicke: Shortly after my hon. Friend the Member for Stone, the hon. Gentleman is a true expert, and whenever he rises to speak I listen with interest and learn.

Would the proposed committee include, for example, the hon. Member for Birmingham, Edgbaston (Ms Stuart), who is highly knowledgeable but does not always take quite the on-message view that her pager instructs? Would it include my hon. Friend the Member for Harwich and North Essex (Mr Jenkin), or his constituency neighbour, my hon. Friend the Member for Clacton (Mr Carswell)? I can think of no more expert people to sit on such a committee, but, if the new clause were passed and the Bill changed as advertised, those people—who are so expert and know so much about matters Européenne—would not find themselves on it. I have a sense that the Front Bench teams of whoever was in power, might not

include such people. For that reason, new clause 9 is a Trojan horse. Its purpose, in my humble opinion, is to take power away from the people and to stuff it upstairs in a committee; and that, in essence, is the wrong thing to do.

Stephen Gilbert: Is there not another problem? Today, we have teased out of the Opposition that the new clause would effectively give the other place a veto. If the House of Lords decided that it did not want a referendum but the House of Commons decided that it did, we would have stalemate and no referendum.

Charlie Elphicke: My hon. Friend makes a powerful point. The House of Lords was once a thoughtful, revising Chamber that would have orderly debates and not detain business excessively, but some of the new arrivals seem to have changed the way in which it operates. I am told that the Standing Orders and courtesies of this House prevent me going any further into all that happened in the House of Lords, but we have all read the news and seen the number of marathon sessions, and it is incumbent on some of its newer Members to think of the health of some of its older Members and to be a little more considerate than they have been of late. My hon. Friend is right about the House of Lords: whether we go further into or come out of Europe is a matter that should start in the House of Commons, because this is the House of the people.

Michael Ellis: Is my hon. Friend struck by the fact that the Opposition appear to wish to increase the power of the unelected Chamber, as it is currently constituted, in a way that one has not seen since at least the Parliament Act 1949 and potentially the Parliament Act 1911? Through their proposed change, they seek to give the House of Lords the power, in effect, to overrule the wishes of the House of Commons.

Charlie Elphicke: I entirely agree. My hon. Friend makes a strong and forceful point.

I have another concern about new clause 9. My hon. Friend the Member for Harwich and North Essex, as I have said, fought valiantly for the people to have a say on the Maastricht treaty. If Maastricht were refought and the matter reconsidered, is it likely that out of the Opposition's proposed committee a referendum would come forth? Many of us have some doubts about that. My right hon. Friend the Foreign Secretary in former times made the case that the Amsterdam and Nice treaties should also have been subject to a referendum. If we had had such a committee system, would there have been a referendum? Can the shadow Europe Minister, the hon. Member for Caerphilly (Mr David), tell us whether there would have been a referendum if his committee system had been operational?

Mr David: I do not have a retrospective crystal ball. We are looking to the future.

Charlie Elphicke: We come to the vexed question of Lisbon, when the push for a referendum reached its apogee and the people felt that they were outrageously cheated. If there were a Lisbon question once again, and if the facts were the same or similar, could the new clause 9 committee be relied upon to sit and, in making a determination, to ensure that we had a referendum? If

a Government had said in their election manifesto, “We will have a referendum on this matter, the committee will sit, and we will make sure that it recommends a referendum,” would the committee then do so? Some people have grave doubts, because of the Whips’ system, and that is why the new clause should not be the preferred way.

The Bill’s measures on a referendum lock are the way forward. The amendments are all about breaking up that lock, and they would take us back to where we were with the Lisbon treaty, which was rammed through both Houses. The new clause is a concern for that reason. It would water down the referendum lock and leave us with significance tests writ large. Do we want that, or do we want to ensure that the British people have a referendum guarantee? That is very important.

Mr Buckland: Does my hon. Friend agree—I tried to make this point earlier to the hon. Member for Llanelli (Nia Griffith)—that in the new clause there is an absence of any time scale for a report by the committee to the House? In itself, that significant omission would lead to more delay and obfuscation and not deal properly with the matter at hand.

Charlie Elphicke: I agree strongly. That is the risk: the whole thing could be buried in committee. The new clause is also slightly defective, given that it would allow the committee to

“determine its own procedure...broadly in line with...the Joint Committees of the two Houses.”

That is not sufficiently precise. I defer to those more expert in how such committees are set up, but I am concerned about the defects in the drafting of the new clause.

The Government’s Bill, which the new clause seeks to amend, sets out strict and exact tests on what a referendum would be and details how it would bind Ministers in terms of the law of the land. Those provisions would not be in place if the new clause were passed. We would end up with the classic old Whips’ fix, and we would not have the people’s guarantee.

I believe—because I am a bit old fashioned—in government for the people, by the people and of the people, that that should not perish from this earth, and that my constituents should have a say on the great matters of our times. Given that, the Bill is important and the right step towards more public power. The people and their sovereignty should be recognised, and they should be given that say, which time and again they have been cheated of—to my mind, unacceptably.

New clause 9 would give Parliament more power; I believe in giving the people more power in our modern age. I do not agree with both Houses of Parliament having a veto on a referendum. I do not think that the House of Lords should have a veto on a referendum, particularly given the substantial concern that recent events have given us about what goes on there.

7 pm

Kwasi Kwarteng: Does my hon. Friend agree that the signal being sent by the Labour party is contemptuous of the electorate? It is trying to set up a committee that, in its good grace, will decide whether the people should have a referendum.

Charlie Elphicke: Yes, I agree. The Opposition are in a fix, and new clause 9 is designed to deal with that. On the one hand, they dare not oppose the idea in principle of a referendum and of allowing the British people to be consulted. They are slightly embarrassed by the Lisbon matter. On the other hand, they do not want to come out and say it. We have what can only be described as a devious amendment to stick it all up in committee. They claim that they are all in favour of referendums, while trying to squash the rights of the British people to have a say in a referendum. That is wrong in principle, but it indicates the Opposition’s lack of confidence in their position. It indicates that they do not feel that they are winning the debate on giving the British people a say.

Ben Gummer (Ipswich) (Con): My hon. Friend should not be surprised by that, given that two Members on the Opposition Front Bench orchestrated the coup against Tony Blair, which put an unelected Prime Minister in place, much to the detriment of our nation.

Charlie Elphicke: My hon. Friend makes a fair point.

Mr David: What has that got to do with the Bill?

Charlie Elphicke: That is a very important question. It shows the respect that the new Government have for our democratic process, for consulting the people and for taking bold steps in the national interest—not just bringing Britain back from the brink of bankruptcy, but ensuring that the British people have a say in referendums.

Austin Mitchell (Great Grimsby) (Lab): I want to speak briefly. The hon. Member for Dover (Charlie Elphicke) might have a more sceptical view of Europe, living so close to it in Dover, but I agree generally with his views on Europe. He was sceptical about the strength of the committee proposed in new clause 9, but he would also be justified in being a little sceptical about the intentions of his Government, because the Bill is weaker than it needs to be and will not provide the strong defence that I think we need against the further aggrandisement of European power. I say as a warning: do not trust anybody in matters European.

Although I support and will vote for amendment 11, I am puzzled by new clause 9. I am not sure what it means, nor why it invokes so many decision-making processes. I do not know why it does not invoke the Mothers Union and the Privy Council as well.

As with all European debates, this debate has skirted around the main issue, which is that the Government always get their way on matters European and steamroller what they want through the House. This country has a system of government by party, in which the Executive effectively control the legislature. Party loyalty means that, whatever platform MPs are elected on—whether it is Eurosceptic, Euro-enthusiast or “don’t care two stuffs about Europe”—they get dragged along by the chariot. Government by party guarantees that.

Europe has a remorseless power to drag us in. It is rather like the conversation between Brer Rabbit and the tar baby—punch it, and we are stuck. The drive to ever-closer union drags us in, because Ministers never want to rock the boat or be disruptive. They do not

[Austin Mitchell]

want to stand and fight on any particular issue. Even the courageous and esteemed Yorkshireman who holds the position of Foreign Secretary is now beginning to say nicer things about Europe in the dulcet tones of his Yorkshire accent. That is a symptom of the way in which this Government are being drawn in. Instead of making a stand on the increase in the budget by 2.9%—it will go up because there are in-built drivers that will make it rise—they accepted the remorseless rise in contributions. The cost of implementing all the regulations must now cost the country about £40 billion a year, which is as big as the cuts that the Government are trying to make.

Each party gets drawn in. Ministers do not like confrontation, so we go down the path remorselessly. I do not know who said, “Talk tough and carry a big stick”, but Ministers talk tough and carry a feather duster. They come back from Europe waving the feather duster saying, “I didn’t get exactly what the House of Commons or the people wanted. I had to make compromises, of course, so I went along with this. Believe me, it is only a small increase in the power of Europe. We can trust them. This will cause no problems and will be acceptable.” Disastrous consequences follow. That is how Europe progresses. In this country, we always discover the extent of the disaster and the damaging consequences of the concessions long after the event. The classic example is the common fisheries policy, which was sold as an accommodation to Europe that would not be difficult or cause many problems.

Kwasi Kwarteng: Will the hon. Gentleman give way?

Austin Mitchell: I am not sure that I should give way to a Member who does not represent a fishing port.

Kwasi Kwarteng: I am very grateful for the hon. Gentleman giving way, notwithstanding my not representing a fishing port. I want to know the position taken by the hon. Gentleman and his party on the idea of the referendum lock. In all his eloquent words, I have not worked out his position on that question.

Austin Mitchell: When the hon. Gentleman has been here longer, he will appreciate that my position is not exactly the same as that of my party’s Front Benchers. My position is sensible, austere and Eurosceptic, and I am anxious for the consultation of the people in any matters that involve the sacrifice of power to Europe. We should have had a referendum on the Lisbon treaty—I concede that point. I and other hon. Members argued for it strenuously at the time, but we were overruled. That was a retrograde step that made the treaty and its provisions less acceptable to this country, because the people felt that they were being imposed on them. I am in favour of referendums, and I do not think that the Bill is strong enough in that respect.

Stephen Gilbert: I am grateful to the hon. Gentleman for giving way, and I do represent a fishing port. Does he agree with David Blackburn of *The Spectator* that the Bill

“would introduce a watertight referendum lock on future EU treaties”—

perhaps salt-watertight—

“I doubt whether the Lady herself could have done much better in the circumstances?”

Austin Mitchell: All I can say is that David Blackburn must be more naive than I thought.

I was giving the example of the CFP, which was sold to us as harmless. We were told that it would lead to effective conservation because everybody would be involved, everybody had access to our waters and everybody would make decisions collectively. However, it led to the decimation of our fish stocks and the looting, frankly, of about £3 billion-worth of fish and jobs. There is nothing that we can do about that, because it happened under Ted Heath, who used to come down to the House in every fishing debate and justify his mistake. It is all in the past, and we discovered the problem only later. That is what happens.

My hon. Friend the Member for Llanelli (Nia Griffith) argued that people are not interested in the details, which is certainly true. We in Grimsby are perhaps more interested than people in Wales in all matters European, particularly to do with fishing boats, but people are not interested in details. The consequences of what happens are interesting, however, because they cause the loss of jobs and employment.

There was a provision in the Lisbon treaty—was it article 121?—stating that aid could be invoked by majority vote in the event of threats to the euro from natural disasters. It has now been invoked for aid to Ireland, which will drag us into making huge contributions not only to Ireland—the Chancellor of the Exchequer projected that as a one-off—but to the other states that follow in the domino-like collapse that will happen. The consequences of concessions that are said to be of no damage, of no great moment and unimportant become clear only later. The Bill provided an opportunity to resist that process, but disappointingly, it is not strong enough.

When we consider the amendments, we should view the European situation with a certain amount of scepticism. The committee referred to in new clause 9 would be controlled by the Whips and by Government, whatever we are told about the intentions behind it. I am suspicious of proposals to modify European powers that come from Euro-enthusiasts such as my party’s Front Benchers. What is in it for them? They want Europe to have its way, and the new clause is a way of allowing that while appearing to protect us.

I support amendment 11 and shall certainly vote for it if there is a vote—I hope there is, because I want to support it. However, we cannot be sure that, if the House were faced with a choice of whether to reverse a Minister’s decision that an issue was not worth a referendum, it would take the decision independently. Debates such as today’s give a clue as to what would happen. We happy band of Eurosceptics, including most of the Members present, have argued consistently, been right all along and warned of the consequences of what has happened. Those disastrous consequences have emerged, but nobody has said, “Oh, my God, we should have listened to the Eurosceptics on this matter.” People have constantly abused us for rocking the boat and as dissenters and just a nuisance, but we are right, and we are right to fight.

However, we cannot be sure that we will win the fight. Should a matter be referred to the House under amendment 11, the House would be whipped as always

and Members would see their careers relying on voting with the Government. They would think, “I shall get a powerful position even more quickly, as a Parliamentary Private Secretary to the Minister for Bathing Pools, or I shall be given a junior ministerial job in charge of seeing that library books are returned promptly”—if any libraries are left open under the Government’s proposals. Ambition, love of the party and support for the party will always whip people into line. Amendment 11 would not put a roadblock in Ministers’ way; it would erect another hurdle that they would be forced to jump. That would be salutary for them, because the more hurdles they jump, the more exhausted they will get and the greater the chance that we will eventually prevail.

Neil Carmichael: It is a great honour to participate in this important debate.

Members have mentioned the number of people who come into their constituency surgeries to talk about Europe. I am not overwhelmed with European issues in my surgery, but I do hear a lot of concern about Europe when I go to businesses and large organisations in my constituency. They are getting concerned about regulation, excessive interference and so on, and they think—and are sometimes right to think—that it all emanates from the European Union. It is therefore important that we give due consideration to the need to allow the electorate as a whole to speak about Europe. That is why the Bill is so important. It will, once and for all, stop the disgraceful situation of a Government promising to have a referendum on a significant change—the treaty of Lisbon—and then failing to do so. The Bill will prevent that, and quite right too.

7.15 pm

The Bill will do a few other things as well. It will encourage a better understanding of Europe, because we will discuss it more often and engage the electorate with the issue more comprehensively. They, in turn, will learn more about Europe and our relationship with it. That will be good not just because it will deal with the incorrect assumption that the electorate will not be able to understand a referendum question, but because it will ensure that they become much more interested in what we are doing about Europe.

The same applies to the situation in Parliament. The Bill means that we will pass a lot more Acts of Parliament if and when changes are made to our relationship with Europe. Those processes, taken together, will make us less reactive to what happens in Europe and much more proactive in ensuring that Britain’s interests are properly discussed, represented and promoted. The Bill will be really important for that reason.

New clause 9, tabled by the Labour Front Benchers, is a blatant attempt to look good without being good. They are attempting to suggest to everybody that they want referendums, but they are actually suggesting a deliberate mechanism to ensure that they would not necessarily need to have them. That is what it is, that is what it would do, and that is why we must not accept it.

Let us consider the discussions that we had about the treaty of Lisbon versus the Giscard d’Estaing constitution. The Labour Front Benchers attempted to say at the time, and repeated earlier today, that the treaty of Lisbon was not anything like the Giscard d’Estaing constitution. Absolute piffle—that was just not the

case. The treaty was a fundamental change, and it required a proper referendum. If Labour cannot get that right, how would the committee that it suggests make any progress? How could it resolve the problems? That answer is that it could not and would not, because it would be subject to the pressures of Government, the whipping system, which my hon. Friend the Member for Dover (Charlie Elphicke) mentioned, and so on. The committee would not have enough teeth, or be cohesive enough, to enforce the approach that we need when it comes to deciding whether we should have a referendum.

To make matters worse, we would be asking Parliament to decide what was substantive and what was not. That is also the problem with amendment 11, which would lead us into trouble and is also unnecessary. As I have said, Parliament will have to pass Acts if there are substantive changes, or any changes at all that affect our relationship with the European Union. New clause 9 is slightly misleading. The Opposition want to look as though they wanted referendums, but the new clause would make it possible not to have them at all, which is wrong.

Martin Horwood: There has been some discussion about the risk of votes being whipped. Does my hon. Friend agree that there is a greater risk of a vote in Committee being whipped under the system that Labour Members propose, because the Executive can handpick the membership, than there is for a vote on the Floor of the House?

Neil Carmichael: Yes. My hon. Friend the Member for Dover went through the possible Members who could serve on the proposed committee, obviously with a slant towards those who are participating in the debate and are interested in the European Union. The point is much the same—the committee’s membership would matter. The shadow Minister has not explained how it would be formed, managed and so on. However, we can assume that whipping would take place. That is not helpful.

I am also concerned about the role that new clause 9 would give the House of Lords, given the events of the past few weeks. We need to put that down as a marker when considering how the Bill would unfold if new clause 9 were accepted.

My hon. Friend the Member for South Swindon (Mr Buckland) is concerned about timing. He is absolutely right. He is a lawyer, and lawyers love time. [*Interruption.*] I have watched the clocks tick by myself. New clause 9 does not deal with that.

I tabled an amendment to get clarification on what constitutes a decision in the context of the outcome of a European Council meeting. That is important, and I hope that the Minister, when winding up, will explain what sort of decisions we should consider following a European Council or a meeting of the Council of Ministers, and when a decision is actually a decision.

We must acknowledge that the Bill will be seismically important to our relationship with Europe. It will also make a dramatic difference to the way in which the House and the Government deal with Europe in connection with the electorate. Far too often, people have found out about decisions some time afterwards. They have

[Neil Carmichael]

not felt included in that decision making, and consequently and because of their concerns, they have felt angry about the decision.

I am convinced that we will shape a much better relationship with Europe if we have the courage to explain more and to engage people more effectively. The Bill will do that without new clause 9 and other amendments that would stop us from ensuring that Parliament is the first port of call for the necessary key decisions, and that the people are always consulted when those decisions are pivotal.

Kelvin Hopkins: I am pleased to have the opportunity to speak and I apologise to hon. Members for being unable to be present throughout the debate. I was delayed elsewhere in the House on European business.

I want strongly to support amendment 11, which the hon. Member for Hertsmere (Mr Clappison) tabled and to which I was pleased to add my name. He made a powerful speech, which I want to echo and support.

It has been suggested that we might be governed by committees and that big decisions should be taken by a committee. I do not want a committee to make decisions about what is significant and what is not. Parliament should make those decisions, particularly this House. I am a unicameralist and therefore not so concerned about the other place. I believe that we should make the decisions in this House and be accountable to our voters because they clearly and rightly have strong feelings about the European Union.

I do not wish to be governed by judges, either. I worry about the constant reference to matters going to judicial review. I want the House, not judges, to make the decisions. As judges in the Supreme Court in America die, they are replaced by judges appointed by the President. If several judges die or retire at the same time, and a President of a particular persuasion appoints people in his own image, one has, for a generation or two, a Supreme Court that takes a particular view. Let us suppose that Tony Blair had had such a power. He would not have appointed lawyers with my views, but Euro-enthusiasts to a Supreme Court. For a generation, we would have been bogged down by a Supreme Court dominated by people who took a particular view of Europe.

Lawyers are supposed to be independent and to make balanced judgments, but one lawyer commented to me about the European arrest warrant, "Oh well, it's part of the European project, so we just say yes." We should not act in that way. We should consider matters individually, not say, "The euro's part of the European project, let's say yes to it", or, "The CAP's part of the European project, let's just nod it through." We do not do that. Britain has taken a strong position on many things that relate to the European Union, and we should continue in that way.

I agree with my hon. Friend the Member for Llanelli (Nia Griffith) on 90% of politics, but not on Europe. Portraying Britain as the naughty boy or surly youth of Europe, who is always being difficult, is wrong. I think that we are right and they are wrong. We have taken stands on subjects such as the euro, which is now in serious trouble. We are not being anti-Europe. We take

a particular view about how economies should be run. I believe that separate currencies are necessary shock absorbers for running economies.

Mr Jenkin: The Maastricht treaty was pushed through the House on the basis of our having an opt-out from the euro, and therefore that it would not affect us. Yet, even though we are not in the euro, we are deeply affected by the disaster that that treaty is inflicting on our continent.

Kelvin Hopkins: The hon. Gentleman is right, and I apologise for momentarily forgetting the name of his constituency—Harwich and North Essex—earlier. I agree with him. We have been right so often. When I argue about the European Union, I do not do that in nationalist or theological terms. I ask people to consider the effects on the European economy, which has grown more slowly than it would have done without the euro.

Mr Cash: Does the hon. Gentleman agree that those who take our position—the Euro-realists—are the pro-Europeans because the people who promote the extraordinarily damaging policies create the massive unemployment, riots and protests that are happening?

Kelvin Hopkins: Indeed. The hon. Gentleman is right again. Many of those who protested most strongly against matters in the European Union are people of the left—trade unions, working-class people, the unemployed, minorities and so on. We should not portray a right-left divide; the debate is about democracy and what works.

Martin Horwood: Is not the lowest unemployment in the European Union in Germany? Last time I looked, it was in the eurozone. Are not the countries that are particularly vulnerable those with large structural deficits? The problem is not particularly to do with their membership of the euro.

Kelvin Hopkins: That is interesting. We could have a long debate about the strength of the German economy relative to other countries in Europe. One thing that Germany wanted from the European Union was to get rid of barriers to its exports, particularly to France. Germany focused its efforts over generations, from Erhard onwards, on wisely ensuring that it had a massive and strong manufacturing base. We have not done that. If we had shown more of an Erhard approach to our policies—and Erhard was no socialist, but a Christian Democrat—we might have had a stronger economy.

As part of the post-war settlement, it was important for the west that West Germany—like Japan—succeeded, so it was allowed for a long time to have an undervalued Deutschmark, which gave it a competitive edge, behind which it built massively strong industries. That is the history. If one looks at the documentation—I used to write and read a lot about such things—one will see that the German surplus was a problem even in the 1970s. It has managed to sustain that for all that time, which was wise. Had we been a bit wiser, we might not have been in quite the weak position that we are in now. Every second car driving along the road is made in Germany, but where has our motor industry gone? We still have some of it, but it is nothing like Germany's. Germany has been very clever, and I cannot blame it at all.

7.30 pm

Anyway, we are not debating that tonight. My concern this evening is to ensure that this Committee decides what is significant when it comes to deciding whether to hold a referendum. Ministers are parts of Governments, which are always under pressure. Many Ministers are fine people, but in the end, they must go along with what the core of the Government decides. Ever since I was a student more than 40 years ago, the two things that I have criticised are secrecy and the excessive centralisation of power, particularly in the Prime Minister. I read a book when I was a student called, “The Elected Monarch”, which is about the position of the British Prime Minister. We must rebalance the power of the legislature relative to the Executive, which is why the House of Commons should vote on whether a matter is significant enough for a referendum. That should not be decided by a Minister, a Committee or a series of judges.

Kwasi Kwarteng: What does the hon. Gentleman say to the idea that even if amendment 11 were made, it would not bolster parliamentary sovereignty, because Government Whips will just whip through decisions about what is significant?

Kelvin Hopkins: The hon. Gentleman seems to be saying that everybody does what the Whips tell them, but that is not the case. If he looks at the history of the 13 years of Labour Government, he will find that there were rebellions—significant differences of view between certain Back Benchers and the Whips—on many serious votes, the most important of which was perhaps the Iraq war, when 139 Members, including me, voted against the Government, despite the Whips.

Kwasi Kwarteng: What was the result?

Kelvin Hopkins: The decision in favour of going to war was made with Conservative support. In the end, we are accountable not to the Whips. Clearly, we have a party system, and we are elected as party politicians, which I understand. By and large, on most things, we are guided by the Whips, but on some matters of fundamental principle, such as giving further powers to the EU or going to war, we must say, “What I believe and what I believe my electorate want is more important even than what the Whips advise.” I hesitate to say that while my Front-Bench colleagues are listening, but in the end, we must occasionally take a stand.

Mr Cash: On the anniversary of Winston Churchill’s death, will the hon. Gentleman accept what he said, which is that country comes first, constituents second and party third?

Kelvin Hopkins: We must take all those things into account when we make our decisions, but we make those decisions and stand by them, which I like to think I have done. I have regretted one or two things, but the hon. Gentleman is right. In defence of two-party Government—or our party system—I do not believe that we are elected as individual anarchists. We are here to represent a philosophy and interests in society. I am not by nature an anarchist; I am a collective democrat. That is where I stand.

The most important aspect of amendment 11, which is in the name of the hon. Member for Hertsmere, is that it would have an impact on the EU, which the hon. Member for Stroud (Neil Carmichael) mentioned. If the EU wants to push something through that it suspects will be unpopular in this Parliament, it might not proceed if the provision in the amendment were in force, whereas if it thinks it must win over only the Minister, the Prime Minister or the Executive, it might think it will get away with it. If it knows that its proposals are likely to go to a referendum and that their significance will be voted on by the House, it will be a little more careful.

That impact on the EU is more significant than giving decisions to ourselves because we like to make decisions. The EU will be much more careful about its proposals if it thinks that they might be subject to a referendum in Britain, because it knows very well that the justifiably strong degree of Euroscepticism will come to the fore, that there could be a problem, and that it might not win. If the EU thinks that there is a chance of not winning a referendum, it will not risk it. A referendum is much more likely to be risked if a decision is made in this House rather than by the Minister. That is the way of things.

Finally, I want to draw a parallel. I mentioned the excessive centralisation of power in British politics, particular in No. 10 Downing street, the Prime Minister and his little entourage, but the other thing that is wrong is secrecy. I was a strong supporter of the Freedom of Information Act 2000. When it was going through Parliament, the Government proposed an amendment to the effect that we could have freedom of information except when the Minister says no. My good friend Tony Wright, the former Member for Cannock Chase and Chair of the Select Committee on Public Administration, led a rebellion. We did not win, but we made our point. He was very much a politician of the moderate left who would go along, by and large, with the leadership—he was not as critical as I was. He was an architect of that Act, and quite strongly in favour of it, but he was quite shocked when that qualification was proposed. Ministers are fine people who do a great job, but in the end, this House must make serious decisions about things, not just Ministers. I very much hope that the hon. Member for Hertsmere presses amendment 11 to a Division, and I certainly wish to vote for it.

Nick Boles (Grantham and Stamford) (Con): I should like to share with hon. Members why I think the Bill is the most significant thing that the Government will do in this Parliament. The House knows that I am a strong, enthusiastic supporter of the Government. I cheerfully look forward to voting for the Localism Bill, the education Bill, the Health and Social Care Bill, and many others that we will debate in next few years, but I do not exaggerate it when I say that this is most significant thing that we will do, because it is the “Thus far and no further” Bill.

Hon. Members on both sides of the Committee have said that this Bill will start a debate on Europe in the country, but they are wrong. The country has had its debate on Europe. It made up its mind a very long time ago, and said, “Thus far and no further.” Unfortunately, Parliament and previous Governments did not listen to the country and did not understand that that is the country’s decision. They tried to continue to try to evade the will of the people by ratifying treaties of which the people wanted nothing.

[Nick Boles]

The Bill is the Bill that says, “We have finally listened. We finally understand, and we will not put through any treaty, or any change or shift in sovereignty and power, that you, the people, do not want.” That is why I believe—only somewhat mischievously—that the Bill should be viewed as a tribute to the indefatigable efforts of my hon. Friend the Member for Stone (Mr Cash), who sadly is no longer in his place. Although he and I disagree on many things—I will go on to say why I disagree with his amendments—it is clear that his achievement in the Bill is greater than the achievement of almost any Back Bencher I can remember, and probably greater than almost any Minister any of us can remember. For nearly 30 years, he has led the campaign to say, “Thus far and no further!” Tonight and on future nights when we debate the Bill, he will get his way, and he will have given to the British people what they want and what he has always wanted to give them—the right to say, “Thus far and no further!” Were he not quite so hale and hearty and not quite so obviously going to survive and outlive me—he will still be here long after I leave this place—I would even go so far as to suggest that the Bill be called the William Cash memorial Bill.

Having made that case, I want to say why I believe that the Opposition amendments are damaging in so many ways. Their amendment 85 is a poison pill—a poison pill coated in the sweet chocolate of parliamentary sovereignty and power, but a poison pill nevertheless. By moving the amendment, they are trying to seduce the great defenders of parliamentary sovereignty on the Government Benches into creating the possibility for them in the future to undo and reverse the effects of the Bill. They know that if they refer a decision to this committee of theirs, there is a chance—they cannot absolutely be certain who will be on it or how it will vote—that they can control it, whereas they know for a fact that there is no chance of controlling the British people. That is why their amendment is pernicious and insidious. That shows the view the Labour party has of the views of the British people on this great issue. It is that approach that informed its entirely insincere promise of a referendum on the European constitution—happily just before an election—and the attitude that led it to scuttle around, to persuade its European partners to take out a couple of things, to rename it a “treaty” and then to declare that there would be no referendum after all.

Government Members, as well as Opposition Members such as the hon. Member for Luton North (Kelvin Hopkins), who is so brave and forthright on this issue, should not be fooled by the amendment. I know that we are not allowed to call amendments “wrecking” amendments, but this amendment surely is designed to undermine the entire purpose of the Bill.

James Wharton (Stockton South) (Con): Does my hon. Friend agree that it is exactly this sort of parliamentary fancy footwork that has undermined the public’s trust in this place to deal with European matters?

Nick Boles: I agree wholeheartedly with my hon. Friend. Indeed, one of the most important things about the Bill—this has been eloquently addressed by my hon. Friend the Member for Dover (Charlie Elphicke) and

others—is that it is an important step in rebuilding the trust of the people in Parliament to do, broadly speaking, what the people want, especially on great questions of independence and the constitution. It is vital that we do this. That is why it is so important that the Bill sets out in such painstaking detail exactly which changes will lead to a referendum. Frankly, we cannot ask people to trust us on this anymore. We, as a class—not just a party—cannot ask people to take our word for it when we say that there will be a referendum on anything. If they are to believe us, we need to put it into law, take it through both Houses of Parliament and make it very difficult to go back on.

7.45 pm

That leads me neatly to the amendments tabled by my hon. Friend the Member for Stone. He believes that they would make yet firmer the protection of the people’s right to a referendum on European changes. I fear that in his enthusiasm for this cause of his, which has lasted so long, and in his commitment to the fight for our country’s independence, he is in danger of not being able to take yes for an answer. Finally, he has the Bill that he wanted so much, but he is suspicious of every little compromise and every little attempt to make it workable. I fear that his amendments will actually make the Bill much, much weaker and much less likely to survive. By suggesting that there be no exemptions to the requirement for a referendum, he is suggesting that we end up paralysing the European Union for all its members.

I can understand the appeal of that to some of us—some of us might want to get our own back on this project for all the iniquities that it has inflicted on us—but would that not produce a diplomatic crisis that would lead to monumental pressure on future Governments, including perhaps a Labour Government, to amend, or even repeal, the Bill? A number of Members have talked about seeking to bind the hands of our successors—but we all seek to bind the hands of our successors. Every Act of Parliament seeks to bind the hands of our successors; it is just that, fortunately, we cannot insist on it. We try to do it by making legislation part of the settlement, the culture and habit of this place and our country. We are trying, therefore, to bind the hands of our successors with the Bill, but if we manacle ourselves to something unreasonable, we will make it easier for a plausible future leader of the Labour party to stand up and say, “This Bill is ruining our relations and undermining our trade with Europe, and it has to go.” We must not give them that opportunity.

That is why I hope very much that my colleagues, who like me are rejoicing in the fact that we are finally listening to the British people, will reject the amendments tabled by the Opposition Front-Bench team and my hon. Friend the Member for Stone, and vote for this magnificent Bill.

George Eustice (Camborne and Redruth) (Con): I have been a long-standing supporter of referendums and the role that they can play in strengthening our democracy. My first role in politics was campaigning for the Referendum party, way back in 1997, in favour of a referendum on the euro. The reason why I think that referendums really can work is that they bring some brutal common sense from the British public to

complicated debates. They are also cross-party campaigns. I remember campaigning against the euro—it is great to see the hon. Members for Luton North (Kelvin Hopkins) and for Great Grimsby (Austin Mitchell) in their places—and that was a cross-party campaign. That can be incredibly important for our democracy. It is good for the public to see politicians from different parties working together on issues where they have a shared conviction, rather than simply campaigning across party lines. For that reason, referendums can be incredibly important.

It is also important to note that referendums are about issues rather than personalities. We hear a lot of people complain these days about personality politics and the presidential nature of certain elections where it is all about the tie or the suit that the politician is wearing, rather than the issues that they stand for. Referendums cut right through that. They are about the issue, and people focus on that issue rather than on politicians. For all those reasons, I think that referendums have an incredibly important role to play in strengthening our democracy, and I welcome this step forward.

I listened intently to Opposition Members' contributions about their new clause 9. I was struck by the comment from the hon. Member for Llanelli (Nia Griffith) that there was referendum fatigue. Well, the last referendum we had on Europe was in 1975, when I was about four years old, so there is hardly fatigue with European referendums. In fact, the situation is completely the reverse. The opinion polls were clear: the public wanted to have their say on the Lisbon treaty, the euro, the constitution and all the major treaties that went through, but they were denied that say.

I take issue with the hon. Member for Caerphilly (Mr David), who claimed that the EU is well down people's list of priorities and that we should therefore not have a referendum on EU issues, because what really motivates people are issues such as education and the economy. He is absolutely right that the EU is very low down the list of things influencing people's voting intentions in a general election: polls show that it is around 12th or 14th in people's lists of priorities. However, that is exactly why we must have referendums on such constitutionally important issues. People do not hold Governments to account on such issues at the ballot box, because there are bigger issues at the forefront of their minds. However, as the hon. Member for Luton North made clear, that does not mean that such issues are unimportant. They are vital constitutional issues that have a knock-on effect on a range of policies. The only way to get public discussion and engagement with European issues is through a referendum. We would then get a discussion that simply would not happen in a general election.

A lot has been said about the problem of binding future Parliaments, and about how having such referendums would be unconstitutional. However, that misses a crucial point. The fact is that ever since the European Communities Act 1972, Parliaments have indeed been bound. There has been an open door for encroachment by the EU into the UK's legal system. That is why we need to rebalance the position. We need a bulwark against the 1972 Act and those Acts that followed it. We need something that will act as a break. I do not think that what is proposed would weaken Parliament; rather, it would strengthen it, bringing it much closer to the people whom Parliament should represent and dealing with the problem caused by the 1972 Act.

I also disagree with those who say that people do not understand or that the public are too ignorant to deal with such issues. There is no evidence of that. If we had a referendum on such issues, both campaigns would need to distil the arguments down into a clear set of messages, but sometimes that is what is needed.

Claire Perry: Like my hon. Friend, I listened to the opening speeches from both sides of the Committee. Was he struck, like I was, by the fact that Labour is not only the party of deficit denial, but the party of referendum refuseniks?

George Eustice: Yes, my hon. Friend is absolutely right.

Mr John Spellar (Warley) (Lab): Will the hon. Gentleman remind us which party has given the country a referendum on the European Union?

George Eustice: I give credit to the Labour Government of some 35 years ago for giving us that one and only referendum.

Mr Desmond Swayne (New Forest West) (Con): I was there, and I recall campaigning for a no vote and voting accordingly in the referendum. Although the right hon. Member for Warley (Mr Spellar) is quite right that the then Labour Government offered us a referendum, they then campaigned against. No Bill is perfect, but the reality is this: whichever treaties we may have signed up to, each and every one would have been caught by the provisions of this Bill, thereby generating a referendum. That is a powerful procedure to put in place for the future.

George Eustice: I am grateful to my hon. Friend for raising that issue, and I completely agree with him. I know that some on the Government Benches are concerned that the Bill does not go far enough and that there may be ways for future Governments to circumvent its provisions. However, as someone who has been a staunch Eurosceptic for 13 years, I have to say that we have waited a long time for such legislation. I believe that the Bill offers an incredibly strong lock, which will apply to any transfers of power. Indeed, clause 4 gives a list of no less than 13 circumstances in which a referendum would automatically be triggered. It is important that people recognise that and, on this side of the Committee, realise that the glass is not half-empty; rather, in my view, it is almost full to the brim. Of course there are areas where one might say the Bill could be improved, but it is fundamentally an incredibly good Bill that we should be getting behind.

Chris Bryant (Rhondda) (Lab): I think that the Bill is a load of hogwash, but be that as it may, does the hon. Gentleman think that if Turkey is to accede to the European Union—in which case there would have to be an accession treaty, which would have to go through its processes in the UK—there should be a referendum in Britain?

George Eustice: No, I personally do not agree with that, and there is a good reason why. What the Bill should aim to do is prevent the handing over of power from this country to the European Union. I want

[George Eustice]

sovereignty for this Parliament; I do not want this Parliament to interfere in the decisions of other countries. However, once we start saying that we should have a veto on the accession of countries such as Turkey, we start to get into that territory.

Mr David: How would a referendum on accession be an interference in, let us say, the governance of Turkey?

George Eustice: Because rather than allowing such countries to join—and we have already expanded the number of countries in the European Union—we would then be saying that every country should have a veto on future accessions. I do not think that that is right. Let me also just say that Turkey is a moderate, Muslim country, and a great example of a successful secular democracy, which we should be supporting and encouraging, rather than sending signals that suggest that we are against accession.

As I have said, I have campaigned for referendums for a long time. In my time campaigning against European integration, it is fair to say that I have seen a lot of referendums promised and then subsequently taken away.

Geraint Davies (Swansea West) (Lab/Co-op): I am interested that the hon. Gentleman would not agree to a referendum on Turkey, which is a simple proposition for the British public. Would he have agreed with a referendum on, for example, the establishment of the European Systemic Risk Board or the European Securities and Markets Authority, or on authorities affecting occupational pensions and so on? Those changes have created pervasive powers across Europe over our financial systems, so they are important. Is he saying that he would have referendums on those authorities, which are quite complicated to understand, but not on whether Turkey is in or out?

George Eustice: It depends: if there was an extension of competences, then yes, of course.

Coming back to the areas where those now on the Opposition Benches have promised referendums, we have to look at what drives first the promise of a referendum and then the withdrawal of that promise. Back in 1997, the only reason this country was promised a referendum on the euro was that the Referendum party stood for election, posing a threat to the then Conservative Government and the Labour party. For that reason, both parties promised a referendum. As it turned out, that promise was the only thing that kept this country out of the euro. What did we have after 1997, in the first few years of the Labour Government? We had years and years of speculation about whether there would be a referendum. I can remember working on the anti-euro campaign and looking at what the media were saying. There were dozens and dozens of stories—we added them up—that opened with the line, “In the strongest signal yet that Britain is going to join the euro, Tony Blair has signalled that a referendum is just round the corner.” Let us remember all the acres of coverage and the huge sum of money that was spent analysing those five so-called tests, when all along they were simply a political fig leaf.

Then we had the European constitution. A referendum on it was promised, but for no other reason than the political interests of the Labour party. Labour was concerned about the threat to its position in the 2004 Euro-elections, and for that reason—that is, simply for tactical, self-interested reasons—promised a referendum out of the blue. Having got those elections out of the way and having won in 2005, Labour then withdrew the offer of a referendum on the EU constitution and the Lisbon treaty. We were then subjected to a further couple of years of endless talk about Tony Blair’s red lines and what the Government were doing to protect the national interest, with endless speeches trying to explain why the Lisbon treaty was not the same as the EU constitution, when to all intents and purposes it was. Throughout all that, the decision on whether to hold a referendum on those issues was dictated by political interest and calculation, and we need to move on from that.

Countries such as Ireland have done this much better than we have. How sad it is that, all too often, we have had to rely on the people of the Irish Republic to stand up for the interests of European people. Why have we not been able to hold referendums as automatically as they have been held in Ireland?

8 pm

Mr David: I would like to put a pretty fundamental question to the hon. Gentleman. If a Government were to say, “There will not be a referendum during this Parliament, because we will not introduce any measures that would trigger one,” what would be the point of this legislation?

George Eustice: I am not sure that I understand the hon. Gentleman’s point. If any major transfer of power from the UK Parliament to the EU were proposed, a referendum would automatically be triggered.

Mr Swayne: I certainly understand the thrust of the argument. Is it not the case that any future treaty revision will be constrained by the understanding that there would be a referendum in the United Kingdom that it would be impossible to win? Would not that, in itself, exert a powerful discipline on the development of the European Union, in that it would need to either curtail its ambition or, more importantly, make an accommodation with the British people and the British Government that was more in line with what we thought we had joined in 1975?

George Eustice: My hon. Friend makes a valid point. Having this legislation in place will change the nature of the pressure on the Government and influence their negotiating position.

I want to talk about the concerns that have been expressed about the “significance” clause. I recognise the argument of those who suspect that it might give Governments a way out, so that they could backslide away from a promise to hold a referendum in certain circumstances. I do not buy into that idea, however. I agree with what Martin Howe, QC, a distinguished Eurosceptic, has said on this. He has spent years studying these issues. If we want to make this legislation durable, and if we want it to last more than five years and to become an established convention, we need to ensure

that there are no excuses that a future Government of a different party might be able to use to repeal it. There is a presumption that holding lots of referendums on very small, insignificant issues would give our opponents an excuse to repeal it, and we really cannot accept that.

Geraint Davies: Does the hon. Gentleman think that there should be a limit on the number of referendums held over a particular period, given that they could result in a certain weariness among the electorate, as well as incurring a certain cost? Does he also think that referendums should be binding if they do not achieve a certain turnout of the electorate?

George Eustice: If there were fatigue because we were holding too many referendums, that would mean that we had been attempting to pass too much power to the European Union. I hope that the requirement to gain public consent for handing any such powers to the European Union will dissuade Governments from recklessly throwing away the power of this House.

There is a lot to commend amendment 11, and I have listened with great interest to the debates on it today. It is far superior to new clause 9, in that it does not attempt to water down the pledge; it provides it with an extra belt and braces. It would apply only when a Minister judged that a change was not significant. When such a judgment was made, Members of Parliament would have to support it. That proposal has a lot going for it. It would strengthen the presumption in favour of holding referendums. For all those reasons, I am quite attracted to the amendment.

I listened carefully to what my hon. Friend the Member for North East Somerset (Jacob Rees-Mogg) said earlier about the fact that the proposal might make it less easy to have a judicial review. He suggested that a motion in the House might undermine the chances of a judicial review. That was a valid point. I was not convinced, however, by the argument that a better way to deliver this would be to table an amendment to the Act of Parliament that would be required in relation to the referendum. We all know what happens to the majority of amendments that are tabled in the House. We have only to look at the amendments tabled to this Bill to understand that. The immediacy of the proposed motion, linked to a statement by a Minister, has a lot going for it. Having said that, I also understand the counter-arguments regarding judicial review.

The Bill does exactly what Eurosceptics have wanted for a very long time, and we should stand behind it all the way. I completely reject new clause 9, because it is an almost weasely way of getting round the purpose of the Bill. It would significantly water it down, taking power away from the voters and giving it to politicians. The idea that some committee of 19 people should be the arbiter of these matters rather than having an automatic trigger for a referendum is absolutely crazy. I completely reject the new clause, but I believe that amendment 11 has a lot going for it.

Michael Ellis: I welcome the Bill. I embrace it with open arms; I actually cherish it. It goes further than any other piece of legislation to check the further encroachment of European power and hegemony into the United Kingdom. It ought therefore to be embraced as the landmark Bill that it actually is. Many people in Britain feel disconnected from how the European Union has

developed and the decisions that have been taken in their name over the past few decades. Someone would now have to be in their 50s to have had the opportunity to vote on a European Union issue in the United Kingdom. It is time that a check was made on the ever-increasing and ever-encroaching power of the European Union, and this Bill does that in a way that has never been done before by any Government of any hue in this country.

The Bill gives people more control over the decisions that Governments have tended to make. It also provides for a referendum lock over future powers. People in this country are tired of the European Union telling us that we must have straight bananas or not use imperial measurements. Ironically, it is the European Union that has been imperious in its outlook for some considerable time. I recognise the Bill as a measure that will, at last, provide a check to that ever-encroaching power, and I welcome it with open arms.

The Bill requires the consent of the British people, through a referendum, for any proposed treaty change. It goes further, however. It is not just about treaty changes in the big sense. So-called mini-treaty changes would also require the people's consent, and even bridging clauses would activate the referendum requirement. It is a substantial and sizeable measure, and I agree with the point made earlier that my hon. Friend the Member for Stone (Mr Cash) can claim considerable credit over many years for standing up for the British parliamentary sovereignty that we cherish so much. I congratulate him on that.

Geraint Davies: The hon. Gentleman mentioned parliamentary sovereignty, but does he agree that the Bill is tantamount to an abdication of parliamentary sovereignty? Instead of taking the decision here to veto a change in Europe, we are simply passing the ball to the general public, who might find some of the complexities—the hon. Gentleman mentioned the sort of nuanced changes that can be made to treaties—difficult. To be fair, people come to this House with a knowledge and focus on these issues and what we are doing is throwing away that sovereignty. An Irish referendum might end up being decided on the issues surrounding abortion, for example, which had nothing to do with the case in point. It is absurd.

Michael Ellis: It is extraordinary—although not surprising from Labour Members—to hear that the general public should not be consulted on these matters. This Parliament derives its authority from the public, which Labour Members would do well to mention.

Geraint Davies: It would follow, then, that we should have a referendum on every Bill we pass and every decision we take. The hon. Gentleman's position is absurd and untenable.

Michael Ellis: This Bill is about checking the European Union in its encroachment of sovereign powers. It is not a routine measure, such as the ones the hon. Gentleman mentions. It is not an abrogation of the rights of this Parliament to give the people a referendum to prevent further encroachment of sovereign powers.

Kwasi Kwarteng: My hon. Friend is making the point—the hon. Member for Swansea West (Geraint Davies) seems not to have absorbed it—that on the issue of

[*Kwasi Kwarteng*]

European politics, the House of Commons, our Parliament, is simply not trusted. Time and again, as my hon. Friend the Member for Camborne and Redruth (George Eustice) pointed out, we promised referendums, but failed to deliver them. In this specific case, it is quite right to have a referendum lock on any further treaties. This is not an argument for having referendums in general, but a specific point about our relations with Europe and the capacity of this country's people to make their views felt. I think that the public generally feel that the House and the political class as a whole have been bad at listening to them. The idea that we are abrogating responsibility through this referendum is foolish. What we are trying to do is to re-engage with the public.

Michael Ellis: My hon. Friend is quite correct: this is not an abrogation, but a reaffirmation of people power. In enacting the Bill, this Parliament, which represents the people, will give the public the rights for which they have been screaming for so long over further EU encroachment.

Claire Perry: Does my hon. Friend agree that the hon. Member for Swansea West (Geraint Davies), in representing 50% of the Labour Back-Bench Members who have bothered to show up for this debate, perhaps demonstrates the disdain with which the Labour party regards the Bill and Parliament, proving once again that Labour Members do not believe in listening to the people on such crucial matters as our constitution? I would prefer to see referendums on many more issues, including abortion, which was mentioned by the hon. Gentleman. We should not be scared of the voice of the people in the way that the Labour party so clearly is.

Michael Ellis: My hon. Friend is quite right; I entirely endorse what she says.

Geraint Davies: I am very grateful to the hon. Gentleman for generously giving way again, but I must correct the record here. I am completely in favour, for example, of the March referendum in Wales on the extension of legislative powers to the Welsh Assembly, and I am in favour of having referendums on other devolution issues. I am not against referendums in themselves; what I am against is having endless referendums on every little change in Europe. People in Parliament are more empowered and more informed to be able to take those decisions. That is why I view it as an abdication of sovereignty.

Michael Ellis: The hon. Gentleman should read the Bill; it is not about every little change, but "significant" changes. The reality is, as hon. Members demonstrated earlier, that the general public have, sadly, lost faith and confidence in this institution on the issue of Europe. They had been led to believe—by no less than the Labour Government in respect of the Lisbon treaty—that they would be given a say prior to the Bill, but they were not given the referendum they were promised. In fact, it is clear that the promise made was insincere. That has gone some way towards alienating the general public from the legislative assembly of this country. Now we need to satisfy the general public that they will have a say in any further encroachment of EU power.

8.15 pm

Mr David: The hon. Gentleman said earlier that the Bill was about giving this country's people a voice on significant changes. I have already tried to ask the Front-Bench team, but the Minister would not respond, so let me try again to ask about the Government's rationale for deliberately excluding one of the most important changes that will affect the European Union and Britain—the accession to and possible membership of the EU by Turkey. Why is that excluded?

Michael Ellis: With great respect to the hon. Gentleman, a new country—whether it be Turkey or any other—joining the EU does not mean that more decisions will be shifted to the EU. Nor does a new country joining the EU mean the giving up of vetoes. That is the difference. Conservative Members have always supported the widening of the EU, and a wider EU has changed it for the better by bringing in free-market allies such as the Czech Republic. I hope and expect Turkey to join, and I would encourage it to do so.

Sarah Newton (Truro and Falmouth) (Con): Does my hon. Friend agree that in the event of Turkey joining the EU, we—unlike Labour Members—can exercise the transitional arrangements. If there are concerns about a great deal of people coming into this country, we can put limits in place, as indeed our colleagues have done in other European countries. That is something that Labour Members abysmally failed to do when they were in government.

Michael Ellis: That is absolutely right. Conservative Members have learned lessons from previous enlargements and we will not allow full free movement of workers from all new members, *carte blanche*, as soon as they join. We should require, it seems to me, complete fulfilment of all the membership criteria, particularly on criminal justice enforcement, for example. Labour messed up on that previously and this country suffered.

I respectfully submit that there has previously been a fundamental lack of understanding of sovereignty issues in this country. One example I would venture to provide is Labour's creation of the Supreme Court. The very name is a misnomer, I submit, because in this country the law is not as it is in the United States where the American Supreme Court in Washington DC is empowered to say that the Government's legislation is unlawful and to strike it down. The US Supreme Court can overrule Congress, but in this country Parliament is sovereign. Labour thus showed a fundamental misunderstanding of the British constitution when it called the institution that took over from the House of Lords judicial committee "the Supreme Court". The law in this country is not supreme; Parliament is supreme and Parliament gives the law its authority, not vice-versa, unlike under the American system.

That brings me to clause 18, which is crucial and reaffirms that Parliament has ultimate sovereignty over European law.

Mr Cash: I take issue with my hon. Friend on that, simply because we had a significant debate on it and the European Scrutiny Committee took a completely contrary view.

Michael Ellis: I was not present for that, so I shall forbear making further reference to the matter.

The Labour amendments to the Bill are nonsensical. They seek to take away power from the people, and even from the House. They seek to empower a committee, and it was Winston Churchill, I think, who said that wars are not won by committee, and nor would this type of legislation be won over by committee. With great respect to the Whips, such a proposal would involve them having greater sway, over how a committee might be constituted and what might result from it. The public need to be satisfied, and a referendum will at last satisfy them that they will have a say. Labour's suggestion of involving a committee is erroneous and on the wrong track entirely.

I am also anxious that other amendments do not weaken the Bill. Amendments tabled by my hon. Friends might have the opposite effect from that which is intended. By creating too strong a test as to what is substantial, and requiring a referendum on almost any issue, we might bring European Union institutions to a standstill—[HON. MEMBERS: "Hear, hear."] That might be the wish of hon. Members, and I respect that, but I do not agree with it, as it is not the way forward. Subsequent Governments—not Her Majesty's Government as currently constituted, who would never buckle under such pressure—might be put under disproportionate pressure from other member states of the European Union to alter and interfere with the Bill once it is on the statute book. With respect to hon. Friends who take such a view, that might indirectly have an effect of weakening the Bill and leading to diplomatic crises.

On the significance test, Labour seeks to have a significance test on everything, which would not work. I was fascinated by one Labour amendment suggestion to give greater power to the other place. I venture to suggest that it is 100 years since the House of Lords has had greater authority than the House of Commons, yet the Labour party proposal of a veto on a referendum is tantamount to giving the unelected House of Lords, illustrious and greatly respected though it is, a right over and above that of the House of Commons. That would be an entirely unhealthy position. The Labour party does not dare oppose the principle of the Bill, as it knows it will have the support of the vast majority of members of the public, but nor does it want to accept it, as it wants to oppose for the sake of opposition.

The Bill sets out 44 vetoes, 12 decisions and eight different ways of increasing the European Union's competences, and there will not be a significance test on any of those. One would hope that that would have the effect of placating those on the Government side of the House who are concerned about the significance test.

Mr David: Does the hon. Gentleman not accept that it would have been far better if the Government had adhered to the Conservative party's election manifesto and begun to repatriate legislation?

Michael Ellis: I am afraid that that is not relevant to the Bill.

Matthew d'Ancona has said:

"Imperfect though it may be, the bill is a dramatic punctuation mark in the history of Britain's relationship with the European Union."

Opposition Members ought to accept that. They ought to acknowledge that the Bill is a ground-breaking, landmark piece of legislation which will do that which has not been done in this country for decades, and give the general public the rights that they so obviously desire in relation to the European Union and further expansion of its powers.

Martin Horwood: Thank you for calling me, Mr Brady. It is a pleasure to serve under your chairmanship for, I believe, the first time.

Let me begin by saying, as a Liberal Democrat, that my perspective on Europe is subtly different from that of some of my Conservative colleagues. However, I am at one with them in believing that the debate is crucially important, and that it goes to the heart of our democracy at both United Kingdom and European Union level. I think it important for these issues to be debated.

It is a matter of some pride to me that most of the robust intellectual debate seems to have taken place on the coalition Benches, although there have been some quality interjections from Opposition Members, most of whom are not present now. Partly for that reason, I think that amendment 11 is unnecessary. Every treaty change suggested in the Bill will be subject to debate and vote in the House. As was pointed out by the hon. Member for North East Somerset (Jacob Rees-Mogg), who is no longer in the Chamber, an Act of Parliament is the ultimate constitutional lock. It is unlikely that the Whips could somehow force through such proposals, especially given what has been said today. One of the healthy features of the coalition—I say this with the most deferential respect to my very good and right hon. Friend the Member for Orkney and Shetland (Mr Carmichael)—is that the Whips do not seem to have quite such a stranglehold on debates and votes as they did in the last Parliament, of which I was a Member—

Mr Cash *rose*—

Martin Horwood: I see no signs of the hon. Member for Stone (Mr Cash) giving way to the Whips on anything. Meanwhile, I happily give way to him.

Mr Cash: Leaving that aside, let me suggest that, according to the sequence of events provided for by the excellent amendment tabled by my hon. Friend the Member for Hertsmere (Mr Clappison), the question of the Minister's motion and its approval by Parliament will arise before Third Reading, and almost certainly before Report. For practical purposes, therefore, the House of Commons will have decided the question. Surely the hon. Gentleman is not honestly suggesting that, its approval having been required, Parliament would vote against the proposal on Third Reading. Surely that would not make sense.

Martin Horwood: I do not quite follow the hon. Gentleman's argument. I suspect that the Minister's decision would almost certainly precede even First Reading. Following the introduction of a Bill and after the Minister had decided whether the proposed change was significant, it would be up to Parliament to amend the Bill and call a referendum if by any chance it considered that necessary. As has already been pointed out, this Parliament cannot bind its successors.

[*Martin Horwood*]

In view of the time, I intend to concentrate on the amendments tabled in my name, but I also want to say a little about the Labour amendments. The hon. Member for Caerphilly (Mr David) said, rather harshly in my view, that the coalition was displaying—I think that I am quoting him correctly—weak-kneed, ill-thought-out populism. May I indulge in a gentle return of serve? The Labour party seems to have tried to find some reasons to oppose a Bill that it obviously wishes it had thought of first, come up with a number of reasons that appear to be mutually contradictory, and settled on the grand solution of a committee that it cannot explain.

I think that if anyone is guilty of ill-thought-out populism, it may be Labour Members. As has been eloquently pointed out by the hon. Member for Stroud (Neil Carmichael), the hon. Member for Daventry (Chris Heaton-Harris) and many others, Labour's proposed committee would make things less transparent and less democratic. A real habit of the previous Labour Government was removing powers from primary legislation and handing them to committees, to commissions and even to Ministers. These things were not coming back to this place to be voted on; they were often disappearing altogether.

8.30 pm

Geraint Davies: Does the hon. Gentleman accept that if the number of referendums available in this Bill were available to every country in the EU, the EU would grind to a standstill—the situation would be completely ridiculous? How can he be an honourable Liberal Democrat and support that?

Martin Horwood: The hon. Gentleman might want to listen to the rest of my speech, because there is some risk of what he describes, and that is the thrust behind our amendments.

Amendments 67 and 68 may look drastic to some of our Conservative colleagues, because they seem to remove a swathe of the referendum provisions from the Bill. However, they seek to tease out the rationale for the referendum lock in the case of amendments to the treaty on the functioning of the European Union using the simplified revision procedure. The amendments do not relate to referendums on changes to the treaty on European Union or even to referendums on changes to the treaty on the functioning of the European Union that do not use the SRP. So the amendments do not seek to remove referendums altogether from this Bill; they ask whether referendums on treaty changes under article 48(6) of the treaty on European Union—the simplified revision procedure—which, after all, was created for relatively uncontentious and insignificant changes in the functioning of the European Union, are really justified.

As a small aside, may I ask the Minister to explain why “transfer” of power or competence “to” the EU is used in the explanatory notes and in some of the language associated with the Bill, rather than “pooling” or “sharing” powers and competences “with” the European Union, which has been the established language until now? To those of us who are fairly relaxed about pooling sovereignty and powers with the European

Union when it is right to do so, “transfer” sounds a slightly more pejorative term and its use an example of linguistic drift.

Mr David: The use of the language is important, because the rhetoric has changed and the Opposition contend that the substance has not.

Martin Horwood: That stretches credibility somewhat. The hon. Gentleman has heard in many eloquent speeches from Members on the Government Benches how important the Bill is to our relationship with the European Union and how it offers the possibility of reconnecting the British public with the decision-making processes in the European Union. It is beyond doubt that the Bill will be a significant piece of legislation.

Mr Jenkin: The hon. Gentleman asked the Minister why the Bill's language is about the “transfer” of competences, rather than the “pooling” or “sharing” of competences, which has been the language used previously. I put it him—the Minister might not put it this way—that the notion of “pooling” or “sharing” competences does not fully explain what has been happening over the years and that those are weasel words. A competence “shared” is, in fact, a competence transferred and a competence fully transferred is not even shared. The correct word to use is “transferred” and I give the Minister credit for doing that.

Martin Horwood: The hon. Gentleman makes a powerful response on behalf of the Minister, but I would say that “transfer” implies a total handing over, not just a partial one, of some UK sovereign powers, as if the European Union were some kind of imperial entity of which this country is a humble subject. That may be what some Conservative Members fear but, as I hope the Minister will confirm, the reality is that the vast majority of powers and competences in the European Union are not exclusive EU competences, but competences shared with member states or merely competences to support inter-state co-operation. We have only to consider an issue such as the environment and climate change to realise that we cannot really transfer competence over that to the European Union alone, because such an arrangement simply would not work.

Mr Jenkin: I am glad that the hon. Gentleman referred to “exclusive” competences. Surely if the EU has gained an exclusive competence, a transfer certainly has taken place. A competence shared with the European Union usually results in European Union legislation. Once the European Union has legislated, it has occupied that policy—that part of the field of legal competence—and the doctrine of the European Court is that the EU cannot give that back; the policy can only then be delegated back to the member state. So “transferred” is a good word to have in the Bill.

Martin Horwood: I disagree with the hon. Gentleman's perspective. He speaks as if the European Union were somewhere else, but we are part of the European Union. Even the hon. Gentleman is a member of the European Union.

Mr Jenkin: I certainly am not.

Martin Horwood: Whether the hon. Gentleman likes it or not, as regards formal influence we are one of the four largest member states in the Council and in the European Parliament. In informal terms, we have done remarkably well in supplying civil servants, not least in the new External Action Service, and we have hundreds if not thousands of British citizens working in one way or another within the European Union structures. We do not hand over powers or competences and then have no say on them. On the contrary, as one of the largest member states we have a leading role in the EU. It includes us—and that includes the hon. Member for Harwich and North Essex (Mr Jenkin) and all his hon. Friends. It is not an alien or a foreign body invading our body politic, but a union of all the peoples and nations of Europe.

You will be able to tell, Mr Brady, that I am less convinced of the need for onerous checks and balances than some of my colleagues, but I would like to say that I am cautiously supportive of the overall direction of the Bill. There is little secret that Liberal Democrats alone would probably not have thought it absolutely necessary, but we recognise its importance to Conservative colleagues. Without doubt there is a disconnect between the British public and the decisions made in their name regarding the part that Britain plays in the European Union.

Mr Cash: Does what the hon. Gentleman just said bear out what we heard from Lord Mandelson, which is that even at the last minute, after the coalition had been to all intents and purposes stitched up, the hon. Gentleman's leader, the Deputy Prime Minister, was still on the phone to the right hon. Member for Kirkcaldy and Cowdenbeath (Mr Brown) to ask whether he could achieve any further manoeuvring in relation to the European Union?

Martin Horwood: My suspicion is that that is very unlikely to be true, but I suggest that the hon. Gentleman consult Lord Mandelson's memoirs to find the authoritative account.

There is no doubt that there is a real disconnect between the British public and the decisions made at a European level and an even bigger disconnect between British parliamentary and political life and the workings of the European Union. I am a long-standing pro-European and I have been supportive of many of the important and necessary treaty changes that we have seen in the post-war era. Even as a pro-European, however, I must reflect on the fact that that process has left something of a rift—a democratic deficit—between the British public and the European Union. I hope that many of the provisions for new democratic safeguards and checks on the power of the Executive over major decisions on future UK/EU relations in this Bill will go some way towards filling that void.

It is also worth reflecting on the fact that the Bill's direction is complementary to many of the innovations in the Lisbon treaty. That is important as regards amendments 67 and 68. The UK is not alone in the Union in recognising that the pace of EU integration has left a dangerous lack of understanding and a disconnection between EU institutions, national Parliaments and European citizens. In fact, I think that was recognised by all EU member states in the Council, by members of the Commission and by Members of the European

Parliament long before the Bill was conceived. That concern was translated into quite concrete measures in the Lisbon treaty.

I welcomed those changes in the Lisbon treaty and I guess it is too early to tell how well they will work, but the direction in which the Union is moving is clear. That might render unnecessary the calling of a referendum in all the cases envisaged by the Bill, hence amendments 67 and 68. The Lisbon treaty innovations, which were obscured in the haze of media and Europhobic hysteria about the treaty, should be seen as the foundations on which this Bill is being built. Let me remind the House about some of those innovations, which dovetail closely with the provisions in the Bill and necessitate a certain restraint in calling a referendum on everything that moves—a restraint that we have tried to articulate in amendments 67 and 68.

Mr Cash: Is the hon. Gentleman aware—I am sure that he is, and perhaps on reflection he might like to retract those remarks in light of the fact that he is sitting in such close proximity to the Minister for Europe—that the same Europhobic utterances to which he is referring were reflected by the entire Conservative party, in unity, opposing every aspect of the Lisbon treaty and insisting on a referendum? I know that his hon. Friends were not doing so; this so-called temporary alliance looks as though it has quite a few splits in it.

Martin Horwood: What we have is not a temporary alliance with splits in it, but a business arrangement between two parties with very different traditions and very different views on Europe. The refreshing thing about the coalition, in contrast to Labour when it was in government and there were accusations of psychological disturbance and all sorts of things going on behind the scenes, is that we at least can be open and honest about our different traditions and perspectives. It is to the credit of the coalition and of the Minister that we have managed to create a Bill that largely satisfies both sides.

Claire Perry: Will my hon. Friend therefore take his argument one step further and recognise that although we may have political differences within the coalition, and there are certainly differences across the Floor, the point of a referendum is that it is not for us to have a conversation endlessly into the night about what we care about? It is about trusting the people and listening to the voices of the people, which is a tradition that both Conservatives and Liberals share.

Martin Horwood: Indeed. That was well put and brings us back to the subject of the Bill and the amendments, which is probably just as well.

I remind the Committee again of some of the provisions of the Lisbon treaty that dovetail with the Bill, and which should give us pause for thought about whether referendums are necessary in all the cases set out in the Bill. Do we need such a hair trigger for referendums when there is the forthcoming European citizens initiative provided for in the Lisbon treaty, which will allow a petition of 1 million European citizens from across the member states to trigger a legislative proposal from the Commission? That is a unique, ground-breaking innovation expressly designed to develop connections between European citizens and the apparently remote EU institutions.

[*Martin Horwood*]

Do we need a referendum at the drop of a hat, or even of a beret, when the Lisbon treaty has created the new yellow and orange card system, which enables one third of national Parliaments—in Britain, this would be done through the scrutiny Committees—to object to an EU proposal if they feel it breaches the principle of subsidiarity? That will require the Commission to reconsider the proposal or force the Council and European Parliament to come to a decision on whether to scrap the proposal or amend it. Do we need to provide for so many referendums, when the new emergency break clauses in the treaties provide national Parliaments and member states with far greater powers than ever before to block a proposal if they consider it to breach or contravene a fundamental component of their domestic legal framework?

Because it is so pertinent to the amendments, I should be interested to know the Minister's view of how well that new yellow and orange card system is being applied by our own Parliament's scrutiny Committees. Such innovations could reassure people and remove the need for a referendum on the slightest technical change. Is the Minister aware of any efforts by those Committees to create their own connections with parallel committees or bodies in other European states, or any system of co-ordination with the national Parliaments in the other 27 member states with regard to the orange and yellow card system? That would start to give effect to the proposals in the Lisbon treaty.

Although I welcome the complementary nature of the Bill to the Lisbon treaty changes that seek to reconnect the public and Parliament, perhaps we can go further. That does not have to be in the form of endless referendums. Let me make a few concrete suggestions. Why not hold an extended annual debate on the Floor of the House on the Commission's work programme, as we do on our own Queen's Speech? That would seem to be an obvious and welcome opportunity for Parliament to debate the relative pros and cons of forthcoming proposals, and to offer suggestions to the Government of measures that the UK should seek to add to the Commission's agenda or even delete from it.

Why not ask Ministers who are going to attend European Council meetings to give oral evidence in advance to their respective Select Committees? That would seem a logical way to engage both MPs and Ministers with the major issues under discussion at EU level in their respective portfolio areas. Is not that a better way to deal with the many issues that will inevitably arise, some of them highly technical, rather than prompting a succession of referendums?

Finally, what about establishing portfolio-specific EU sub-Committees, such as those in the House of Lords, which we could do by adapting the remit of existing Select Committees? Will the Minister take those ideas into account and perhaps provide an initial response on their appropriateness in improving parliamentary scrutiny of, and engagement with, European matters?

8.45 pm

Mr Cash: As Chair of the European Scrutiny Committee, I know that it is universally accepted on both sides of the House, as has already been expressed by the Minister and the shadow Minister, that the quality of analysis

that we have given to clause 18 and those proposals has been excellent, and that view has been endorsed by many outside Parliament. I mention that simply because the hon. Gentleman is perhaps moving into territory that he might later regret.

Martin Horwood: I do not always agree with the hon. Gentleman, particularly on matters European, but I pay due credit to his Committee and its work. The level of scrutiny that Parliament now gives European matters is certainly on the increase, which is a healthy trend. I give due respect to him for that.

Amendments 67 and 68 would remove the requirement to hold a referendum on any treaty change under the simplified revision procedure that would pool or transfer power or competence from the UK level to the European level. They would not remove the new requirement for Parliament to ratify every treaty change through an Act of Parliament, so Parliament would have the opportunity to put back the requirement for a referendum if that was felt to be absolutely necessary.

The new procedure that the amendments would create for the UK to support and ratify a treaty change made under the SRP that had already been voted for in unanimity at European Council level would simply be for the Minister to lay a statement setting out what the treaty change was and for the Government then to bring forward primary legislation, which would have to be passed by Parliament. That would not touch the requirement for a referendum to ratify any major new treaty under the ordinary revision procedure.

As I have said, even the Act of Parliament under the SRP could ultimately include a referendum in a particular case. In tabling the amendments, the issue we are raising is whether it is advisable to use referendums on any—I stress “any”—transfer or sharing of power or competence with the EU. The provisions for a referendum lock set out in clauses 3 and 4 seem to cover more or less any future change by the SRP, regardless of its size, content, purpose, necessity, or indeed whether it is in the UK's national interest.

I appreciate that the obvious counter to that train of thought is that if there is a good case to be made for a future treaty change, the Government and Parliament of the day should be able to make that to the British public, and I accept that there is a strong case for that on major questions. That case is perhaps made more strongly by Conservative Members than by Liberal Democrats, but I recognise that it is an important one. It might even include some issues such as EU membership for countries such as Turkey. My concern is whether referendums are the best way to approach any future change, even if it is only technical and insignificant.

Stephen Gilbert: One area of competence that the EU currently acts in but does not have defined is combating climate change. Does my hon. Friend agree that saying that we need a referendum when that activity becomes defined is a stretch too far?

Martin Horwood: That is a good example of how a completely uncontroversial and essentially technical change might nevertheless, if we are not careful, trigger a referendum. Like the hon. Member for Devizes (Claire Perry), I am an enthusiast for referendums in general

and voted for one on the Lisbon treaty and for an in/out referendum at the same time, but those are undoubtedly significant changes.

The House of Lords Constitution Committee has noted more recently that there are some risks and costs associated with referendums. We have held just nine referendums since 1973, although only one has been UK-wide. The Committee conducted an in-depth inquiry on referendums in the UK last year, concluding:

“The balance of the evidence that we have heard leads us to the conclusion that there are significant drawbacks to the use of referendums”.

I do not sense any implied rejection of referendums per se, but there are arguments for using them with restraint and ensuring that they are limited to major issues.

Some of the drawbacks cited in the Committee’s report include, first, that referendums can undermine representative democracy—not a point that I necessarily agree with, but one that some Opposition Members have made; secondly, that referendums are costly—unarguably an important point in the current austere environment; thirdly, that voters show little desire to participate in them; fourthly, that referendums tend not to be about the issue in question—very likely with some of the technical issues in this case; fifthly, that referendums fail to deal with complex issues; sixthly, that referendums never “settle” the issue—despite expectations; and seventhly, that referendums are a “conservative device” or a block on progress. As a result, the Lords Committee concludes that referendums should be used on questions only of “fundamental constitutional change”. Some examples given are, rather alarmingly, referendums to abolish the monarchy, to change the electoral system for the House of Commons and to change the UK’s system of currency.

I have to ask the Minister whether including all SRP changes under the referendum lock in the Bill is in keeping with the Lords Committee’s detailed findings on the use of referendums. Given the current “treaty fatigue” throughout the European Union, SRP is highly likely to be the most common form of treaty change for the foreseeable future. It is highly likely also that future treaty changes will be relatively small and targeted affairs designed to tweak existing treaties rather than to rewrite them substantially. Is it not therefore highly likely that the referendum lock in clause 3 will capture highly specific, arguably complex, limited and uncontroversial treaty changes?

Such changes might, nevertheless, be urgent. For example, in 2007 my constituency was badly flooded, as was much of Gloucestershire, and we benefited significantly from European emergency funds. If, during any future emergency in a part of Europe which technically fell outside the fund’s scope, a treaty amendment were technically required, it would surely be uncontroversial and, in fact, very urgent, so would we seriously say to whichever stricken part of Europe was affected, “Fine, we’ll send aid from the European emergency funds, but we’ll just have to hold a referendum on it first”? That would be inconceivable. My example may be hypothetical, but it is not impossible to conceive of equally uncontroversial and desirable things that the referendum proposal might block completely.

Given the conclusions of the Lords Committee’s report on referendums, can the Minister reassure me that the provisions in clauses 3 and 4 will not produce a plethora of complex and costly referendums that exasperate

the public, frustrate proper decision-making at European level and are highly vulnerable to hijack by questions that are completely different from those on the ballot paper? Does he agree that the most appropriate democratic check on the use of article 48(6) is primary legislation, as it would give Parliament alone, as the representative of the people, the power to ratify those limited, specific and complex treaty changes that are likely to come under the use of that article?

On the complexity of the referendums that the Bill could produce, can the Minister provide the House with some examples of referendum questions that the referendum lock on SRP treaty changes might create? It is quite difficult to conceive of one so significant that it would justify the use of a national referendum. Can the Minister provide the House with an estimate either of the number of referendums that the Bill is likely to produce in the foreseeable future, or, if that means looking too far into the crystal ball, of the number of SRP changes that are currently in discussion at the European Council or expected to be in the near future? Most significantly in these austere times, can he indicate the expected cost of each referendum on current projections?

The Minister will be aware that the purpose of creating the SRP under the Lisbon treaty was to avoid the need for long drawn-out intergovernmental conferences and painful ratification processes in instances where EU member states wished to undertake targeted and limited treaty changes, particularly uncontroversial improvements or enhancements to the workings of the EU for the benefit of all member states. I therefore have concerns over the inflexibility of the referendum lock, and what it will mean in practice. Will the Minister reassure me that the threat or fear of losing a referendum on a treaty change will not prevent future Governments from supporting even uncontroversial and popular changes, and changes that are in the UK’s national interest?

I point out to the Committee that on many occasions in the history of the UK’s membership of the European Union, it has been deemed in the UK’s interest to further pool powers and competence in the European Union. The most obvious example, which should be close to Conservative hearts, is the Single European Act, which was a massive shift away from unanimity voting and towards dropping national vetoes. The European Union was able to dramatically accelerate integration across the internal market—the basic economic rationale that I thought was shared across the coalition Benches. The forward-thinking move to pool and share powers and competence has been of huge economic benefit to the UK and the European Union as a whole. Can the Minister not think of potential instances in the future when further pooling of powers and sovereignty would be dramatically to the UK’s benefit?

In the light of the time and the desire for other Members to take part, I will cut short my planned remarks. In asking the Minister to consider amendments 67 and 68, I suggest that there is a risk of the Bill triggering, on a hair trigger, referendums on every conceivable issue. Liberal Democrat Members, who perhaps do not share some of the fears of those on the Conservative Benches, need considerable reassurance on that issue.

Mr Jenkin: I am most grateful to be speaking under your chairmanship, Mr Brady. I will endeavour to be briefer than some hon. Members have been this afternoon.

[Mr Jenkin]

We are discussing the trigger for a referendum in the Bill. It is worth pointing out the undercurrent in this debate: some people are speaking because they do not think that there have been enough referendums and others are speaking because they do not want referendums. The official Opposition have got into a bit of trouble with their amendment. My right hon. Friend the Member for Charnwood (Mr Dorrell) had some fun at their expense, because they tried to present a set of amendments as pro-referendum when their record on referendums is rather lamentable—perhaps as lamentable as ours when we have been in government.

Mr Spellar *rose*—

Mr Jenkin: I will not give way, because my point was not designed to provoke the Opposition and I want to press on. The Opposition's inability to answer the question of how the proposals would help to get a referendum meant that they fell into the trap that was set for them by my right hon. Friend the Member for Charnwood.

Mr Dorrell: Did not the Opposition spokesman's responses give the game away that Labour is unwilling and resistant to the idea of promoting referendums in the context of the Bill? The purpose of both coalition parties is to open the door to consulting the people on the decisions envisaged in the Bill.

Mr Jenkin: I agree totally, but perhaps my right hon. Friend was a little unwise to draw more attention to himself. Perhaps he will speak later and give way generously, as the Opposition spokesman did to him. I have a few points to put to him about how enthusiastic he is about a referendum, given that he voted against the referendum on the Maastricht treaty and at that stage even opposed the principle of a referendum on the single currency. Who would take that position today?

Mr Dorrell: Given that it is unlikely that I shall have the opportunity to address the Committee and respond to all my hon. Friend's questions, perhaps we shall have to defer that pleasure for another day. However, I invite him to consider the benefits of a sinner who repents.

Mr Jenkin: I am all for that. I remember my noble Friend, the former Member for North Shropshire, Lord Biffen—he who had whipped through and proposed the guillotine on the Single European Act—starting his speech in a debate on the Maastricht treaty by exclaiming that we all have blood on our hands. The important theme to draw from this debate is that there is unanimity about the democratic deficit at the heart of the whole process of European integration. The people have not been involved or consulted enough.

My hon. Friend the Member for Grantham and Stamford (Nick Boles) extolled the virtues of the Bill as the “Thus far and no further” Bill and the great victory for my hon. Friend the Member for Stone (Mr Cash), who has campaigned on the matter for so many years—the Bill Cash memorial Bill. My hon. Friend seemed to be saying that the Bill would succeed in stopping the process of European integration in its tracks, even though the much-quoted Martin Howe, QC, has said that although the Bill might fix our place on the escalator, it does not stop the escalator going up.

9 pm

My hon. Friend the Member for Grantham and Stamford extolled the Bill's virtues not because there would be referendums, but because it would prevent European integration because nobody would want a referendum. My hon. Friend the Member for Camborne and Redruth (George Eustice), however, did so because he thought it would cause referendums, and he lamented the fact that there had not been one since 1975. We all know why the Bill is in being—it is because there ain't been a referendum, and every time a major decision is discussed in Europe, the public cannot understand why they have not been consulted about the dramatic changes that are taking place.

We are continuing to feed the expectation that something in the Bill will trigger a referendum, but I do not believe that the Government have any intention of allowing a referendum to be triggered. Indeed, my right hon. Friend the Minister has said that he has no intention of there being a referendum in this Parliament. The Bill will go on to the statute book and then a future Administration—perhaps a Conservative one, perhaps another coalition one or perhaps a Labour one—will not be bound by it.

This I will grant my hon. Friend the Member for Camborne and Redruth: the Bill creates more of an expectation that somehow the situation will change. However, we are in danger of over-selling the Bill if we think it will create a lock. It will not. Let us listen to the words of Lord Leach of Fairford, who is the chairman of Open Europe, no less, which champions the issue and for which my hon. Friend worked. He has said that “as it stands the EU Bill has some loopholes which urgently need to be plugged if it is to withstand the steady mission creep of new EU laws and accretion of powers.”

What we are debating today is whether we can plug some of those loopholes. I am afraid that the whole conception of the Bill has been deconstructed in today's debate.

Mr Cash: Amendment 1 would deal with the exemption condition, which in turn would deal with that mission creep, the accession issue and the question of mixed treaties.

Mr Jenkin: I will deal briefly with my hon. Friend's amendments, which deserve consideration and which I will support if there is a vote. The original pledge was that any new treaty would get a referendum—that was what we were told at the Conservative party conference in 2009. That was going to be the real referendum lock. It seems that the proximity of office blunts the senses, and “any treaty” is now only “certain treaties”.

We are now faced with a treaty of enormous significance in the EU—the treaty for fiscal union that Monsieur Fillon came over to propose to the Prime Minister last week. We will be told that it will not affect us, because there is no transfer of competence, no change in voting rights, no imposition of obligations and all the rest, and that it is not significant, so there is no need for a referendum. I remember being told that we could ratify the Maastricht treaty because it did not really affect us as we would have an opt-out from monetary union, but look how it is affecting us. There is no such thing as “Does not affect us”. Of course, if we were not in the European Union and it went ahead with fiscal union, it would affect us, so it will be argued that we cannot object as long as we have proper opt-outs.

The problem is that we are in the EU and under the European Court of Justice. We are in the decision-making institutions and in the legal jurisdiction of what will become a fiscal union. It is impossible for anyone to argue that the development of the European Union can go ahead to such an extent without affecting legal decisions in this country. Yet the Bill excludes any possibility of a referendum on an extremely significant treaty. That provision should have been in the Maastricht treaty—we all argued that for that when monetary union was first discussed. We all pointed out that the no-bail-out clause was worth nothing—article 104c is emblazoned on my heart. We all argued that there could not be monetary union without fiscal union. We warned of the consequences of monetary union without fiscal union, and stressed that our opt-out was meaningless and would not protect us from the consequences of the Maastricht treaty. Now we are warning again that we should not allow the treaty to go ahead unless we get sufficient opt-outs and exemptions from the existing *acquis communautaire*, yet the Bill does not provide for a referendum.

Mr Dorrell: My hon. Friend asserted once or twice from a sedentary position during the debate that it had strayed quite widely in the context of the amendments. It is not clear to me how the French Prime Minister's proposal for a treaty for fiscal union falls within the scope of the amendments that we are discussing.

Mr Jenkin: Amendment 1 would remove wriggle room for any Government by requiring a referendum on any new treaty. That was promised at the Conservative party conference, but it is not being delivered in the Bill.

I reiterate that if we want to protect ourselves from the consequences of the inclusion of fiscal union in the arrangements for the European Union, we need to separate ourselves considerably from all the other paraphernalia in which we are currently embroiled. Even the Liberal Democrats are beginning to talk about repatriation of powers on some labour market regulations, such as the working time directive. Incidentally, we were told that we had opted out of that, but it turned out that we had not—something else that we were right about when we debated the Maastricht treaty.

If we allow fiscal union to go ahead, it is inconceivable that it will not have an impact on taxation throughout the European Union. Taxation is already a shared competence. It is not difficult for the European Court of Justice to argue that, as tax union takes place in the euro area, in order to maintain a single marketplace and a level playing field—and all the jargon that is regularly used—it will enlarge the EU's competences over taxation. That is inevitable. I am fed up of warning about what will happen and being proved right. It is time that the House acted on the warnings that it has been given for many years.

I want to consider amendment 11 and the test for significance. The amendment is in keeping with the spirit of the Bill. Its scope is narrow. Clause 2 covers "Treaties amending or replacing" the existing treaties. Clause 3 deals with amending the treaty on the functioning of the European Union. Each relies on clause 4, which provides for a whole lot of tests, including subsection (1)(i) and (j), which are subject to the significance test.

The problem with the significance test was best described by the European Scrutiny Committee. I appreciate that many of my colleagues say, "Oh well, that's chaired by the hon. Member for Stone. What do you expect? It's been completely hijacked by the ultra Eurosceptic extremists." However, I invite hon. Members to consider the membership of that Committee. Its members are a pretty reasonable bunch of people. I happen to believe that my hon. Friend the Member for Stone is a reasonable person, too. Although some of the report was contested, paragraph 98 was supported unanimously by Labour and Liberal Democrat as well as Conservative members of the Committee. Paragraph 98 states, in bold:

"We think the possibility for successful judicial review of a ministerial decision whether a transfer of power under clause 4(1)(i) and (j) is significant will, in practice, be limited."

That is based on evidence given to that Committee. The problem is:

"The expressions 'if the Minister is of the opinion' and 'in the Minister's opinion' in clause 4(4) underline the subjectivity of the process and the difficulty of judicial review."

My hon. Friend the Member for Dover (Charlie Elphicke) said that somehow Mr and Mrs Citizen from Dover can toddle into the administrative court to bring an action that threatens the whole Government's policy when the Minister has opined to the House of Commons that something is not significant enough to attract a referendum. That is absolutely bonkers. My noble Friend Lord Rees-Mogg and Mr Stuart Wheeler are hardly two typical citizens—perhaps they are my hon. Friend's constituents—but they have both failed to attract the attention of the courts or to engage them in such fundamentally political decisions. The phrase

"in the Minister's opinion"

clearly makes the decision political. It is a political problem. The skill of amendment 11, which stands in the name of my hon. Friend the Member for Hertsmere (Mr Clappison), is that it brings decisions home to the House of Commons, where political decisions should be made.

The main argument against amendment 11 is that judicial review is superior to the Government's obtaining the consent of the House of Commons. We do not like rule by judges or judicial supremacy. We prefer democracy, which commends the proposal. The second argument against amendment 11 is even more bizarre.

Martin Horwood: Surely the hon. Gentleman will concede that under the Bill, every treaty change will be subject to a vote in Parliament, because an Act of Parliament will be required for every single treaty change, whether there is a referendum or not.

Mr Jenkin: I thank the hon. Gentleman for that, because it is the only other argument against amendment 11. He is saying, "You don't need to bring a decision to the House of Commons, because you can't get a treaty change without an Act of Parliament and the whole issue can be dealt with then." However, that is an argument against clauses 2, 3 and 4. What is the point of the Bill? The point of the Bill is to bring matters to Parliament or to the people for decision before we legislate to enact a new treaty change. If the Government and the Committee do not accept amendment 11, which would transfer a decision from the courts to the House

[Mr Jenkin]

of Commons, why are we bothering with the Bill at all? The hon. Gentleman makes an argument against the Bill.

Mr Swayne: My hon. Friend will recall that we did not get a referendum on the Lisbon treaty because the House decided that we would not have one. I am entirely with him, and I much prefer in principle for decisions to be made by the House of Commons rather than the courts, but frankly, in that previous case, I have no doubt that the courts would have granted us a referendum when the House denied us one.

Mr Jenkin: I should point out that the only reason why we are not having a referendum on the Lisbon treaty is that the Government decided to persuade their supporters not to have one. My hon. Friend is exactly right that the House of Commons decided not to have a referendum. In the next Parliament, however, the House could decide to repeal the Bill when it is an Act of Parliament. It could decide to overturn a Minister's decision, or it could accept a Minister's decision, introduce a Bill to ratify a new part of the treaty, give all sorts of reasons why there should not be a referendum and put that into the Bill. The Bill is no guarantee of a referendum. It creates an expectation that there should be referendums, but that is all it does—it generates a political expectation.

9.15 pm

Claire Perry: I feel like I am putting a toe into a pool full of big fish who have been debating these issues for years, so I hope that my hon. Friend will be gentle with me in his reply. Does the Bill go any way towards making him feel better about the future of the Eurosceptic majority in this country? Is he 10% more comfortable? Is he 20% more comfortable? I believe that this is a very big step in the right direction within the constraints of the coalition and the legal situation that we have inherited. Is it 20%? Is it 50%? Surely he is sleeping a little bit easier at night as a result of the Bill being brought to the House.

Mr Jenkin: Of course. I stood on the same platform as my hon. Friend at the last election of wanting a referendum lock and a sovereignty Bill, but I fear that the way the Bill is being enacted will disappoint our constituents.

Claire Perry: It is still better.

Mr Jenkin: I agree that it is better, if only because it generates an expectation and a moment that will come in our history when people say, "Up with this we will not put! We are having a referendum." To that extent, it is useful background noise, but I do not put it better than that. It is not fulfilling what we promised before the last general election.

Mr Cash: I am sure that my hon. Friend will accept that the real problem is the European Union as it now is. We are not having a referendum on any aspect of the mess that Europe is in. Everybody in the Committee has to accept that the riots, the protests and the collapse of the euro—all these things—are the consequence of the

failure of European economic governance that has been predicted from Maastricht onwards. The Bill will do nothing to change that because it does not provide for a referendum on the circumstances that we are now in.

Mr Jenkin: I am grateful to my hon. Friend.

I hear the plea of my hon. Friend the Member for Devizes (Claire Perry), but I believe that there is a constant danger of us succumbing to wishful thinking. The problem is that this is not the "thus far and no further" Bill; it is the "locking the stable door after the horse has bolted" Bill. What is more, whatever other horses there may be in the stable, there are sufficient holes in the door for those horses to squeeze through, if it is convenient for the Executive to allow it to happen. That is what we will see with the treaty coming down the track for EU fiscal union. The Bill will not increase the happiness of the British people about our present terms of EU membership. The Bill fails to address those terms, but they will have to be addressed at some stage in the future.

I refuse to sign a referendum pledge, as I was recently asked to do, saying, "Let's have an in-or-out referendum". That is not the way to conduct this debate; the way to conduct it is for the Government to lay down their national interests and negotiate robustly for them in the European Union, rather than to continue appeasing the system to avoid a row. I even accept that we may need to do that for a period, while we are in such a difficult fiscal position, but the moment that the EU is asking for treaty changes for which it needs our consent is the moment we should be asking for concessions in return. We certainly should not carry on transferring competencies to the EU without a referendum, as is provided for in the Bill.

Mr Lidington: We have had a robust debate, and I want to start by thanking all right hon. and hon. Members on both sides of the Committee who have taken part, whether through speeches or the numerous interventions.

I want to start with a point on which there was agreement, certainly on the Government Benches. Wherever people stand within the coalition or the spectrum of opinion on Europe in the Conservative party alone, there is agreement that the European Union has developed with too little democratic control and without adequate consent being given by the British people. Indeed, the Lisbon treaty was the first time that the United Kingdom agreed to, and then ratified, a European Union treaty that was not even included in the general election manifesto of the winning party at the previous election.

My hon. Friends the Members for Daventry (Chris Heaton-Harris), for Grantham and Stamford (Nick Boles) and for Camborne and Redruth (George Eustice) said that we needed to change what the history of the British political world's handling of European business had done, which is to undermine support for our membership of the European Union and the idea that what British Ministers do in European Union institutions on behalf of the United Kingdom carries democratic consent. We need to restore a sense of confidence among the public in how British Ministers take decisions on Europe on their behalf, and that is what the Bill seeks to do. We want to ensure that the British people are never again denied their say over the transfer of new competences and powers from this country to the institutions of the European Union.

I should say in parenthesis to my hon. Friend the Member for Cheltenham (Martin Horwood) that although the word “transfer” in the explanatory notes is a reasonable use of layman’s language, I am sure that he will have noted that in the Bill itself we use the term “confer”. We talk about exclusive, shared, co-ordinating and supplementing competences, which are precisely the terms used in the European treaties.

However, my hon. Friend was right to say that this Bill should not be our only means of addressing the democratic deficit in the way that European decisions are made. He was right to talk about the importance of strengthening our systems of parliamentary scrutiny. I am looking forward to seeing how the scrutiny Committees in the House of Commons and the House of Lords use the opportunities presented by the new yellow and orange-card system. I know that my hon. Friend the Member for Stone (Mr Cash) has been in regular contact with his counterpart committees in a number of other EU capitals. It is important that that network of contacts between the European Union scrutiny committees in each of the 27 member states continues to develop.

I am sure that my hon. Friend the Member for Cheltenham will also have seen the written ministerial statement that I made to the House last Thursday. Although it dealt primarily with issues concerning justice and home affairs measures, it also stated that the Government now wanted to explore—together with Parliament, and therefore with the two scrutiny Committees in particular—ways in which, right across the piece, we can strengthen scrutiny and accountability to the Houses of Parliament for what we as a Government do in Europe on behalf of this country.

Mr Cash: I very much acknowledge the sentiment that my right hon. Friend is expressing, but I am sure that he will understand when I say that listening is not the same as actually agreeing, and that there are circumstances where I would have expected him to be a little more acquiescent in relation to some of the arguments that we have put forward.

Mr Lidington: In those conversations about parliamentary scrutiny, which I intend should begin as soon as possible, I hope that I can find complete agreement with my hon. Friend. However, he will know that if we are talking about arrangements that will govern how both Houses of Parliament deal with European business and the process of scrutiny, we ought to be striving towards a measure that can command broad support in both Houses, and across all the political parties represented therein.

The Bill is a radical piece of legislation to improve how we handle European business. As my hon. Friend the Member for New Forest West (Mr Swayne) pointed out, in a characteristically vigorous intervention, had the legislation been in force at the time, the treaties of Lisbon, Amsterdam, Nice and Maastricht would all have required a referendum before they could have been finally ratified.

The powers in the Bill include a referendum lock on treaty changes or decisions that transfer powers from the United Kingdom to the European Union. That is the case even if the measures used to transfer those competences or powers are the extensive self-amending provisions introduced by the treaty of Lisbon. The

powers include requiring that important decisions—even if they do not transfer power or competence—are still in every case approved by an Act of Parliament. I want to put this beyond any doubt: the Bill will mean that any treaty change at all, whether using the ordinary procedure for amending a treaty or the simplified revision procedure, will have to be approved by primary legislation.

This is a vitally needed improvement. Under the European Union (Amendment) Act 2008, Parliament’s control over the simplified revision procedure and other key ratchets is limited to a vote on a Government motion. That is the case even if the simplified treaty changes or ratchet clauses are proposed to abolish something as important as a national veto over foreign policy.

Ms Gisela Stuart: There is something that I genuinely do not understand after reading through the notes. When the Government list all the things that will be covered by the ratchet clauses, is that an exhaustive list? What is the logic behind the list?

Mr Lidington: We shall have a debate on the ratchet clauses later this week when we deal with amendments to those parts of the Bill. I will be happy to go into more detail then, and I hope the hon. Lady will forgive me if I do not answer her question now.

We are giving Parliament and the public the opportunity to hold Ministers to account by spelling out the criteria needed to make a decision on whether the power or competence is transferred, and requiring Ministers to make a statement giving the reasons for their decision. Parliament can challenge this, and, if it so wishes during the legislative process, add further conditions of its own. If the public are dissatisfied with the Minister’s judgment—I stress it will be the Minister’s judgment, not Parliament’s—they will be able to use judicial review to check it further.

Mr Jenkin: Would a member of the public be allowed legal aid for such a challenge?

Mr Lidington: My hon. Friend is tempting me to go way beyond the scope of the Bill. At the moment, any legal aid application would be subject to the normal rules that apply to legal aid, which are the responsibility of the Ministry of Justice, and not of the Foreign and Commonwealth Office.

The Bill comprehensively goes through the nuts and bolts of the treaties to identify how power and competence could be shifted from this country to the European Union. We have deliberately and determinedly taken steps to limit the wriggle room for any Government or Minister in this regard. We are committed to ensuring, as best we can, that the Bill is watertight, with no omissions or loopholes that would allow a future Government to avoid giving either Parliament or the people the control that they deserve.

Let me spell out in a little more detail how we plan to achieve this. Following the agreement of any future treaty change under the ordinary revision procedure—that is, the process involving an intergovernmental conference and, probably, since the Lisbon treaty, a convention of the European and national Parliaments as well as of national Governments—three conditions must be fulfilled before the United Kingdom could ratify such a treaty

[Mr Lidington]

change. First, the Minister must lay a statement before Parliament. That statement would give the Minister's decision as to whether the proposed treaty change would involve one or more of the criteria in clause 4 of the Bill, and therefore whether a referendum would be required or not. A change that would transfer power or competence from this country to the EU would be subject to a referendum of the British people.

If the proposal were considered by the Minister not to involve one or more of the criteria in clause 4, it would be considered to meet the exemption condition—in other words, it would not require a referendum to be held. The important point is this: the Minister cannot simply conjure his decision out of the air. He has to obey the law. He has to follow the criteria set out in the Bill, especially those in clause 4 and schedule 1. His statement will have to demonstrate how he has applied those criteria in coming to his decision. He will simply not have the scope in law to make some arbitrary decision in defiance of what is spelled out in the legislation.

Mr David: I hear what the Minister is saying, but his points are deliberately vague. How does he respond to that?

Mr Lidington: The points are not vague. I invite the hon. Gentleman to have another look at clause 4 and schedule 1, both of which define in clear terms the various ways in which competences could, within the terms set out in the treaties, be enlarged, transferred or expanded, while schedule 1 sets out in detail a list of national vetoes, the removal of which would automatically trigger a referendum. I gently suggest that the hon. Gentleman studies the Bill a little bit harder.

9.30 pm

The second condition is that Parliament's approval has to be gained for the treaty change in all cases, no matter how minor or uncontroversial, by Act of Parliament. That legislation would provide for the approval of the treaty change and, where a referendum is required, provide the necessary enabling measures to allow it to be held. The need for an Act of Parliament is central to our role in holding Ministers to account for the decisions they take on behalf of the UK in the EU. If Parliament were of the view that a referendum should be required for a future treaty change, despite that proposal coming in one of the exempt categories, it could amend the approval legislation to provide for a referendum if it so wished.

Mr Cash: Does the Minister not accept that it would be a monumental change if proposals relating to fiscal union, social union or employment union were to be incorporated in a treaty between the UK and other member states—excluding the UK, but none the less having a juggernaut impact upon us? In those circumstances, is that material not so important that we would expect to get a referendum—as would the British people?

Mr Lidington: My hon. Friend is jumping several bridges in assuming that what might be proposed in those hypothetical circumstances would be an amendment of the European Union treaties rather than a separate intergovernmental treaty involving the member countries

of the eurozone—and perhaps some others—who wished to participate in the sort of closer economic union that my hon. Friend described and fears.

I hope to say more about this later, but the Bill is based on a very clear principle agreed within the coalition—that the referendum lock should apply where there is a transfer of competence or of power from the United Kingdom to the institutions of the European Union. That is the defining criterion. The different categories of exemption apply where powers and competences are not being transferred from this country. That is the reason for the distinction set out in the Bill. It is not an arbitrary decision, but one based on a very clear principle.

Ms Stuart: I am still trying to understand what the Minister regards as significant. The monetary union is not a debt union at the moment, but it is about to be moved to become a debt union. We have an opt-out for monetary union. If the monetary union becomes a debt union, and thus far more significant, surely that is important to us—even though we have an opt-out.

Mr Lidington: If the measures in respect of greater economic union or perhaps fiscal union or shared responsibility for debts were to take the form of a European Union amendment treaty and involved the transfer of competences or powers from this country to the EU, the referendum lock would be triggered. If the eurozone countries choose to do their own thing and have their own intergovernmental treaty, which they can do quite distinct from any move to amend either the treaty on European Union or the treaty on the functioning of the European Union, we would not have a say—not if they chose to go down that route.

Mr Dorrell: Were my right hon. Friend a Minister in one of those European Union countries that might theoretically be considering a fiscal union, and were he offered the prospect of his decisions on behalf of his country being subject to a referendum in the United Kingdom—a country that would not be part of that union—which of the two routes does he think that he might take?

Mr Lidington: By implication, my right hon. Friend has answered his own question. There is a question about national sovereignty and democratic accountability. We would look askance were another EU member to say that some protocol that dealt with the United Kingdom alone should be subject to a referendum in their country. We should be pretty cautious before we set ourselves up and argue that we will insist that we hold a referendum here on a treaty proposal that does not have an impact on the governance of this country, that does not involve the transfer of new powers away from this country, and that leaves the powers of our Parliament and people completely as they are at present.

Several hon. Members *rose*—

Mr Lidington: I will make some progress, because many Members have spoken and made different points, which I want to answer.

As the House knows, a new system for treaty change was introduced by Lisbon: the simplified revision procedure in articles 48(6) and (7) of the treaty on European

Union. That enables the European Council to amend those sections of the treaty on the functioning of the European Union that concern the single market, justice and home affairs and other internal policies. The Bill ensures that the method of treaty change, governed by the simplified revision procedure, is subject to exactly the same accountability and scrutiny as the ordinary revision procedure. The only difference is the significance test, which I will cover in detail later. In passing, I should say that article 48(7) decisions about moving from unanimity to qualified majority voting are caught by clause 6(4)(b) of the Bill and require both an Act and a referendum in accordance with schedule 1.

My hon. Friend the Member for Hertsmere (Mr Clappison) was right when he said that article 48(6) says that the simplified revision procedure cannot be used to enlarge the competences of the European Union. Although that is indeed written in the treaty, we have drafted the Bill to require British Ministers to examine even an article 48(6) proposal, to see whether, despite that treaty language, we would judge it to involve an extension of competence. If the British Government's judgment was that it did, the referendum lock would apply in those circumstances.

Let me turn to the numerous amendments, many of which severely weaken the provisions of the Bill, either by watering them down so that they are toothless, or by extending them considerably beyond what the coalition programme for government promised. Amendments 67 and 68 would remove the referendum lock altogether, and require only an Act of Parliament to approve a transfer of power or competence from the United Kingdom to the European Union.

Martin Horwood: That is not an entirely accurate representation of amendments 67 and 68, which refer only to changes under the simplified revision procedure.

Mr Lidington: I was going to make the qualification that the amendment applies to measures within the simplified, not the ordinary, revision procedure. I think that that denies the public the chance to have their say on what are, ultimately, important decisions.

My hon. Friend the Member for Cheltenham asked a couple of detailed questions. He asked, for example, whether a technical change to allow for emergency flood relief, agreed to by means of the simplified revision procedure, would be subject to a referendum. As he will know, the so-called enabling clause, article 352, would be available in the event of a need to take urgent action within the European Union's existing competences if that action were taken to attain the EU's objectives and if there were no explicit provision to authorise that in the EU treaties, and emergency relief and international development are indeed competences that the European Union shares with member states. Clause 8 of the Bill provides for enhanced parliamentary controls prior to any agreement on the use of article 352.

I disagree with the hon. Gentleman on some of what he termed technical changes. I firmly believe that a referendum should be held on any change that would transfer competence or substantive power from this country to the EU permanently.

The hon. Gentleman also asked how many article 48(6) changes were currently being considered. Only one is being considered at present, the one that was promoted

by the German Government and agreed at the December European Council. It affects only the eurozone, and as it does not transfer power or competence from this country to the European Union, there would be no need for a referendum.

Amendments 1 to 5 and amendment 7 would ensure that every treaty change required the consent of the British people in a referendum, even if it transferred no further competence or power from this country to Brussels. I suspect that this was not the authors' intention, but even a treaty change that would repatriate power from the European Union to the United Kingdom would require a referendum in this country before it could be accepted. A treaty change to remove the United Kingdom's veto over decisions to amend the number of advocates-general working in the European Court of Justice would require a referendum, as would a treaty change to allow Denmark to participate in justice and home affairs measures. The addition of 18 new MEPs before 2014—when they take their seats automatically anyway—for which the Bill provides would also require a referendum.

The issue is this: what is a suitable matter for a referendum? I believe that decisions that change who decides—decisions that move control over an area of policy from the United Kingdom to the EU—should require the consent of the British people; but not every treaty does that. Should a technical change such as the temporary alteration in the number of MEPs require a referendum? If Iceland decided to join the EU, should that require a national referendum? I think that that argument is very hard to justify, and might well discredit the principle of referendums from the point of view of voters. I also see no justification for referendums on treaty changes that do not apply to the United Kingdom. As I said earlier, in democratic terms, those are ultimately decisions for the countries to which the treaties apply, and not for us. No transfer of competence or of power from this country to the EU is associated with such changes.

Ms Stuart: The Minister is simply wrong. If Lisbon caps the total number of MEPs, if the number of MEPs is based on the population, if there is a minimum number of MEPs with "bookends", and if a country such as Turkey makes a change, the number of MEPs in this country will be significantly lower and our voice will be lower. That constitutes a change of power, and it is no good denying it.

Mr Lidington: If we followed the hon. Lady's logic, a referendum would be required in this country for any change whatsoever in the distribution of seats in either the European Parliament or the Council of Ministers.

By definition, a referendum in this country would also be required on any accession to the European Union, not just that of Turkey, because every time a new member state joined the European Union they would have a certain weighted share of votes in the Council of Ministers and a certain number of MEPs. I do not think that she is seriously arguing that.

9.45 pm

The hon. Lady and other hon. Members honed in on the question of Turkey's accession, saying that the size of that country's population made it a different case. That is not as straightforward an argument as she and

others make out, because there have been occasions when a number of different accessions have taken place at the same time. A few years ago, 10 new member states joined the European Union at the same time. I believe that their combined population then was 73 million, which is slightly greater than Turkey's population is now. I do not believe that anybody in this country argued at that time that a British referendum on those accessions was right. The point of principle here is that a referendum should be required when new competences or powers are given from the United Kingdom to the European Union. If Parliament wants to impose the additional requirement for a referendum to be held on a treaty change, including an accession treaty, Parliament is perfectly entitled to do so when the ratification Bill comes along.

Mr Clappison: The Minister is making a persuasive argument in a courteous way, but I must take him up on this point about the accession treaty. I believe that eight members joined at the same time and what took place then was in many respects a shambles, which would have been avoided by better scrutiny and if the question of a referendum had been on the table.

Mr Lidington: I am going to stick to my figure of 10. It does not make much difference to the principle of the argument, but I believe my figure is accurate. My hon. Friend rightly made a point about problems after some of those accessions, but that makes the case for member states to insist on the rigorous application of the accession criteria before accession takes place, rather than allowing countries in before they are fully ready and equipped and then arguing about it afterwards.

Keith Vaz (Leicester East) (Lab): The Minister is absolutely right on this point and my hon. Friend the Member for Birmingham, Edgbaston (Ms Stuart) is wrong, because in the case in question the enlargement of the European Union passed the House unanimously. The only occasion when a matter such as enlargement should go to the British people is when the House decides that it should go to them.

Mr Lidington: I am grateful to the right hon. Gentleman for that.

I wish now to discuss the significance test. New clause 9 would submit all referendum criteria, all treaty changes and all uses of article 48(6) to a significance test, but even the narrow use of the significance test, as set out in the Bill, has been the subject of a great deal of concern, so I wish to be clear about what it means for the Bill as it stands and to explain why it is needed. The significance test can be used only in very specific circumstances. Clause 4 identifies 13 instances when a treaty change transferring competence or power to the EU would attract a referendum. The significance test applies not to 13, but to two of those instances. Moreover, it can be used only when a decision under article 48(6) is being taken. It cannot be used for treaty amendments adopted under the ordinary revision procedure.

Article 48(6) decisions could seek to confer on a European institution a power to require this country to act in particular way, or to impose sanctions on the UK for our failure to act in a particular way. Although that could be done only within existing areas of competence,

and not within new ones, it would enable EU institutions or bodies to use those existing competences in a different way. A future proposal under article 48(6) to do either of these things would, as a matter of general principle, require a referendum to be held.

Let me give the Committee a hypothetical example. There might be a proposal to allow an EU agency to impose sanctions on a national regulator or to act in a way that compelled British businesses to do something that would increase significantly the burdens on British business and harm the competitiveness of this country. That sort of decision would, in my view, be classed as significant and should attract the referendum lock, but there might equally be instances in the future—the hon. Member for Cheltenham was right—where article 48(6) might be used to give a new power to a body in an area that is not significant to this country. For example, it might require a national regulator or some other British organisation to provide an EU agency with a set of statistics annually.

Let us consider, for example, the European Maritime Safety Agency. It was set up to provide member states of the Commission with technical and scientific assistance in the field of maritime safety and the prevention of pollution by ships. If, in the future, it was decided to change the treaty so that that agency could issue binding directions to national regulators and that that would be a permanent cession of authority and powers, that would be a significant power within the meaning of clause 4(1)(i) or (j). If, however, the proposal was to change the treaty to allow the agency to require national regulators to provide it with an annual digest of statistics, I do not think that that would be a significant power under the Bill. That is why we have provided for the significance test.

Amendments 3 and 5 would remove the significance condition from the Bill, so it would in practice require a national referendum on such things as the provision of statistics. I think that most people in this country would accept that such technical changes should be left to the Government, under the scrutiny of Parliament, who of course would still have to authorise the minor treaty change through primary legislation—a formal Act of Parliament subject to detailed scrutiny and capable of amendment in either House. In all those instances the proposal would need to be thoroughly analysed and we have ensured that any use of the significance test would be subject to strong scrutiny and accountability.

When he spoke about amendment 11, my hon. Friend the Member for Hertsmere took a different approach to parliamentary scrutiny. His amendment would require a Minister to seek parliamentary approval not to hold a referendum on the basis of the significance test, through both Houses agreeing to a motion without amendment. I have a great deal of sympathy for where my hon. Friend is coming from and I do not for one moment challenge his passionate commitment to the duty of Parliament to hold Ministers to account or his wish to see the powers of Parliament over European Union business and ministerial decisions on Europe strengthened and improved. If I felt that his amendment would secure that objective better than the provisions in the Bill, I would be with him on the detail. However, I want to explain why I do not believe that it does that.

First, when a Minister makes the statement required by clause 5 on whether a proposed amendment requires a referendum, they must give reasons why the proposed

change does or does not meet the significance test. Those reasons will need to refer to the criteria set out in clause 4, so their reasoning will need to be clearly set out. There is a first measure of protection already in the Bill.

Secondly, the Bill ensures that every proposed treaty change, regardless of whether the significance test applies, would require the approval of Parliament through primary legislation. That would allow sufficient time for Parliament to scrutinise the use of the test to legislate for a referendum if it deemed such a provision necessary.

Thirdly, there is the risk that having a separate debate on significance in the way that amendment 11 proposes could weaken Parliament's scrutiny of the primary legislation that the Bill requires. That point was made by my hon. Friend the Member for North East Somerset (Jacob Rees-Mogg) in an earlier intervention. In view of the dynamic of the House of Commons, it would be tempting for a Government who wanted to rush through a particular treaty change to schedule an early debate on the motion not to require a referendum and then, when the ratification Bill came forward and Members of Parliament had had the opportunity to look at the detail, perhaps consider the evidence of a Select Committee, and listen to what outside experts had to say on the matter, they would find their Whips coming up and saying, "We've already voted on this. You personally went through our Lobby to support the proposition that a referendum was not required. How can you change your mind and try to insert the requirement for a referendum at this stage?"

The unintended consequence of amendment 11 could be to strengthen the hand of the business managers and to weaken the independence of judgment that Members would be able to exercise under the requirement for primary legislation laid out in the Bill. Amendment 11 would also weaken any prospect of a successful judicial review. Judicial review is not a panacea, but the House should see it as a significant step to give the citizen the right to challenge a Minister's decision, where that decision is irrational or unreasonable.

There are two important distinctions between what we are proposing here and what we saw in the Wheeler case, to which a number of Members referred in the debate. First, the Minister has to give reasons, and give reasons by reference to the Bill. That opens up the possibility that a court might wish to consider a challenge to the reasonableness of the Minister's decision. Secondly, whereas in Mr Wheeler's case the Court was invited to judge the wording of the constitutional treaty against the wording of the treaty of Lisbon and declined to do so, in this case we are talking about a possible invitation to the Court to judge the actions and decision of a Government Minister in his Executive capacity against the statutory duties on that Minister set out in the language of the Bill. Those are important distinctions.

Mr David: Will the Minister give way?

Mr Lidington: No. I want to do justice to the amendments tabled by the Opposition. They have been presented as increasing the role of Parliament. In fact, they do the reverse. The effect of the Opposition amendments, especially new clause 9, is to subject every referendum criterion to a significance test. If accepted, the Opposition's amendments would leave it open as to whether a move to join the euro was significant, a move to give new competences to

the European Union was significant, a move to give up our border controls and take part entirely in a European immigration system was significant, or a move to join a European public prosecutor system was significant.

The hon. Member for Caerphilly (Mr David) is trying to persuade us that he is offering new powers to Parliament, when it is clear to anybody who studies the wording of his amendments and his new clause that the intentions are the reverse. The Opposition's amendments would drive a coach and horses through the Bill. They would deny both Parliament and the people the additional powers and controls which I believe Parliament and people in this country want to see. The Bill is designed to be tough. As academic experts have said when giving evidence to the European Scrutiny Committee, it delivers the referendum lock that we have promised. I will not yield by weakening the Bill in the way that the Opposition propose.

Question put, That the amendment be made.

The Committee divided: Ayes 220, Noes 329.

Division No. 179]

[9.59 pm

AYES

Abbott, Ms Diane	Cunningham, Tony
Abrahams, Debbie	Dakin, Nic
Ainsworth, rh Mr Bob	Darling, rh Mr Alistair
Alexander, rh Mr Douglas	David, Mr Wayne
Alexander, Heidi	Davidson, Mr Ian
Ali, Rushanara	Davies, Geraint
Anderson, Mr David	De Piero, Gloria
Austin, Ian	Denham, rh Mr John
Bailey, Mr Adrian	Dobbin, Jim
Bain, Mr William	Dobson, rh Frank
Balls, rh Ed	Docherty, Thomas
Banks, Gordon	Donohoe, Mr Brian H.
Barron, rh Mr Kevin	Doran, Mr Frank
Bayley, Hugh	Dowd, Jim
Beckett, rh Margaret	Doyle, Gemma
Begg, Dame Anne	Dromey, Jack
Benn, rh Hilary	Dugher, Michael
Berger, Luciana	Durkan, Mark
Betts, Mr Clive	Eagle, Maria
Blackman-Woods, Roberta	Edwards, Jonathan
Blears, rh Hazel	Efford, Clive
Blenkinsop, Tom	Elliott, Julie
Blomfield, Paul	Ellman, Mrs Louise
Blunkett, rh Mr David	Engel, Natascha
Brennan, Kevin	Esterson, Bill
Brown, rh Mr Nicholas	Evans, Chris
Brown, Mr Russell	Farrelly, Paul
Bryant, Chris	Field, rh Mr Frank
Buck, Ms Karen	Fitzpatrick, Jim
Burden, Richard	Flello, Robert
Burnham, rh Andy	Flint, rh Caroline
Byrne, rh Mr Liam	Fovargue, Yvonne
Cairns, David	Francis, Dr Hywel
Campbell, Mr Alan	Gapes, Mike
Clark, Katy	Gardiner, Barry
Clarke, rh Mr Tom	Gilmore, Sheila
Clwyd, rh Ann	Glindon, Mrs Mary
Coaker, Vernon	Goggins, rh Paul
Cooper, Rosie	Goodman, Helen
Cooper, rh Yvette	Greatrex, Tom
Crausby, Mr David	Green, Kate
Creagh, Mary	Greenwood, Lilian
Creasy, Dr Stella	Griffith, Nia
Cruddas, Jon	Gwynne, Andrew
Cryer, John	Hain, rh Mr Peter
Cunningham, Alex	Hamilton, Mr David
Cunningham, Mr Jim	Hanson, rh Mr David

Harman, rh Ms Harriet
 Harris, Mr Tom
 Havard, Mr Dai
 Healey, rh John
 Hendrick, Mark
 Hepburn, Mr Stephen
 Heyes, David
 Hillier, Meg
 Hilling, Julie
 Hodge, rh Margaret
 Hodgson, Mrs Sharon
 Hosie, Stewart
 Howarth, rh Mr George
 Hunt, Tristram
 Irranca-Davies, Huw
 Jackson, Glenda
 James, Mrs Siân C.
 Johnson, Diana
 Jones, Graham
 Jones, Helen
 Jones, Susan Elan
 Jowell, rh Tessa
 Joyce, Eric
 Kaufman, rh Sir Gerald
 Keeley, Barbara
 Kendall, Liz
 Khan, rh Sadiq
 Lammy, rh Mr David
 Lavery, Ian
 Leslie, Chris
 Lewis, Mr Ivan
 Lloyd, Tony
 Llwyd, Mr Elfyn
 Love, Mr Andrew
 Lucas, Caroline
 Lucas, Ian
 MacNeil, Mr Angus Brendan
 Mactaggart, Fiona
 Mahmood, Shabana
 Marsden, Mr Gordon
 McCabe, Steve
 McCann, Mr Michael
 McCarthy, Kerry
 McClymont, Gregg
 McCrea, Dr William
 McDonagh, Siobhain
 McFadden, rh Mr Pat
 McGovern, Alison
 McGovern, Jim
 McGuire, rh Mrs Anne
 McKechin, Ann
 McKinnell, Catherine
 Meacher, rh Mr Michael
 Mearns, Ian
 Michael, rh Alun
 Miller, Andrew
 Moon, Mrs Madeleine
 Morden, Jessica
 Morrice, Graeme (*Livingston*)
 Morris, Grahame M.
 (*Easington*)
 Mudie, Mr George
 Munn, Meg
 Murphy, rh Paul
 Murray, Ian
 Nandy, Lisa

Nash, Pamela
 O'Donnell, Fiona
 Onwurah, Chi
 Pearce, Teresa
 Perkins, Toby
 Phillipson, Bridget
 Pound, Stephen
 Raynsford, rh Mr Nick
 Reed, Mr Jamie
 Reeves, Rachel
 Reynolds, Emma
 Reynolds, Jonathan
 Riordan, Mrs Linda
 Robertson, Angus
 Robertson, John
 Robinson, Mr Geoffrey
 Rotheram, Steve
 Roy, Mr Frank
 Roy, Lindsay
 Ruane, Chris
 Ruddock, rh Joan
 Sarwar, Anas
 Seabeck, Alison
 Sheerman, Mr Barry
 Shuker, Gavin
 Skinner, Mr Dennis
 Slaughter, Mr Andy
 Smith, rh Mr Andrew
 Smith, Nick
 Smith, Owen
 Spellar, rh Mr John
 Stringer, Graham
 Stuart, Ms Gisela
 Sutcliffe, Mr Gerry
 Tami, Mark
 Thomas, Mr Gareth
 Thornberry, Emily
 Timms, rh Stephen
 Trickett, Jon
 Turner, Karl
 Twigg, Derek
 Twigg, Stephen
 Umunna, Mr Chuka
 Vaz, rh Keith
 Vaz, Valerie
 Walley, Joan
 Watson, Mr Tom
 Watts, Mr Dave
 Whiteford, Dr Eilidh
 Whitehead, Dr Alan
 Wicks, rh Malcolm
 Williams, Hywel
 Williamson, Chris
 Wilson, Phil
 Winnick, Mr David
 Winterton, rh Ms Rosie
 Wishart, Pete
 Woodcock, John
 Woodward, rh Mr Shaun
 Wright, David
 Wright, Mr Iain

Tellers for the Ayes:

Angela Smith and
 Lyn Brown

NOES

Adams, Nigel
 Afriyie, Adam
 Aldous, Peter
 Alexander, rh Danny
 Amess, Mr David
 Andrew, Stuart

Arbuthnot, rh Mr James
 Bacon, Mr Richard
 Bagshawe, Ms Louise
 Baker, Norman
 Baker, Steve
 Baldry, Tony
 Baldwin, Harriett
 Barclay, Stephen
 Barker, Gregory
 Baron, Mr John
 Barwell, Gavin
 Bebb, Guto
 Beith, rh Sir Alan
 Bellingham, Mr Henry
 Benyon, Richard
 Berry, Jake
 Bingham, Andrew
 Birtwistle, Gordon
 Blackman, Bob
 Blackwood, Nicola
 Blunt, Mr Crispin
 Boles, Nick
 Bone, Mr Peter
 Bottomley, Sir Peter
 Bradley, Karen
 Brake, Tom
 Bray, Angie
 Brazier, Mr Julian
 Bridgen, Andrew
 Brine, Mr Steve
 Brokenshire, James
 Brooke, Annette
 Browne, Mr Jeremy
 Bruce, Fiona
 Bruce, rh Malcolm
 Buckland, Mr Robert
 Burley, Mr Aidan
 Burns, Conor
 Burns, Mr Simon
 Burrowes, Mr David
 Burstow, Paul
 Burt, Alistair
 Burt, Lorely
 Byles, Dan
 Cable, rh Vince
 Cairns, Alun
 Cameron, rh Mr David
 Campbell, rh Sir Menzies
 Carmichael, Neil
 Chishtii, Rehman
 Clappison, Mr James
 Clark, rh Greg
 Clarke, rh Mr Kenneth
 Clifton-Brown, Geoffrey
 Coffey, Dr Thérèse
 Collins, Damian
 Colville, Oliver
 Cox, Mr Geoffrey
 Crabb, Stephen
 Crockart, Mike
 Crouch, Tracey
 Davey, Mr Edward
 Davies, David T. C.
 (*Monmouth*)
 Davies, Glyn
 Davies, Philip
 Davis, rh Mr David
 de Bois, Nick
 Dinenage, Caroline
 Djanogly, Mr Jonathan
 Dorrell, rh Mr Stephen
 Dorries, Nadine

Doyle-Price, Jackie
 Duddridge, James
 Duncan, rh Mr Alan
 Duncan Smith, rh Mr Iain
 Ellis, Michael
 Ellison, Jane
 Ellwood, Mr Tobias
 Elphicke, Charlie
 Eustice, George
 Evans, Graham
 Evans, Jonathan
 Evennett, Mr David
 Fabricant, Michael
 Fallon, Michael
 Farron, Tim
 Featherstone, Lynne
 Field, Mr Mark
 Foster, rh Mr Don
 Francois, rh Mr Mark
 Freeman, George
 Freer, Mike
 Fullbrook, Lorraine
 Fuller, Richard
 Garnier, Mr Edward
 Garnier, Mark
 Gauke, Mr David
 George, Andrew
 Gibb, Mr Nick
 Gilbert, Stephen
 Gillan, rh Mrs Cheryl
 Glen, John
 Goldsmith, Zac
 Goodwill, Mr Robert
 Gove, rh Michael
 Gray, Mr James
 Grayling, rh Chris
 Green, Damian
 Greening, Justine
 Grieve, rh Mr Dominic
 Griffiths, Andrew
 Gummer, Ben
 Gyimah, Mr Sam
 Hague, rh Mr William
 Halfon, Robert
 Hames, Duncan
 Hammond, rh Mr Philip
 Hammond, Stephen
 Hancock, Matthew
 Hands, Greg
 Harper, Mr Mark
 Harrington, Richard
 Harris, Rebecca
 Hart, Simon
 Harvey, Nick
 Haselhurst, rh Sir Alan
 Hayes, Mr John
 Heald, Mr Oliver
 Heath, Mr David
 Heaton-Harris, Chris
 Hemming, John
 Henderson, Gordon
 Hendry, Charles
 Herbert, rh Nick
 Hinds, Damian
 Hoban, Mr Mark
 Hollingbery, George
 Hollobone, Mr Philip
 Holloway, Mr Adam
 Hopkins, Kris
 Horwood, Martin
 Howarth, Mr Gerald
 Howell, John

Hughes, rh Simon
 Huhne, rh Chris
 Hunt, rh Mr Jeremy
 Hunter, Mark
 Huppert, Dr Julian
 Hurd, Mr Nick
 Jackson, Mr Stewart
 James, Margot
 Javid, Sajid
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Kelly, Chris
 Kirby, Simon
 Knight, rh Mr Greg
 Kwarteng, Kwasi
 Laing, Mrs Eleanor
 Lamb, Norman
 Lancaster, Mark
 Lansley, rh Mr Andrew
 Latham, Pauline
 Leadsom, Andrea
 Lee, Jessica
 Lee, Dr Phillip
 Leech, Mr John
 Lefroy, Jeremy
 Leslie, Charlotte
 Letwin, rh Mr Oliver
 Lewis, Brandon
 Lidington, rh Mr David
 Lilley, rh Mr Peter
 Lloyd, Stephen
 Long, Naomi
 Lopresti, Jack
 Lord, Jonathan
 Luff, Peter
 Lumley, Karen
 Macleod, Mary
 May, rh Mrs Theresa
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McIntosh, Miss Anne
 McLoughlin, rh Mr Patrick
 McPartland, Stephen
 McVey, Esther
 Menzies, Mark
 Mercer, Patrick
 Metcalfe, Stephen
 Miller, Maria
 Mills, Nigel
 Milton, Anne
 Mitchell, rh Mr Andrew
 Moore, rh Michael
 Mordaunt, Penny
 Morgan, Nicky
 Morris, Anne Marie
 Morris, David
 Morris, James
 Mosley, Stephen
 Mowat, David
 Mulholland, Greg
 Mundell, rh David
 Munt, Tessa
 Murray, Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newmark, Mr Brooks
 Newton, Sarah

Nokes, Caroline
 Norman, Jesse
 Nuttall, Mr David
 O'Brien, Mr Stephen
 Offord, Mr Matthew
 Ollerenshaw, Eric
 Opperman, Guy
 Osborne, rh Mr George
 Ottaway, Richard
 Paice, rh Mr James
 Parish, Neil
 Patel, Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, Mike
 Penrose, John
 Percy, Andrew
 Perry, Claire
 Phillips, Stephen
 Pickles, rh Mr Eric
 Pincher, Christopher
 Poulter, Dr Daniel
 Prisk, Mr Mark
 Pritchard, Mark
 Pugh, John
 Raab, Mr Dominic
 Randall, rh Mr John
 Reckless, Mark
 Redwood, rh Mr John
 Rees-Mogg, Jacob
 Reeve, Simon
 Reid, Mr Alan
 Robathan, rh Mr Andrew
 Robertson, Hugh
 Robertson, Mr Laurence
 Rogerson, Dan
 Ruffley, Mr David
 Rutley, David
 Sanders, Mr Adrian
 Sandys, Laura
 Scott, Mr Lee
 Selous, Andrew
 Shapps, rh Grant
 Sharma, Alok
 Shelbrooke, Alec
 Simmonds, Mark
 Simpson, Mr Keith
 Skidmore, Chris
 Smith, Miss Chloe
 Smith, Henry
 Smith, Julian
 Smith, Sir Robert
 Soames, Nicholas
 Soubry, Anna
 Spelman, rh Mrs Caroline
 Spencer, Mr Mark
 Stanley, rh Sir John
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Streeter, Mr Gary
 Stride, Mel
 Stuart, Mr Graham
 Stunell, Andrew
 Sturdy, Julian
 Swales, Ian
 Swayne, Mr Desmond
 Swinson, Jo
 Swire, rh Mr Hugo
 Syms, Mr Robert
 Teather, Sarah

Thurso, John
 Timpson, Mr Edward
 Tomlinson, Justin
 Tredinnick, David
 Truss, Elizabeth
 Tyrie, Mr Andrew
 Uppal, Paul
 Vaizey, Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Villiers, rh Mrs Theresa
 Walker, Mr Charles
 Walker, Mr Robin
 Wallace, Mr Ben
 Ward, Mr David
 Watkinson, Angela
 Weatherley, Mike
 Webb, Steve
 Wharton, James
 Wheeler, Heather

White, Chris
 Whittaker, Craig
 Whittingdale, Mr John
 Wiggin, Bill
 Willetts, rh Mr David
 Williams, Mr Mark
 Williams, Roger
 Williams, Stephen
 Williamson, Gavin
 Willott, Jenny
 Wilson, Mr Rob
 Wollaston, Dr Sarah
 Wright, Simon
 Yeo, Mr Tim
 Young, rh Sir George
 Zahawi, Nadhim

Tellers for the Noes:
Mr Philip Dunne and
Jeremy Wright

Question accordingly negated.

10.14 pm

Proceedings interrupted (Programme Order, 7 December).

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

Clause 1 ordered to stand part of the Bill.

Clauses 2 to 4 ordered to stand part of the Bill.

Clause 5

STATEMENT TO BE LAID BEFORE PARLIAMENT

Amendment made: 56, page 4, line 24, at end insert—

‘ () In relation to an Article 48(6) decision adopted by the European Council before the day on which this section comes into force (“the commencement date”), the condition in section 3(1)(a) is to be taken to be complied with if a statement under this section is laid before Parliament before the end of the 2 months beginning with the commencement date.’—(*Mr Lidington.*)

Amendment proposed: 11, page 4, line 24, at end add—

‘(6) If the Minister’s opinion is that the effect of that provision in relation to the United Kingdom is not significant the Minister must seek Parliamentary approval for his opinion.

(7) Parliamentary approval is given if—

(a) in each House of Parliament a Minister of the Crown moves a motion that the House approves of the Minister’s opinion; and

(b) each House agrees to the motion without amendment.

(8) If the Minister fails to obtain Parliamentary approval for his opinion the significance condition is not met.’—(*Mr Clappison.*)

Question put, That the amendment be made.

The Committee divided: Ayes 239, Noes 310.

Division No. 180]

[10.15 pm

AYES

Abbott, Ms Diane
 Abrahams, Debbie
 Ainsworth, rh Mr Bob
 Alexander, rh Mr Douglas
 Alexander, Heidi
 Ali, Rushanara
 Anderson, Mr David
 Austin, Ian

Bailey, Mr Adrian
 Bain, Mr William
 Balls, rh Ed
 Banks, Gordon
 Baron, Mr John
 Barron, rh Mr Kevin
 Bayley, Hugh
 Beckett, rh Margaret

Begg, Dame Anne
 Benn, rh Hilary
 Berger, Luciana
 Betts, Mr Clive
 Blackman, Bob
 Blackman-Woods, Roberta
 Blears, rh Hazel
 Blenkinsop, Tom
 Blomfield, Paul
 Brennan, Kevin
 Brown, Lyn
 Brown, rh Mr Nicholas
 Brown, Mr Russell
 Bryant, Chris
 Buck, Ms Karen
 Burden, Richard
 Burnham, rh Andy
 Byrne, rh Mr Liam
 Cairns, David
 Campbell, Mr Alan
 Campbell, Mr Ronnie
 Carswell, Mr Douglas
 Cash, Mr William
 Clappison, Mr James
 Clark, Katy
 Clarke, rh Mr Tom
 Clwyd, rh Ann
 Coaker, Vernon
 Cooper, Rosie
 Cooper, rh Yvette
 Crausby, Mr David
 Creagh, Mary
 Creasy, Dr Stella
 Cruddas, Jon
 Cryer, John
 Cunningham, Alex
 Cunningham, Mr Jim
 Cunningham, Tony
 Dakin, Nic
 Darling, rh Mr Alistair
 David, Mr Wayne
 Davidson, Mr Ian
 Davies, Geraint
 Davies, Philip
 De Piero, Gloria
 Denham, rh Mr John
 Dobbin, Jim
 Dobson, rh Frank
 Docherty, Thomas
 Donohoe, Mr Brian H.
 Doran, Mr Frank
 Dowd, Jim
 Doyle, Gemma
 Drax, Richard
 Dromey, Jack
 Dugher, Michael
 Eagle, Maria
 Edwards, Jonathan
 Efford, Clive
 Elliott, Julie
 Ellman, Mrs Louise
 Engel, Natascha
 Esterson, Bill
 Evans, Chris
 Farrelly, Paul
 Field, rh Mr Frank
 Fitzpatrick, Jim
 Ffello, Robert
 Flint, rh Caroline
 Fovargue, Yvonne
 Francis, Dr Hywel
 Gapes, Mike
 Gardiner, Barry
 Gilmore, Sheila
 Glindon, Mrs Mary
 Goggins, rh Paul
 Goldsmith, Zac
 Goodman, Helen
 Greatrex, Tom
 Green, Kate
 Greenwood, Lilian
 Griffith, Nia
 Gwynne, Andrew
 Hain, rh Mr Peter
 Hamilton, Mr David
 Hanson, rh Mr David
 Harman, rh Ms Harriet
 Harris, Mr Tom
 Havard, Mr Dai
 Healey, rh John
 Hendrick, Mark
 Hepburn, Mr Stephen
 Heyes, David
 Hillier, Meg
 Hilling, Julie
 Hodge, rh Margaret
 Hodgson, Mrs Sharon
 Hoey, Kate
 Hopkins, Kelvin
 Hosie, Stewart
 Howarth, rh Mr George
 Hunt, Tristram
 Irranca-Davies, Huw
 Jackson, Glenda
 James, Mrs Siân C.
 Jenkin, Mr Bernard
 Johnson, Diana
 Jones, Graham
 Jones, Helen
 Jones, Susan Elan
 Jowell, rh Tessa
 Joyce, Eric
 Kaufman, rh Sir Gerald
 Keeley, Barbara
 Kendall, Liz
 Khan, rh Sadiq
 Lammy, rh Mr David
 Lavery, Ian
 Leslie, Chris
 Lewis, Mr Ivan
 Lloyd, Tony
 Llwyd, Mr Elfyn
 Love, Mr Andrew
 Lucas, Caroline
 Lucas, Ian
 MacNeil, Mr Angus Brendan
 Mactaggart, Fiona
 Mahmood, Shabana
 Main, Mrs Anne
 Marsden, Mr Gordon
 McCabe, Steve
 McCann, Mr Michael
 McCarthy, Kerry
 McClymont, Gregg
 McCrea, Dr William
 McDonagh, Siobhain
 McFadden, rh Mr Pat
 McGovern, Alison
 McGovern, Jim
 McGuire, rh Mrs Anne
 McKechin, Ann
 McKinnell, Catherine
 Meacher, rh Mr Michael
 Mearns, Ian

Michael, rh Alun
 Miller, Andrew
 Mitchell, Austin
 Moon, Mrs Madeleine
 Morden, Jessica
 Morrice, Graeme (*Livingston*)
 Morris, Grahame M.
 (*Easington*)
 Mudie, Mr George
 Munn, Meg
 Murphy, rh Paul
 Murray, Ian
 Nandy, Lisa
 Nash, Pamela
 Nuttall, Mr David
 O'Donnell, Fiona
 Onwurah, Chi
 Pearce, Teresa
 Perkins, Toby
 Phillipson, Bridget
 Pound, Stephen
 Raynsford, rh Mr Nick
 Reckless, Mark
 Redwood, rh Mr John
 Reed, Mr Jamie
 Reeves, Rachel
 Reynolds, Emma
 Reynolds, Jonathan
 Riordan, Mrs Linda
 Robertson, Angus
 Robertson, John
 Robinson, Mr Geoffrey
 Rotheram, Steve
 Roy, Mr Frank
 Roy, Lindsay
 Ruane, Chris
 Ruddock, rh Joan
 Sarwar, Anas
 Seabeck, Alison
 Sheerman, Mr Barry
 Shepherd, Mr Richard
 Shuker, Gavin

Skinner, Mr Dennis
 Slaughter, Mr Andy
 Smith, rh Mr Andrew
 Smith, Angela
 Smith, Nick
 Smith, Owen
 Spellar, rh Mr John
 Stringer, Graham
 Stuart, Ms Gisela
 Sutcliffe, Mr Gerry
 Tami, Mark
 Thomas, Mr Gareth
 Thornberry, Emily
 Timms, rh Stephen
 Trickett, Jon
 Turner, Mr Andrew
 Turner, Karl
 Twigg, Derek
 Twigg, Stephen
 Umunna, Mr Chuka
 Vaz, Valerie
 Walley, Joan
 Watson, Mr Tom
 Watts, Mr Dave
 Whiteford, Dr Eilidh
 Whitehead, Dr Alan
 Whittingdale, Mr John
 Wicks, rh Malcolm
 Williams, Hywel
 Williamson, Chris
 Wilson, Phil
 Winnick, Mr David
 Winterton, rh Ms Rosie
 Wishart, Pete
 Woodcock, John
 Woodward, rh Mr Shaun
 Wright, David
 Wright, Mr Iain

Tellers for the Ayes:
 Mr Peter Bone and
 Mr Philip Hollobone

NOES

Adams, Nigel
 Afriyie, Adam
 Aldous, Peter
 Alexander, rh Danny
 Amess, Mr David
 Andrew, Stuart
 Arbuthnot, rh Mr James
 Bacon, Mr Richard
 Bagshawe, Ms Louise
 Baker, Norman
 Baldry, Tony
 Baldwin, Harriett
 Barclay, Stephen
 Barker, Gregory
 Barwell, Gavin
 Bebb, Guto
 Beith, rh Sir Alan
 Bellingham, Mr Henry
 Benyon, Richard
 Berry, Jake
 Bingham, Andrew
 Birtwistle, Gordon
 Blackwood, Nicola
 Blunt, Mr Crispin
 Boles, Nick
 Bottomley, Sir Peter
 Bradley, Karen
 Brake, Tom
 Bray, Angie
 Brazier, Mr Julian
 Brine, Mr Steve
 Brokenshire, James
 Brooke, Annette
 Browne, Mr Jeremy
 Bruce, Fiona
 Bruce, rh Malcolm
 Buckland, Mr Robert
 Burley, Mr Aidan
 Burns, Conor
 Burns, Mr Simon
 Burrowes, Mr David
 Burstow, Paul
 Burt, Alistair
 Burt, Lorely
 Byles, Dan
 Cable, rh Vince
 Cairns, Alun
 Cameron, rh Mr David
 Campbell, rh Sir Menzies
 Carmichael, Neil
 Chishty, Rehman
 Clark, rh Greg
 Clarke, rh Mr Kenneth
 Clifton-Brown, Geoffrey

Coffey, Dr Thérèse
 Collins, Damian
 Colvile, Oliver
 Cox, Mr Geoffrey
 Crabb, Stephen
 Crockett, Mike
 Crouch, Tracey
 Davey, Mr Edward
 Davies, David T. C.
 (*Monmouth*)
 Davies, Glyn
 Davis, rh Mr David
 de Bois, Nick
 Dinenage, Caroline
 Djanogly, Mr Jonathan
 Dorrell, rh Mr Stephen
 Dorries, Nadine
 Doyle-Price, Jackie
 Duddridge, James
 Duncan, rh Mr Alan
 Duncan Smith, rh Mr Iain
 Durkan, Mark
 Ellis, Michael
 Ellison, Jane
 Ellwood, Mr Tobias
 Elphicke, Charlie
 Eustice, George
 Evans, Graham
 Evans, Jonathan
 Evennett, Mr David
 Fabricant, Michael
 Fallon, Michael
 Farron, Tim
 Featherstone, Lynne
 Field, Mr Mark
 Foster, rh Mr Don
 Francois, rh Mr Mark
 Freeman, George
 Freer, Mike
 Fullbrook, Lorraine
 Fuller, Richard
 Garnier, Mr Edward
 Garnier, Mark
 Gauke, Mr David
 George, Andrew
 Gibb, Mr Nick
 Gilbert, Stephen
 Gillan, rh Mrs Cheryl
 Glen, John
 Goodwill, Mr Robert
 Gove, rh Michael
 Gray, Mr James
 Grayling, rh Chris
 Green, Damian
 Greening, Justine
 Grieve, rh Mr Dominic
 Griffiths, Andrew
 Gummer, Ben
 Gyimah, Mr Sam
 Hague, rh Mr William
 Halfon, Robert
 Hames, Duncan
 Hammond, rh Mr Philip
 Hammond, Stephen
 Hancock, Matthew
 Hands, Greg
 Harper, Mr Mark
 Harrington, Richard
 Harris, Rebecca
 Hart, Simon
 Harvey, Nick
 Haselhurst, rh Sir Alan

Hayes, Mr John
 Heald, Mr Oliver
 Heath, Mr David
 Heaton-Harris, Chris
 Hemming, John
 Henderson, Gordon
 Hendry, Charles
 Herbert, rh Nick
 Hinds, Damian
 Hoban, Mr Mark
 Hollingbery, George
 Holloway, Mr Adam
 Hopkins, Kris
 Horwood, Martin
 Howarth, Mr Gerald
 Howell, John
 Hughes, rh Simon
 Huhne, rh Chris
 Hunt, rh Mr Jeremy
 Hunter, Mark
 Huppert, Dr Julian
 Hurd, Mr Nick
 Jackson, Mr Stewart
 James, Margot
 Javid, Sajid
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Kirby, Simon
 Kwarteng, Kwasi
 Laing, Mrs Eleanor
 Lancaster, Mark
 Lansley, rh Mr Andrew
 Latham, Pauline
 Leadsom, Andrea
 Lee, Jessica
 Lee, Dr Phillip
 Leech, Mr John
 Lefroy, Jeremy
 Leslie, Charlotte
 Letwin, rh Mr Oliver
 Lewis, Brandon
 Lidington, rh Mr David
 Lilley, rh Mr Peter
 Lloyd, Stephen
 Long, Naomi
 Lopresti, Jack
 Lord, Jonathan
 Luff, Peter
 Lumley, Karen
 Macleod, Mary
 May, rh Mrs Theresa
 Maynard, Paul
 McCartney, Jason
 McCartney, Karl
 McIntosh, Miss Anne
 McLoughlin, rh Mr Patrick
 McPartland, Stephen
 McVey, Esther
 Menzies, Mark
 Mercer, Patrick
 Metcalfe, Stephen
 Miller, Maria
 Mills, Nigel
 Milton, Anne
 Mitchell, rh Mr Andrew
 Moore, rh Michael
 Mordaunt, Penny
 Morgan, Nicky

Morris, Anne Marie
 Morris, David
 Morris, James
 Mosley, Stephen
 Mowat, David
 Mulholland, Greg
 Mundell, rh David
 Munt, Tessa
 Murray, Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newmark, Mr Brooks
 Newton, Sarah
 Nokes, Caroline
 Norman, Jesse
 O'Brien, Mr Stephen
 Offord, Mr Matthew
 Ollerenshaw, Eric
 Opperman, Guy
 Osborne, rh Mr George
 Ottaway, Richard
 Paice, rh Mr James
 Parish, Neil
 Patel, Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, Mike
 Penrose, John
 Perry, Claire
 Phillips, Stephen
 Pickles, rh Mr Eric
 Pincher, Christopher
 Poulter, Dr Daniel
 Pritchard, Mark
 Pugh, John
 Raab, Mr Dominic
 Randall, rh Mr John
 Reid, Mr Alan
 Robathan, rh Mr Andrew
 Robertson, Hugh
 Robertson, Mr Laurence
 Rogerson, Dan
 Ruffley, Mr David
 Rutley, David
 Sanders, Mr Adrian
 Sandys, Laura
 Scott, Mr Lee
 Selous, Andrew
 Shapps, rh Grant
 Sharma, Alok
 Shelbrooke, Alec
 Simmonds, Mark
 Simpson, Mr Keith
 Skidmore, Chris
 Smith, Miss Chloe
 Smith, Henry
 Smith, Julian
 Smith, Sir Robert
 Soames, Nicholas

Soubry, Anna
 Spelman, rh Mrs Caroline
 Spencer, Mr Mark
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Streeter, Mr Gary
 Stride, Mel
 Stuart, Mr Graham
 Stunell, Andrew
 Sturdy, Julian
 Swales, Ian
 Swayne, Mr Desmond
 Swinson, Jo
 Swire, rh Mr Hugo
 Syms, Mr Robert
 Teather, Sarah
 Thurso, John
 Timpson, Mr Edward
 Tomlinson, Justin
 Tredinnick, David
 Truss, Elizabeth
 Tyrie, Mr Andrew
 Uppal, Paul
 Vaizey, Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Villiers, rh Mrs Theresa
 Walker, Mr Charles
 Walker, Mr Robin
 Wallace, Mr Ben
 Ward, Mr David
 Watkinson, Angela
 Weatherley, Mike
 Webb, Steve
 Wharton, James
 Wheeler, Heather
 White, Chris
 Whittaker, Craig
 Wiggin, Bill
 Willetts, rh Mr David
 Williams, Mr Mark
 Williams, Roger
 Williams, Stephen
 Williamson, Gavin
 Willott, Jenny
 Wilson, Mr Rob
 Wollaston, Dr Sarah
 Wright, Jeremy
 Wright, Simon
 Yeo, Mr Tim
 Young, rh Sir George
 Zahawi, Nadhim

Tellers for the Noes:
Mr Philip Dunne and
Norman Lamb

Question accordingly negatived.

Clause 5, as amended, ordered to stand part of the Bill.

The occupant of the Chair left the Chair (Programme Order, 7 December).

The Deputy Speaker resumed the Chair.

Progress reported; Committee to sit again tomorrow.

Business without Debate

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)).

CHILDREN AND YOUNG PERSONS

That the draft Breaks for Carers of Disabled Children Regulations 2010, which were laid before this House on 18 November, be approved.—(*Stephen Crabb.*)

Question agreed to.

Mr Russell Brown (Dumfries and Galloway) (Lab): On a point of order, Madam Deputy Speaker. With the imminent disposal of Nimrod, do you know whether any Ministry of Defence Minister has approached Mr Speaker about making a statement to the House in respect of representations made by Government Back Benchers on this matter?

Madam Deputy Speaker (Dawn Primarolo): Mr Brown, I have not been informed of any request for a statement to be made by a Minister on this subject, but I know that you are very resourceful and that if you wish to pursue the matter, you will find ways to do it in parliamentary business tomorrow and the day after.

Mr Peter Bone (Wellingborough) (Con): On a point of order, Madam Deputy Speaker. Have you had any advice from those on the Treasury Bench about their disappointment that only the first group of amendments were discussed today, that 26 other amendments and new clauses were not discussed, and that four clauses were not discussed? Have you had any indication, Madam Deputy Speaker that a programme motion alteration has been brought forward?

Madam Deputy Speaker: I have had no discussion on the progress of business in the House today, which was orderly and within the programme motion. Neither have I had any discussions about any future arrangements for the Bill. However, I am sure that you, Mr Bone, will find ways of pursuing the matter in order to get the answer you are seeking.

Planning Blight

Motion made, and Question proposed, That this House do now adjourn.—(Mr Vara.)

10.34 pm

Siobhain McDonagh (Mitcham and Morden) (Lab): Early this morning, I joined a group of residents from Colliers Wood in a protest. We travelled up to Piccadilly circus to stage a small demonstration and deliver a letter of demands to people whom we think are ruining our neighbourhood—the owners of a building in my constituency that we call the Golfrate tower. This debate is designed to explain our point of view, and to convince the Government that they must do more to help communities such as Colliers Wood in our struggle against landowners who just do not care.

The Golfrate tower is an ugly, 17-storey former office tower block. It is made of black concrete and dominates the view for miles around. It runs along the busy A24 trunk road into London and stands directly above the Northern line. The tower was built in the 1960s, and was designed in the then fashionable style of the Chicago school, which used dark grey cladding and pre-cast concrete. My recollection as a young child was that it was almost as unpopular then as it is now. Even at the time the tower caused considerable controversy, particularly because of its ugliness and the way in which the immense black shard of concrete loomed over the surrounding area. Indeed, it suffered from bad luck even before it was finished. When builders reached the third floor, a construction error was discovered that meant that the tower had to be demolished and built all over again. Many people saw that as a bad omen.

First named the Lyon tower, the building was originally the headquarters of the property company Ronald Lyon Holdings, but was later known as the Vortex and the Brown and Root tower, after the American engineering firm Brown and Root Halliburton, which occupied it from 1971 to 1995. The building has always been hugely unpopular. One elderly Irish resident tells me that he believes that it is God's retribution for his being involved in laying the foundations that the Golfrate tower should be the first thing that he sees every morning from his bedroom window.

Many people, for perfectly understandable reasons, simply want the building knocked down. In 2006 it was voted London's most hated building in a BBC poll. In 2005, Channel 4 screened a series called "Demolition", dedicated to finding Britain's worst buildings and knocking them down, was presented by Kevin McCloud of "Grand Designs". The Golfrate tower reached the shortlist of 12, but sadly it cannot be demolished. First, it was worth well over £10 million, and nobody can afford to buy it just to knock it down. However, even more than that, the demolition costs are prohibitive. The Northern line would have to be shut and the A24 would have to be diverted. The compensation would be enormous.

Many residents understand that, even if, like me, they are not very happy about it. Development rather than demolition is the only real solution. In 2005, things started looking up when a company called London Green Development, led by the developer Philip Green, apparently became the owners, and told us that they were keen to develop the tower. Residents were consulted and included, and new and exciting plans were drawn

up. The design was excellent, and Merton's planning committee granted planning permission to turn the tower into just over 200 modern flats, many at prices that local people could afford. There would also be community facilities, such as a library and a police office, and shops. The plan included re-cladding the tower, so that it would be less ugly. However, six years later, work has still not even begun, even though house prices are higher than in 2005. The tower looks even worse now than it did then, and let us remember that that was the year it was voted London's most hated building.

However, none of that is Philip Green's fault. No, it is the fault of a company called Golfrate, owned by a man called Asif Aziz. That is who London Green Developments thought it had bought the tower from all those years ago. What seems to have happened is that when planning permission was granted, the value of the site increased and Golfrate refused to sell. A long legal battle ensued. The case went to court and London Green won, but then it went to the High Court and London Green lost. The existing owners, who were already very unpopular, could remain in control. Even without lifting a shovel, they found that their property, which was more rundown and ugly than ever, had increased in value.

Indeed, since the owners bought the tower more than 10 years ago, it has become increasingly rundown. All the tenants gradually moved out, until two years ago it was empty. The tower is now empty, dilapidated and unsafe. Green nets surround the building to prevent crumbling concrete from falling on people below. Last April work started on knocking down the unsightly and dangerous multi-storey car park, until the demolition firm discovered that the area's electricity substation was on the site. Realising the danger, the firm stopped, leaving us with a quarter-demolished car park surrounded by building rubble that in most areas would become missiles. Thanks to poor security fencing, the car park has frequently been broken into. A pornographic film is said to have been recorded there, and rough sleepers have been known to use it. It is hard to underestimate the blight. People talk about the broken window syndrome, which can bring an area down and increase crime and the fear of crime, but we have it in spades.

So who exactly owns the tower and what are they up to? Googling Asif Aziz throws up a lot of interesting information, as do searches for his companies, Golfrate and Criterion, and the numerous different companies connected to them, such as Yewbelle and Sutherland. Criterion Capital is reportedly worth £620 million. In 2006, Asif Aziz was reported to be Britain's seventh richest Muslim. He was born in Malawi, and his fortune is thought to have been made in Angola. Aged 16, he is said to have turned up in London one day, out of nowhere, to buy property in an auction. He has been accumulating more and more property ever since. It is not Asif Aziz's background that concerns me, however; it is what he is doing—or, more accurately, not doing—with his property that has upset residents not only in Colliers Wood but across south London.

I have conducted a little research, and found that the Golfrate tower is not the only grotty building owned by Mr Aziz and his companies. They also own the Trocadero. If Members have not been there recently, I should advise them that it is now a rather grubby and underused building. Once a landmark site at the heart of Piccadilly

circus, it is now gloomy, empty and unattractive, with broken escalators and graffiti murals along the subway where the shop windows would be if they had not been boarded up. I gather that even the efforts to let some of the premises to the discount retailer T. K. Maxx have run into difficulty, partly because the Crown Estate also has an interest in the site, and it does not approve.

Other prime sites owned by Mr Aziz's company include 1, Leicester square and the well-known nightclub, the Fridge, next to Lambeth town hall, as well as numerous locations throughout south London, including Sutton's St Nicholas centre and shops in Tooting, Streatham and Brixton. Interestingly, in 2008, shortly before Woolworth's went out of business, it was left with a £1.6 million rent demand after the rent that it had to pay to Golfrate was nearly quadrupled to £900,000 a year and backdated.

Numerous residents around London have complained about Golfrate on activist websites. According to these sites, Golfrate appears to be buying up key town centre buildings and then doing the bare minimum with them. It is almost as though they were being bought simply to go on the books, with no intention of spending further money on maintenance or significant development.

In my constituency, Golfrate owns a number of key sites, and it seems to cause considerable resentment wherever it goes. Cavendish house in Colliers Wood is a three-storey office block. It used to contain the jobcentre, but it moved out. It still contains Colliers Wood library, but it is by far the grottiest library in the borough, with the worst facilities and, not surprisingly, the lowest user levels of any local library. The rest of the building is empty and rundown. The parking spaces are often used by fly-tippers. Also in Colliers Wood, the company owns the former Six Bells pub site. It is currently boarded up and dilapidated, although I gather that tenants have moved into the flat above, despite the fact that planning restrictions usually mean that people can live above a pub only if their work is connected to it. Mr Aziz and his companies also own another derelict block in Morden, the former Crown pub and nightclub. We were informed that that would be turned into the Morden Islamic centre, opening in May 2010. It has yet to open, however, and remains boarded up, dirty and unattractive, resulting in another town centre being blighted.

This is not just about buildings. Golfrate owns and runs a car park in Mitcham, on behalf of high street shops including Farm Foods and Peacocks. In 2009, there was a furore when dozens of motorists had their vehicles clamped or towed away by rogue clampers who changed the parking rules overnight. When I contacted the shops, they were so appalled about what had happened that they forced Golfrate to dismiss the clampers. This all shows that Mr Aziz and his companies have history, and do not necessarily have the best interests of local communities at heart.

A year ago, I organised a local meeting to try to get something done about the Golfrate tower. It was attended by more than 100 residents, as a result of which local resident Phil Richardson established a community group on Facebook: the Colliers Wood Tower Action Group. We were very angry that a multi-millionaire could simply buy up the biggest building in our community and leave it to rot. We got legal advice and were urged to use planning powers under the Town and Country Planning Act 1990 to force the owners to clean up the site and

[*Siobhain McDonagh*]

make it safe. After years of inaction, and thanks to the hard work of local residents and local councillors Nick Draper, Laxmi Attawar and Gam Gurung, the London borough of Merton finally used those powers to issue two separate section 215 notices. To be fair, this has helped. The weeds have been cleared and the security fencing is safer and more in keeping with the building, but neither notice has been fully complied with. In particular, the cladding has still not been repaired. Instead, the owners have gone back to the council saying that they now really want to fulfil the planning application that London Green obtained in 2005. Well, the residents will believe that when they see it. We are concerned that this is being used as a ruse to prevent the council from prosecuting them again.

In August, the owners held a meeting with officials at Merton council to discuss the planning application. Claiming that the recession meant that the 2005 scheme was no longer affordable—even though, as I have said, local flat prices are higher now than they were then—they tried to increase the number of flats in the development. When that did not work, they came back to say they wanted to renegotiate the 2005 scheme. Following threats of legal action—as we have seen, Aziz and his companies are not afraid of using the law—the council has been forced to consider a revised planning application. We have been advised that because of that new application, it would be hard to prosecute anyone for the condition of the site.

Faced with a ruthless and clever landowner, the community is powerless. Indeed, as the Royal Institute of Chartered Surveyors associate director at the centre of excellence said:

“There is no specific Building Control legislation for making a development site visually attractive. Building Controls are more concerned that the site is secure and safe from unauthorised access... Unless there are specific conditions on the planning consent... the authorities have limited power when it comes to enforcement when a project is being constructed or left in abeyance. Many high-profile cases have won high court actions in challenging any enforcement notice issued by the authorities.”

Councils cannot even use development completion notices. A Department for Communities and Local Government report, “Completion Notices” said that a threat of such a notice should be used mainly as a negotiating tool. After all, a notice has to give a developer at least 12 months to do the work. Even if it is not completed in that time, a landowner cannot be forced to do the work. That is why, according to Heather O’Sullivan, a professional support lawyer at Campbell Hooper, local planning authorities rarely use them, as they

“prefer not to use these notices because the procedure is so time-consuming and the outcome is not sufficiently certain to guarantee the completion of part-finished schemes. Moreover, there are no penalties for non-compliance... and local planning authorities risk being left with part-built sites with no planning consent.

This is the crux of the problem. Most reasonable people can see that Golfrate has no serious intentions for the tower, but because the company is well financed, can afford good lawyers and its site is worth millions of pounds, we cannot take it on. Since buying the site, they have let it get into a worse and worse condition while the values go up and up. Is it right that communities like ours should suffer as a result of companies like Golfrate

land-banking in this way? The residents of Colliers Wood say no. We have used the powers that we have; we have caused a nuisance and there has been a bit of progress, but the basic problem has got worse.

Earlier today, the Collier’s Wood action group went to Mr Aziz’s office to deliver a letter of demands and to hold a short demonstration outside his premises. He was not there to see us—well, that is not much of a surprise, as we have invited Mr Aziz to numerous meetings, and he never comes. The action group’s demands are not unreasonable. We want him to repair the building so it is safe, and to re-clad the back ugly exterior in order to make it look better. We also want Mr Aziz to knock down the rest of the car park and convert the whole building into flats in line with the planning approval that was granted nearly six years ago.

At the heart of this, all we really want from Mr Aziz is for him to be a good neighbour—except if we are relying on people like him to behave decently of their own accord, we might have a very long wait. Communities such as those at Colliers Wood need new powers to let landowners like Mr Aziz know that we in our communities, big or small, will not accept the blight any longer. I hope that the Minister will take the side of communities, not unscrupulous multi-millionaires. When the powers that we have are not enough, we need more. When a decade passes and a community is gradually worn down as a result of the actions of ruthless developers, I hope that the Minister will not just stand by. Thank you for the opportunity, Madam Deputy Speaker, to put the case for Colliers Wood.

10.48 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Robert Neill): May I congratulate the hon. Member for Mitcham and Morden (Siobhain McDonagh) on securing this debate? I am grateful for the chance to set out the Government’s position on “Planning blight and large property owners”, which is the title on the Order Paper.

First, before going into more detail, it is as well to set out the background and to distinguish between planning blight, a term of art describing a form of statutory blight under part 6, chapter 2 of the Town and Country Planning Act 1990, and the kind of blight that occurs where buildings and sites are left vacant and unmaintained, adversely affecting the environmental quality of an area. It is the latter issue with which we are largely concerned this evening.

The hon. Lady mentioned planning permissions and it is worth bearing in mind that such permissions are normally granted for a period of three years from the date of decision, although this can be increased or decreased at the discretion of local authorities. In determining whether to permit a longer period, local authorities may wish to consider the economic circumstances and the ability of a developer to deliver the development. The Government consider that three years is a fair period to give the developer time to secure the necessary finance and to make arrangements to get on site and proceed with the development. It strikes the right balance between the commercial pressures that developers face and the need of the community to ensure that the development that they are promised materialises.

If developers are unable to proceed within the time period specified by the local planning authority, in certain circumstances they are able to apply for a replacement planning permission. That procedure was introduced in 2009 and its scope was expanded in October last year. A replacement planning permission is similar to a new planning permission but has less arduous consultation and information requirements, because principle and design have already been agreed. Local authorities have a lot of discretion over that procedure and how it applies in individual cases.

If a developer is unable to proceed with work on site, they face the prospect of the cost and uncertainty of having to apply for a new or replacement planning permission. That in itself is a major incentive for developers to get on site and start work within the allotted period. Sometimes, however, even with the best of intentions, things can go wrong for developers. Economic circumstances change, developers get into financial difficulties and projects can get stalled. It is important that the Government do what we can to remove bureaucratic barriers and support developers in delivering the housing and commercial developments that this country desperately needs.

We recognise, however, that there can also be circumstances in which landowners are not interested in progressing developments at all. They might simply try to make a profit on a site by waiting for it to increase in value, and might have no interest at all in what the site looks like in the intervening period. I think that that is the root of the hon. Lady's concern.

Where sites fall into disrepair, there can be a detrimental effect on local communities. As the hon. Lady rightly says, unused buildings can become a haven for drug users and other undesirable elements. The risk of falling masonry can pose a danger to passers-by, and general degradation of the environment can result. Where a building is dangerous and a threat to the local area, it is worth bearing in mind the provision for local authorities to serve a notice on the building owner to carry out works to remove that danger or demolish the building, under sections 77 and 78 of the Building Act 1984. I do not know whether that is appropriate in the case to which the hon. Lady refers, but the power is available generally to local authorities.

The Government take such degradation of buildings very seriously, and our first priority is to prevent such situations from happening in the first place. The Government have worked hard to prevent developers from building up banks of land, by making sure that they are required to start work on site within a timely period from the granting of planning permission. Where the state of the site has led to the quality of the environment being adversely affected, however, local authorities have a number of remedies available to them. The hon. Lady referred to the provisions under section 215 of the Town and Country Planning Act 1990, under which a local authority can, in certain circumstances, take steps to make good the loss of public amenity. If it appears that the amenity or part of the amenity of an area is being adversely affected by the condition of neighbouring land and buildings, the authority can serve a notice on the owner requiring that the situation be remedied. Such notices set out the steps that need to be taken, and the time within which they must be carried out.

The use of section 215 notices by local planning authorities is discretionary. It is up to the local planning authority to decide whether a notice under those provisions would be appropriate. The hon. Lady says correctly that at least one extant notice is still in operation in relation to the site to which she refers. For that reason, the House will understand why it is not appropriate for me to comment further on the case.

Other remedies are also available to local authorities when development has already begun and has stalled for one reason or another. For example, a local planning authority can—with the agreement of the Secretary of State—issue a completion notice, which will terminate a planning permission at the end of a specified period if the development is not completed. If it is not completed within the specified time limit, there will be no planning permission for the remainder of the development. Local authorities can take enforcement action once the completion notice comes into effect if the development is resumed at a later date.

A key driver of the localism agenda is giving communities a stake in the future of their areas, and enabling them to achieve real change. We are giving communities the ability and the incentive to plan positively for their futures, and to safeguard the things that matter to them. The measures announced in our Localism Bill should ensure that the desires and intentions that people express in regard to their local environment through the planning system result in real change on the ground, and that developments are delivered in a timely manner to the benefit of all concerned.

I know the hon. Lady will understand that we must strike a balance between the need to support developers in the challenging economic circumstances that we have inherited and the need to ensure that local communities have sufficient power and resources to protect themselves from the loss of amenity that comes with boarded-up and vacant sites. As I have said, discretionary powers exist to help local authorities to achieve that, and ultimately it is for the community to work with them to ensure that the problems associated with vacant buildings are dealt with in a fair, proportionate and responsible way.

Siobhain McDonagh: The Minister's use of the word "proportionate" suggests that we are discussing parties with equal power, but I hope that I have conveyed our feeling of powerlessness in the face of a large and wealthy organisation that is willing to go to law and has access to expert legal advice. Residents do not have that capacity, and local authorities are often frightened to engage with those who are very litigious.

Robert Neill: The hon. Lady will appreciate that planning policy relates essentially to land use. We cannot have a system that is determined by the economic capacity of the parties as such. What is important is that the local authority, in particular, has powers. While I realise that the scope of individual community groups may be limited, I understand that the London borough of Merton has taken powers in serving section 215 notices in relation to this case, so it has a remedy.

We propose to give local communities much more control over developments of this kind in the first place through our changes to the planning system and, in particular, our concept of neighbourhood planning. I suspect that had neighbourhood plans been established

[Robert Neill]

in Colliers Wood, a different view of such developments might well have been taken. The fact is, however, that this is an existing development with an extant permission, and the local authority must deal with the situation with which it is currently confronted.

Siobhain McDonagh: The point is, surely, that if a company has funds that enable it to invest in property and to do nothing with the planning applications that it receives other than sit and wait for the property price to rise, the planning process does not help. What local authorities need are greater powers of enforcement, and greater powers to require developers to be good neighbours.

Robert Neill: A number of steps have been taken in that regard. Until 2004, developers could extend the life of planning permissions by varying time limit conditions attached to existing planning consents. Because of concerns about land banking, the last Government amended section 73 of the Town and Country Planning Act 1990 in the Planning and Compulsory Purchase Act 2004 to prevent it from being used to vary such conditions. I have no issue with that. Those sort of steps were taken, and we also have to bear in mind that concern was expressed that action should be proportionate.

In addition, steps have been taken to examine the default length of planning permissions. As I say, the default length is three years, but local authorities have discretion under section 91 of the 1990 Act to grant permission for another period, having regard to the provisions of the development plan and other material considerations. The Department has previously issued letters to the chief planning officers reminding them of their discretion in this regard. Precisely because this issue is discretionary for the local authority it would be wrong for them or certainly for a Minister to try to fetter that. We can simply put in place the tools for them to use, if appropriate, and remind them if they are available. I do not know what consideration Merton

council gave to those matters, but it is clear that it did take steps in relation to the section 215 notices in this case.

I understand the hon. Lady's frustration. It may well be that when the Government consult in due course on the changes that we are making to the planning framework with our national planning priorities framework, both her local council and others who are concerned about this matter will wish to make representations as to what further can be done. One has to bear in mind that because proprietary interests are affected, whatever the rights and wrongs of the issue, any action has to be taken in a manner capable of being sustained, because it has to be justiciable. Therefore, the authority has to act in a quasi-judicial fashion and the Department has to make sure that any advice it gives in any legal framework that it sets in place is consistent with our legal obligation to fairness on both sides.

It is always difficult in a debate such as this to deal with individual cases, particularly while there are existing proceedings. These have the potential to result in court proceedings, because a fine can be imposed if they are not complied with. Although it is not possible to be more specific about particular cases, I can assure the hon. Lady that the Government are alert to these issues and are, of course, always looking to see whether there are sensible means of keeping these rules up to date. I hope that the pressure being applied and the good work that is clearly being done by people in Colliers Wood and the neighbourhood action group, together with their councillors, will have an effect on the owners of the building. Equally, I am sure that she will understand why it is not appropriate for me to say more than I already have about the particular circumstances of a case where, in effect, enforcement-type proceedings—section 215 proceedings—are ongoing.

Question put and agreed to.

11.3 pm

House adjourned.

Written Ministerial Statements

Monday 24 January 2011

FOREIGN AND COMMONWEALTH OFFICE

Southern Sudan Referendum

The Secretary of State for Foreign and Commonwealth Affairs (Mr William Hague): I am pleased to inform the House that polling in the southern Sudan referendum took place between 9 and 15 January 2011. Over 3 million southern Sudanese cast their votes in this historic referendum to decide their future, far exceeding the required 60% turnout figure. Many queued for hours at polling centres, waiting patiently and calmly for the opportunity to express their view.

The successful completion of the referendum is a momentous step towards the implementation of the comprehensive peace agreement signed between the north and south in 2005. Observers from the United Kingdom and many other countries have been on the ground monitoring the process closely. This week domestic and international observers have made clear that the process to date has been conducted in a credible manner. This is a truly remarkable achievement and I welcome the observers' assessments, including the EU observation mission's preliminary statement of 17 January that the referendum had met international standards and been free and fair. We await the formal announcement of the result, currently due on 7 or 14 February.

I commend the enormous efforts made over the last few months to prepare for the referendum by the political leadership in Khartoum and Juba, and the work done by the Southern Sudan Referendum Commission (SSRC). I also commend the logistical support for voting inside Sudan provided by the United Nations Mission to Sudan (UNMIS) and the arrangements made for out-of-country voting by the International Organisation for

Migration (IOM). The UK provided significant technical and financial assistance to the polling within Sudan and overseas.

During polling I spoke to both Vice-President Taha and southern President Kiir about the need to resume negotiations on the outstanding CPA issues as soon as possible. I also spoke to President Mbeki, who leads the African Union high-level implementation panel that is supporting the parties, and to President Meles of Ethiopia. My right hon. Friend the International Development Secretary has spoken to Jean Ping of the African Union, Baroness Amos of OCHA and Dr Amre Moussa of the Arab League. The Under-Secretary of State, my hon. Friend the Minister with responsibility for Africa, the Member for North West Norfolk (Mr Bellingham), has spoken to Haile Menkerios, the United Nations Secretary-General's Special Representative for Sudan.

The UK, working with international partners, worked closely with the parties to reach the comprehensive peace agreement in 2005. We remain fully supportive as they address the major challenges that still lie ahead. These include questions around the border between north and south, the status of Abyei, international debt, citizenship and security.

At the same time, the UK remains engaged on humanitarian and development issues. Of recent concern has been the large movement of people from north to south, and the displacement of 40,000 people due to violence in Darfur. Perhaps as many as 180,000 people have returned to southern Sudan since November. Contingency arrangements put in place have so far held: the UK has contributed £15 million to referendum-related contingency preparedness and, with the UN, is monitoring the situation closely.

Whatever the outcome of the referendum, the UK will continue its commitment to both north and south Sudan. We will continue to support African Union/United Nations Chief Negotiator Djibril Bassolé and the Government of Qatar as they seek to establish a lasting and inclusive peace in Darfur.

This is a critical moment for the people of Sudan. Much has been achieved that lessens the risks of a return to war, but there is still much to be done before the end of the comprehensive peace agreement on 9 July 2011.

Written Answers to Questions

Monday 24 January 2011

NORTHERN IRELAND

Departmental Pay

Lisa Nandy: To ask the Secretary of State for Northern Ireland what information his Department holds on the number of subcontracted staff servicing his Department who were not paid at a rate equivalent to or above the London living wage in the latest period for which figures are available. [34812]

Mr Swire: There are no subcontracted staff based in London working in my Department.

SCOTLAND

Departmental Communication

Alok Sharma: To ask the Secretary of State for Scotland what measures he has undertaken to reduce jargon and promote plain English in Departmental communications. [35795]

David Mundell: It is Scotland Office policy that all communications should be written in plain English.

Departmental Pay

Lisa Nandy: To ask the Secretary of State for Scotland what information his Department holds on the number of sub-contracted staff servicing his Department who were not paid at a rate equivalent to or above the London living wage in the latest period for which figures are available. [34810]

David Mundell: The Scotland Office does not hold any pay information relating to sub-contracted staff.

Departmental Public Appointments

Fiona Mactaggart: To ask the Secretary of State for Scotland how many (a) women and (b) men have been appointed to public duties by his Department since May 2010. [35390]

David Mundell: The Secretary of State recently appointed Mrs Paula Sharp as a member of the Boundary Commission for Scotland from 1 January 2011 for a period of four years. He also re-appointed an existing Commissioner, Mr Ken McDonald, from 7 June 2011 for a further four years.

Fiona Mactaggart: To ask the Secretary of State for Scotland what public appointments he has made since his appointment; and to what payments each person so appointed is entitled. [35414]

David Mundell: The Secretary of State appointed a new Commissioner to the Boundary Commission for Scotland from 1 January 2011 for a period of four years. He also re-appointed an existing Commissioner for a further four years from 7 June 2011. Commissioners are remunerated at £505.50 per day.

Employment Rights: Students

Mr Bain: To ask the Secretary of State for Scotland what discussions he has had with Universities Scotland on the effects in Scotland of the Government's proposals on employment rights for (a) work placements within degree programmes and (b) employment between periods of undergraduate and postgraduate study. [34866]

David Mundell: The Secretary of State for Scotland discussed the Government's consultation on the student immigration system with the convenor of Universities Scotland in December.

Entry Clearances: Overseas Students

Mr Bain: To ask the Secretary of State for Scotland what discussions he has had with colleges in Scotland on the effects of the Government's immigration policy on the further education sector in Scotland. [34864]

David Mundell: The Secretary of State for Scotland met representatives from Scotland's Colleges' Principals' Convention earlier this month and discussed a range of issues important to the further education sector, including the Government's consultation on student immigration.

Mr Bain: To ask the Secretary of State for Scotland what discussions he has had with representatives of the further and higher education sector in Scotland on the effects of the Government's immigration policy on (a) numbers of students and (b) economic and employment in Scotland. [34867]

David Mundell: The Secretary of State for Scotland has had a number of discussions with the Scottish further and higher education sector about the Government's immigration policy. Most recently, he discussed the Government's proposals on student immigration with representatives from Scotland's colleges' principals' convention earlier this month, and with the Convenor of Universities Scotland in December.

Low Incomes

Ann McKechnin: To ask the Secretary of State for Scotland what discussions he has had with the (a) Chancellor of the Exchequer and (b) Chief Secretary to the Treasury on the provision of financial assistance to motorists on low incomes in urban areas of Scotland following the increase in the level of value added tax and fuel duty. [35360]

Michael Moore: I have regular discussions with the Chancellor of the Exchequer and the Chief Secretary to the Treasury on a range of issues. The tax and benefits system as announced in the Budget provides a range of support to people on low incomes, including the £1,000 increase in the income allowance, whether or not they own a car.

Refinery and Petro-Chemical Operations

Michael Connarty: To ask the Secretary of State for Scotland what discussions he has had with the Scottish Executive on the involvement of Petrochina in the refinery and petro-chemical operations at Grangemouth. [35055]

David Mundell: The arrangement between Ineos and Petrochina is a commercial matter for the companies themselves. My officials kept me in touch with developments throughout the process.

ENVIRONMENT, FOOD AND RURAL AFFAIRS

Air Pollution: Greater London

Sheryll Murray: To ask the Secretary of State for Environment, Food and Rural Affairs what discussions she has had with the Mayor of London on the Air Quality Strategy for London. [35189]

Richard Benyon: The Secretary of State for the Environment met the Mayor of London most recently on 27 July 2010, to talk about a number of issues including waste, water supply and air quality.

There have also been, and continue to be, frequent meetings between officials in DEFRA, and officials in the Greater London authority, and Transport for London, to discuss the Mayor's Air Quality Strategy.

Departmental Manpower

Barry Gardiner: To ask the Secretary of State for Environment, Food and Rural Affairs what the (a) total and (b) annual average salary was of staff employed on fixed-term contracts in her Department in the latest period for which figures are available. [34636]

Richard Benyon: The information requested is detailed as follows:

Core DEFRA, Animal Health (AH) and the Veterinary Medicines Directorate (VMD)

Core DEFRA, Animal Health and the Veterinary Medicines Directorate operate the same pay and conditions and, therefore, the information has been merged.

(a) The total (annualised) salary of those staff on fixed-term appointments (FTA) within core DEFRA, AH and VMD, as at 31 December 2010, is within £1,731,797.

(b) The average salary of FTAs within core DEFRA, AH and VMD as at 31 December 2010 is £36,846.74.

The Centre for Environment Fisheries and Aquaculture Science (CEFAS)

(a) The total (annualised) salary of those staff on fixed-term appointments (FTA) within CEFAS, as at 31 December 2010, is £704,574.

(b) The average salary of FTAs within CEFAS as at 31 December 2010 is £20,130.69.

The Food and Environment Research Agency (Fera)

(a) The total (annualised) salary paid to fixed-term appointments (FTA) within Fera as at 31 December 2010 is £576,994.

(b) The average salary of FTAs within Fera as at 31 December 2010 is £21,090.

The Rural Payments Agency (RPA)

(a) The total (annualised) salary paid to fixed-term appointments (FTA) within the Rural Payments Agency (RPA) as at 1 January 2011 is £1,222,704.

(b) The average salary of FTAs within RPA as at 1 January 2011 is £25,473.

The Veterinary Laboratories Agency (VLA)

(a) The total (annualised) salary of those staff on fixed-term appointments (FTA) within VLA, as at 31 December 2010, is £652,702.

(b) The average salary of FTAs within VLA as at 31 December 2010 is £24,174.15.

Barry Gardiner: To ask the Secretary of State for Environment, Food and Rural Affairs how many staff are employed on fixed-term contracts in her Department; and what the job title of each is. [34653]

Richard Benyon: The information requested is detailed as follows:

Department for Environment, Food and Rural Affairs (Core DEFRA)

(a) The number of fixed term appointments (FTA) within Core DEFRA, as at 31 December 2010 was 22.

(b) The job title of each FTA within DEFRA, as at 31 December 2010 is as follows:

Debt Recovery Officer

Administrative Assistant

Chief Executive Officer—Shared Services

Head of Business Effectiveness—Shared Services

Head of Service Delivery and System and Supplier Management—Shared Services

Economic Adviser

Administrative Officer

Assistant Economist

Survey Support Officer (x5)

Web Developer

Chief Scientific Adviser

Economist on Waste Economics

Assistant Statistician

Legal Trainee

Lawyer

Policy Adviser

Work Force Planning, Leadership and Talent

Data Sharing Programme Director

Animal Health (AH)

(a) The number of fixed term appointments (FTA) within AH, as at 31 December 2010 was 25.

(b) The job title of each FTA within AH, as at 31 December 2010 is as follows:

Welsh Language Translator

Chief Executive

Project Manager (x3)

Director Corporate Services and Chief Information Officer

Finance and Administration AO

Veterinary Inspector (x3)

Admin Officer (x5)

Admin Officer—TB (x4)

Admin Officer—Notifiable disease (x2)

Admin Assistant—tracings

Admin Assistant (x2)

Admin Officer—customer contact

Veterinary Medicines Directorate (VMD)

(a) The number of fixed term appointments (FTA) within VMD, as at 31 December 2010 was 0 (zero).

Centre for Environment, Fisheries and Aquaculture Science (CEFAS)

(a) The number of fixed term appointments (FTA) within CEFAS, as at 31 December 2010 was 35.

(b) The job title of each FTA within CEFAS, as at 31 December 2010 is as follows:

Administrative Support Officer
 Analytical Chemist (x2)
 Aquatic Product Evaluation Manager
 Assistant Analytical Chemist (x2)
 Assistant Fisheries Observer (x2)
 Assistant Shellfish Hygiene Data Officer
 BEEMS Administrator
 Benthos Laboratory Assistant
 Business and Contracts Manager
 Ecosystems Modeller (x3)
 Environmental Scientist
 Finance and Resources Administrator
 Fisheries Researcher
 Helpdesk Analyst
 IT Systems Manager
 Laboratory Support Technician
 Laboratory Technician
 Marine Biologist
 Marine Ecologist (x2)
 Microbiologist
 Plankton Taxonomist (x3)
 Recruitment Officer
 Research Contracts Manager (x2)
 Research Programme Manager (x2)
 Scientist

Food and Environment Research Agency (Fera)

(a) The number of fixed term appointments (FTA) within Fera, as at 31 December 2010 was 30.

(b) The job title of each FTA within Fera, as at 31 December 2010 is as follows:

Account Assistant
 Account Manager
 Admin Assistant
 Agricultural Surveyor
 Analytical Chemist
 Assistant Diagnostician (x2)
 Assistant Ornithologist (x3)
 Ecologist
 Environmental Scientist
 Environmental Statistician
 Field Ecologist
 Footpath Warden
 Laboratory and Apiary Technician
 Order Processing Administrator
 Plant Health Support Team Administrator (x2)
 Principal Apiarist
 Resourcing Team Leader
 Ruddy Duck Control Officer (x2)
 Scientific Officer
 Seasonal Bee Inspector (x3)
 Senior Management Accountant (x2)
 Veterinary Adviser

Rural Payments Agency (RPA)

(a) The number of fixed term appointments (FTA) within RPA, as at 1 January 2011, was 4.

(b) The job title of each FTA within RPA, as at 1 January 2011 is as follows:

Human Resources Business Partner (HRBP) Change Agent
 Programmes and Projects Management Purchase Order (PO) User
 Service Desk Analyst
 Team Leader PO User

Veterinary Laboratories Agency (VLA)

(a) The number of fixed term appointments (FTA) within VLA, as at 31 December 2010 was 27.

(b) The job title of each FTA within VLA, as at 31 December 2010 is as follows:

Pay Band C (Scientist) (x2)
 Pay Band C (Veterinarian) (x2)
 Pay Band D (Scientist) (x4)
 Pay Band D (Administrator) (x2)
 Pay Band D (Librarian)
 Pay Band E (Scientist) (x4)
 Pay Band F (Scientist) (x4)
 Pay Band G (Administrator) (x6)
 Pay Band G (Laboratory Attendant) (x2)

Departmental Pay

Lisa Nandy: To ask the Secretary of State for Environment, Food and Rural Affairs what information her Department holds on the number of sub-contracted staff servicing her Department who were not paid at a rate equivalent to or above the London living wage in the latest period for which figures are available. [34819]

Richard Benyon: The Department does not hold central records of the rates paid to sub-contracted staff by their contracting agencies and to collate these would incur disproportionate costs.

The Department contracts with the agency to pay an agreed total fee which would include the agency margin for their costs/profit.

The rate paid to sub-contracted staff by the agencies employed by the Department would be a matter between the person and their relevant agency.

Environment Agency: Manpower

Miss McIntosh: To ask the Secretary of State for Environment, Food and Rural Affairs how many field flood engineers the Environment Agency employed in each of the last three years. [34879]

Richard Benyon: Latest available data from an exercise carried out in 2009 estimated that 230 field flood engineers were employed at the time. This is not expected to be subject to significant annual variation. The Environment Agency does not collate this information on an annual basis.

Fisheries: Quotas

Amber Rudd: To ask the Secretary of State for Environment, Food and Rural Affairs for what reasons unused cod quota held by produce organisations is not reallocated to the under 10-metre fleet in area V11D.

[35010]

Richard Benyon: There are several reasons why the in-year reallocation of unused quota is not currently undertaken, eg quota holders may be retaining their quota to fish later in the year, or to use as swap currency to acquire different quota. The prospect of such reallocation can encourage a race to fish, which could mean that fish is targeted out of season, thus increasing effort and discards of other stocks. Such reallocation may also impact on prices due to a surplus of fish on the market. Furthermore, there is also a risk of ‘ghost’ fishing in order to secure ongoing access and prevent reallocation—something that is difficult to enforce against.

I recognise the difficulties currently facing the under-10 metre fleet, and that relying on quota swaps and gifts is not sustainable. I am committed to reform of the fisheries management arrangements, and a consultation is due to be launched in the spring, including a further look at the issue of quota uptake and distribution. In the meantime, discussions continue with producer organisations to consider what support they can offer the under-10 metre fleet in the short-term.

Flood Control: North West

Tim Farron: To ask the Secretary of State for Environment, Food and Rural Affairs whether she plans to allocate funding for flood defences to (a) the North West, (b) Cumbria and (c) Westmorland and Lonsdale constituency in (i) 2011, (ii) 2012 and (iii) 2013. [35157]

Richard Benyon [*holding answer 21 January 2011*]: The indicative funding allocation proposals for flood and coastal erosion risk management projects for 2011-12 are currently subject to discussion between the Environment Agency and its regional flood defence committees.

Final decisions on the allocation of 2011-12 funds to regional committees will be made in February or March by the Environment Agency’s Board, and decisions on the programmes of schemes to be delivered next year will be made by the committees in April.

Decisions on funding for future years will depend on the outcome of DEFRA’s “Future funding for Flood and Coast Erosion Risk Management” consultation.

Redundancy

Barry Gardiner: To ask the Secretary of State for Environment, Food and Rural Affairs how many staff in her Department have been made redundant since May 2010. [34654]

Richard Benyon: Fewer than five members of staff in DEFRA have been made redundant since May 2010. It is DEFRA’s policy for reasons of confidentiality not to release full details relating to numbers of staff fewer than five where to do so might lead to the identification of individual cases.

ATTORNEY-GENERAL

Departmental Pay

Lisa Nandy: To ask the Attorney-General what information the Law Officers’ Departments hold on the number of sub-contracted staff servicing their Departments

who were not paid at a rate equivalent to or above the London living wage in the latest period for which figures are available. [34827]

The Attorney-General: The Law Officers’ Departments do not stipulate that sub-contracted staff must be paid the equivalent or above the London living wage on any of its contracts, although there would be an expectation that all would be paid at least the national minimum wage. The Attorney-General’s Office has identified five sub-contracted staff who are paid at a rate below the London living wage.

The remaining Law Officers’ Departments either do not directly employ any sub-contracted staff or do not hold details of rates paid to individuals by agencies or firms for sub-contracted services, such information could be obtained only at a disproportionate cost.

Rape: Offences Against The Administration of Justice

Fiona Mactaggart: To ask the Attorney-General pursuant to the answer of 13 December 2010 *Official Report*, column 447W, to the hon. Member for Newcastle upon Tyne North, on rape: offences against the administration of justice, if he will consider the merits of collecting data on the number of women prosecuted for (a) perverting the course of justice, (b) perjury and (c) wasting police time following the withdrawal of a complaint of rape or domestic violence. [35169]

The Attorney-General: The official crime statistics and the collection of data to support them is a matter for the Ministry of Justice. The Crown Prosecution Service (CPS) data systems are not capable of capturing such information.

However, in view of public interest in these offences and how they are prosecuted, the Director of Public Prosecutions (DPP) commissioned a one-off survey of all 42 CPS areas to gain a snapshot of the number of prosecutions of complainants who had made allegations of rape, for perverting or attempting to pervert the course of public justice. The survey is informing the action the CPS is taking to address public concerns in this area.

INTERNATIONAL DEVELOPMENT

Burma: Malaria

Jeremy Corbyn: To ask the Secretary of State for International Development what information his Department holds on the areas of Burma which have the highest rates of malaria. [35833]

Mr Duncan: According to the World Health Organisation, malaria is endemic in 284 of the 325 townships in Burma. An estimated 68% of Burma’s population is at a risk of contracting the disease, the most vulnerable being those who work in logging, plantation agriculture and the construction of roads and dams. The areas with the highest rates of transmission of malaria are in hilly and forested border areas.

Departmental Pay

Lisa Nandy: To ask the Secretary of State for International Development what information his Department holds on the number of sub-contracted staff servicing his Department who were not paid at a rate equivalent to or above the London living wage in the latest period for which figures are available. [34814]

Mr Duncan: There are currently eight full-time and 10 part-time staff employed by MITIE to work in the Department for International Development's (DFID's) London headquarters, who are paid below the London living wage.

Food Aid

Mr Bain: To ask the Secretary of State for International Development how much funding his Department plans to provide for research on (a) the sustainability of global food supply chains and (b) food security in each of the next four financial years. [34794]

Mr Duncan: Decisions on future funding to agricultural research have not been finalised. Future funding will be decided upon following the conclusion of the ongoing bilateral and multilateral aid reviews.

Sudan: Asylum

Helen Jones: To ask the Secretary of State for International Development what assistance his Department plans to provide to refugees in south Sudan. [34871]

Mr Andrew Mitchell: Through the Common Humanitarian Fund (CHF), the Department for International Development (DFID) is providing support to UN agencies, such as the High Commission for Refugees (UNHCR), to monitor the situation of refugees entering southern Sudan from the Democratic Republic of Congo (DRC) and Uganda.

DFID is also providing assistance via the CHF to the internally displaced persons (IDPs) returning from the north of the country to southern Sudan. Over the last 11 weeks more than 183,000 IDPs have reached the south from the north. DFID has provided support to a humanitarian contingency fund which goes towards providing food, shelter, cooking utensils, medicines, and emergency water and sanitation for a period of three months. This is delivered by international and national NGOs and the UN. Addressing issues such as the separation of families, particularly children from adults, are also supported by this mechanism. The UK is working with the Government of Southern Sudan, the UN and other partners to start to address the longer-term integration and livelihood needs of both the refugees and the returnees.

Sudan: Politics and Government

Helen Jones: To ask the Secretary of State for International Development what assistance his Department is providing to support the development of civic society in south Sudan. [34870]

Mr Andrew Mitchell: Where possible, UK aid programmes in southern Sudan use local non-government organisations (NGOs) and community based organisations (CBOs) as implementing partners. Where this is the case we provide additional support to strengthen the organisation itself. For example, the DFID-managed multi-donor Basic Services Fund requires international NGOs to guide and mentor local NGOs and CBOs on needs identification, delivery, and implementation, so that they are able to manage larger funds themselves in the future.

I am currently reviewing all DFID's bilateral aid to ensure that it is spent where need is greatest and in ways that will achieve the maximum impact.

World Bank: Food Aid

Mr Bain: To ask the Secretary of State for International Development what his policy is on the operation of the World Bank's Global Food Crisis Response Program. [34741]

Mr Duncan: The UK Government indirectly support the Global Food Crisis Response Program (GFRP) through our core contribution to the World Bank Group. The UK currently has no plans to provide funding directly to the Multi-Donor Trust Fund of the GFRP. The UK continues to provide support for food security and agriculture in developing countries through other multilateral agencies and the Department for International Development's country programmes.

Mr Bain: To ask the Secretary of State for International Development what support his Department has given to the World Bank's Global Food Crisis Response Program in the last two financial years. [34742]

Mr Duncan: The Department for International Development has not provided any funding to the World Bank's Group's Global Food Crisis Response Program (GFRP), other than indirectly through our core contributions to the World Bank's International Development Association which co-funds the GFRP.

CULTURE, MEDIA AND SPORT

Broadband

Ian Lucas: To ask the Secretary of State for Culture, Olympics, Media and Sport whether he plans to provide open access to broadband providers to networks established in the high speed broadband pilot areas. [34606]

Mr Vaizey [*holding answer 18 January 2011*]: Broadband Delivery UK is in the process of designing the models for commercial deployment of broadband with public support in commercially challenging areas, which includes the selected pilot sites.

Procurements will be under EU procurement rules, which require access obligation when public money is invested.

Stephen Timms: To ask the Secretary of State for Culture, Olympics, Media and Sport what assessment he has made of the effects on UK competitiveness of the change in the target date for universal broadband service from 2012 to 2015. [34872]

Mr Vaizey: The Government's approach to broadband is to drive the rollout of superfast broadband to as much of the country as possible and to deliver at least a decent level of broadband access to virtually everybody as part of that commitment. That approach is underpinned by the work that BDUK conducted over summer 2010 examining the choice of cost effective solutions available to provide a minimum level of coverage to all premises without access to at least 2 MBps. Among the conclusions of that exercise was that a universal service commitment should not be seen as separate from the superfast broadband objective, but rather an integral part of pushing next generation networks deep into rural Britain. The £530 million allocated to support broadband rollout up to 2015 will help the UK achieve its aim of having the best superfast broadband network in Europe by 2015.

Alun Cairns: To ask the Secretary of State for Culture, Olympics, Media and Sport what plans he has to introduce a second round of broadband pilots. [34989]

Mr Vaizey: The Secretary of State for Culture, Olympics, Media and Sport announced on 6 December that the next £50 million of the £530 million allocated to support broadband rollout would be made available early in 2011. Broadband Delivery UK will be working with local authorities throughout the UK to give them guidance on how to apply for the next round of broadband projects. We expect to invite bids from April 2011 and to announce the successful projects in May 2011.

Broadband Delivery UK

Ian Lucas: To ask the Secretary of State for Culture, Olympics, Media and Sport whether Broadband Delivery UK has issued tender documentation in respect of the four high speed broadband pilot areas. [34605]

Mr Vaizey [*holding answer 18 January 2011*]: To date no tender documents have been issued.

Broadband: Finance

Ian Lucas: To ask the Secretary of State for Culture, Olympics, Media and Sport how much funding his Department has allocated to support the four high speed broadband pilots. [34494]

Mr Vaizey [*holding answer 18 January 2011*]: The precise amount of funding will depend on the procurement for each project but we expect to allocate between £5 million to £10 million to each pilot project.

Broadband: West Lothian

Graeme Morrice: To ask the Secretary of State for Culture, Olympics, Media and Sport pursuant to the answer of 13 December 2010, *Official Report*, columns 588-89W, on broadband: Scotland, by what date he expects the West Lothian local authority area to begin to benefit from greater availability of superfast broadband. [34792]

Mr Vaizey: Parts of West Lothian already have market-led access to superfast broadband—BT's Livingston Station exchange has been enabled to receive its superfast broadband product and Virgin Media's services are also available in the area.

The Government's £530 million of support for broadband rollout is targeted at those areas—predominantly rural and remote—that will not be served by the market in a reasonable timeframe. The Secretary of State for Culture, Olympics, Media and Sport announced that the next £50 million of the support for broadband rollout will be available to support projects from 2011—with bids expected to be invited in April 2011.

Cricket: Television

Paul Uppal: To ask the Secretary of State for Culture, Olympics, Media and Sport what progress he has made on making future home Ashes test matches available on free-to-air television. [34775]

Mr Vaizey: In a ministerial statement to Parliament on 21 July 2010, the Government announced their decision to postpone the previous Administration's review of free-to-air listed events but with a commitment to review the position more fully in 2013 following the completion of digital switchover in 2012. The current list of events will remain in force.

Departmental Working Conditions

Mike Freer: To ask the Secretary of State for Culture, Olympics, Media and Sport what his Department's policy is on (a) the space provided per employee, (b) home working and (c) hot desking; how many employees it has on average per desk; and how much space on average there is per employee. [34587]

John Penrose: The Department's policy on (a) the space provided per employee is to meet the Government's 10m² per full-time equivalent (FTE) workplace standard and on (b) home working is to encourage all forms of flexible working patterns including home working where this can cost-effectively deliver against business needs. The Department's policy on (c) hot desking was to fully implement it on 29 March 2010 at a ratio of 10 staff to eight desks and the average space per employee is 10.5m² per FTE.

Digital Broadcasting: Radio

George Eustice: To ask the Secretary of State for Culture, Olympics, Media and Sport if he will bring forward proposals to extend the deadline for digital radio switchover. [34887]

Mr Vaizey: No deadline for digital radio switchover has been set. A decision to set a date will be only be made once the listening and coverage criteria have been satisfied.

Digital Broadcasting: Television

Mark Reckless: To ask the Secretary of State for Culture, Olympics, Media and Sport what steps he plans to take to assist (a) elderly people and (b) people on lower incomes with the transition from analogue to digital television in 2012. [34657]

Mr Vaizey: The Government and the BBC have set up the Digital Switchover Help Scheme (DSHS) to offer those 75 or over, disabled and visually impaired people and care home residents practical help to make the switch to digital television on one of their sets.

We estimate that over 7 million households will be eligible for help through the switchover period.

By January 2011, DSHS had mailed nearly 4 million people and completed 430,000 installations and deliveries.

Participating in the scheme costs a subsidised £40. However, help is available free of charge where the eligible person is also in receipt of certain income related benefits.

The help scheme is rolled out in each TV region as switchover approaches and every eligible person in that region is contacted directly by post in the run up to switchover.

The help scheme will:

provide easy-to-use equipment that suits a person's needs; help with installing equipment;

fit a new dish or aerial, where they can, if it is needed to make the new equipment work;

give people an easy-to-understand demonstration of how everything works;

provide a free telephone support service and a comprehensive network of trained and accredited installers that will be able to deal with any queries about installation or use; and

develop links with local charities and voluntary groups to identify ways in which they can help support aspects of the Help Scheme.

The scheme is funded through £603 million ring-fenced within the BBC's licence fee income over the period of switchover.

HMS Victory 1744

Mr Andrew Smith: To ask the Secretary of State for Culture, Olympics, Media and Sport pursuant to the answer of 13 January 2011, *Official Report*, column 387W on HMS Victory 1744, what steps he has taken to monitor and protect the wreck site of HMS Victory pending the publication of the joint response.

[35294]

John Penrose: The wreck is that of a sovereign immune state vessel, which means that no intrusive action may be taken without the express consent of Her Majesty's Government.

Libraries

Mr Jim Cunningham: To ask the Secretary of State for Culture, Olympics, Media and Sport how many libraries offer reading groups for young families; and if he will make a statement.

[34951]

Mr Vaizey: This information is not held by the Department. However, according to The Reading Agency (TRA) report *Reading Groups in Libraries: Mapping Survey Findings* (September 2008):

"the most popular type of reading group linked to libraries is the adult group, of which the survey estimates there are 4,546 in England and Wales. Other popular groups include Chatterbooks groups for children up to 11 years (an estimated 550), teen or young people's groups (238), visually impaired people's groups (134) and women's groups (113)."

Outreach work like this helps libraries to attract new audiences and is a valuable example of how libraries can and do play an important role in delivering priority policies like literacy improvement, support for families, health and happiness development and building community cohesion.

S4C

Jonathan Edwards: To ask the Secretary of State for Culture, Olympics, Media and Sport for what reasons S4C is included in schedule 7 to the Public Bodies Bill; and if he will make a statement.

[35222]

Mr Vaizey: In line with planned reforms, S4C is included in schedule 4 of the Public Bodies Bill as this provides for the power to modify S4C's funding arrangements.

S4C is also included in schedule 7 as it lists all public bodies which were subject to the public bodies review and which would require legislation to effect any possible changes in the future. For example, this could include a scenario where further reform is needed to provide for the new partnership arrangements with the BBC Trust.

Jonathan Edwards: To ask the Secretary of State for Culture, Olympics, Media and Sport what legal advice he has received in respect of the inclusion of S4C in schedule 7 to the Public Bodies Bill.

[35223]

Mr Vaizey: Departmental lawyers were involved in the drafting of the clauses and schedules of the Public Bodies Bill. The inclusion of S4C in schedule 7 is entirely consistent with the approach followed across the entire programme of public bodies reform which is itself the result of discussions that have taken place between Ministers, lawyers and policy officials in the Cabinet Office and all Government Departments. I have not requested any legal advice on this individual issue as it relates to the wider approach taken in drafting the Bill.

Telecommunications

Mike Weatherley: To ask the Secretary of State for Culture, Olympics, Media and Sport if he will assess the merits of taking steps to assist towns and cities that have a significant number of media businesses to upgrade their communication infrastructure using dark fibre.

[34993]

Mr Vaizey: The Government's recently published broadband strategy is aimed at providing a policy and regulatory environment that supports private sector investment in new communications infrastructure.

Television

Mike Weatherley: To ask the Secretary of State for Culture, Olympics, Media and Sport what representations he has received on his proposed local television pilot scheme; and if he will make a statement.

[34648]

Mr Vaizey: My officials and I have received representations about local television from a wide range of interested parties.

Last week we published our Local Media Action Plan, which invites views from industry and the public, as well as expressions of interest from organisations interested in bidding for a new network channel that will host local TV services. The plan was informed by Nicholas Shott's review of local TV, during which a great many existing and aspirant national and local media groups were consulted.

Theatres: Finance

Mr Jim Cunningham: To ask the Secretary of State for Culture, Olympics, Media and Sport how many theatres are in receipt of Government funding; how much each such theatre received in the latest period for which figures are available; and if he will make a statement. [34953]

Mr Vaizey: A copy of a table detailing each theatre in receipt of Government funding, how much each theatre received in 2010-11 and how much they will be awarded in 2011-12 will be placed in the Libraries of both Houses.

Theatres: Public Expenditure

Mr Jim Cunningham: To ask the Secretary of State for Culture, Olympics, Media and Sport whether he (a) has visited theatres in an official capacity since his appointment and (b) has held discussions with theatre management on the effects of the outcomes of the comprehensive spending review on the theatre industry; and if he will make a statement. [34952]

Mr Vaizey: The Secretary of State has visited theatres in an official capacity and has also held discussions with members of the theatre industry on the effects of the comprehensive spending review.

Tourism: Marketing

Mr Anderson: To ask the Secretary of State for Culture, Olympics, Media and Sport (1) what steps his Department is taking to support businesses in the North East following changes to arrangements for Government support for the promotion of tourism; [35496]

(2) what transitional support his Department provides to assist businesses in the North East in respect of changes to Government funding for the promotion of tourism. [35497]

John Penrose: The Government have emphasised the significance of tourism to the economy and continue to work with the industry in promoting the visitor economy. We will invest almost £130 million from 2011-12 to 2014-15 in promoting tourism across the country through VisitBritain and VisitEngland.

Under the new arrangements we are introducing, the Local Enterprise Partnerships (LEPs) will become leading economic drivers and they will need to work with local tourism bodies and industry in their areas. In addition, VisitEngland has established a transition team to assist Destination Management Organisations and Local Enterprise Partnerships in this process, particularly where RDA resources have been withdrawn. We will also continue to discuss further avenues of support with other Government Departments. The Regional Growth

Fund, worth some £1.4 billion, is open for tourism-related applications, and presents an important opportunity for the sector, including in the north-east.

YouView

Mr Offord: To ask the Secretary of State for Culture, Olympics, Media and Sport what recent discussions he has had on the contribution of YouView to television in the UK. [34999]

Mr Vaizey: The Secretary of State for Culture, Olympics, Media and Sport met with the chairman of YouView on 9 December 2010.

FOREIGN AND COMMONWEALTH OFFICE

Australia: Floods

Penny Mordaunt: To ask the Secretary of State for Foreign and Commonwealth Affairs what steps he has taken to assist the Australian Government in their response to the flooding in Queensland; and if he will make a statement. [35381]

Mr Jeremy Browne: My right hon. Friend the Prime Minister spoke to Australian Prime Minister Julia Gillard on 12 January 2011 and offered UK assistance should it be required.

My right hon. Friends the Foreign Secretary and Defence Secretary met their Australian counterparts in Sydney on 18 January 2011. They agreed that the UK will provide experts in flood recovery management and in advanced flood forecasting methods.

My right hon. Friend the Foreign Secretary visited one site of the flooding in Brisbane with his Australian counterpart on 19 January 2011. He praised the Australian authorities' response and emphasised that the UK is keen to do what it can both to help manage the effects of the floods and to help with future planning.

Burma: Politics and Government

Jeremy Corbyn: To ask the Secretary of State for Foreign and Commonwealth Affairs what reports he has received on the political situation in Burma concerning the Government of Burma and armed groups on ceasefire. [35830]

Mr Jeremy Browne: The Government continue to receive regular reports of sporadic fighting along the Thai-Burma border. Regime attempts to force ethnic ceasefire groups to join their national Border Guard Force and restrictive elections have further marginalised key ceasefire groups and escalated tensions.

We regularly point out to Burma and its neighbours that there is little prospect of lasting peace and stability until the regime pursues a political settlement that takes account of the legitimate aspirations of Burma's ethnic groups. Our Charge d'Affaires in Bangkok raised the issue of refugees fleeing across the Thai-Burma border as a result of recent fighting with the Thai Foreign Minister on 19 January 2011.

Jeremy Corbyn: To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment his Department has made of the compliance of the government of Burma with UN General Assembly Resolutions on Burma. [35831]

Mr Jeremy Browne: The latest UN General Assembly resolution on Burma in November 2010 expressed deep concern at the regime's failure to address calls in previous resolutions to improve the human rights situation. It highlighted the regime's continued violations of human rights and fundamental freedoms and stressed that without significant progress the situation would continue to deteriorate.

It is this continued failure by the Burmese regime to respond to international concerns that underpins UK support for the UN Special Rapporteur's call for the UN to consider a Commission of Inquiry.

Jeremy Corbyn: To ask the Secretary of State for Foreign and Commonwealth Affairs what projects his Department funds to promote (a) democracy and (b) human rights in Burma. [35832]

Mr Jeremy Browne: The Foreign and Commonwealth Office continues to prioritise the promotion of democratic values and human rights protection in Burma. We have supported a number of projects, inside the country, in Thailand and in the UK, to work towards this aim. Our embassy in Rangoon currently provides funding for three projects in Burma through the Foreign and Commonwealth Office's strategic priority fund on human rights and democracy. The projects help to nurture conditions for democratic transition, through supporting civic empowerment and giving people the skills needed to drive change. We work closely with the British Council and Department for International Development to deliver this work.

China: Human Rights

Kate Hoey: To ask the Secretary of State for Foreign and Commonwealth Affairs what issues were discussed at the recent UK-China Human Rights Dialogue; and whether any commitments were given on human rights in Tibet by the Chinese delegation. [35670]

Mr Jeremy Browne: The UK-China Human Rights Dialogue on 13-14 January 2011 involved discussions on the full range of human rights issues. This included the rights of detainees, migrant rights, capital punishment, freedom of expression, freedom of religion, China's plans for ratification of the International Covenant on Civil and Political Rights, the situation in Tibet and Xinjiang and a number of individual cases. There were also detailed expert discussions on the role of police in criminal trials and the use of minority languages in education.

The Chinese delegation did not give us any commitments on human rights in Tibet.

Departmental Photography

Gregg McClymont: To ask the Secretary of State for Foreign and Commonwealth Affairs how much his Department has spent on photography since May 2010. [34667]

Mr Jeremy Browne: Two Foreign and Commonwealth Office (FCO) officers are trained in photography and cover FCO events at no additional cost. The FCO has spent £10,254 since May 2010 on rights to reproduce photographs.

Departmental Video Recordings

Gregg McClymont: To ask the Secretary of State for Foreign and Commonwealth Affairs how much his Department has spent on film production, including the filming of speeches, since May 2010. [34666]

Mr Jeremy Browne: The total cost of film production since May 2010 is approximately £49,776. Over the last nine months, the Foreign and Commonwealth Office (FCO) videos have been viewed around 150,000 times through the FCO's YouTube channels, including films in Arabic and Farsi with over 30,000 YouTube viewings and many more through partner media organisations. The videos communicate UK policy on issues such as the Middle East Peace Process or Iran to an international audience.

Europe 2020 Strategy

Keith Vaz: To ask the Secretary of State for Foreign and Commonwealth Affairs what discussions he has had with Ministerial colleagues on the implementation of the Europe 2020 strategy and objectives. [34583]

Mr Lidington: I have regular discussions with colleagues on a range of policy issues regarding European economic reform and growth. The Government agrees that the EU should undertake serious structural reform and supports the wider ambition of the Europe 2020 strategy, and is considering how implementation will be taken forward.

Lebanon: Politics and Government

Mr Spellar: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent assessment he has made of the political situation in Lebanon; and if he will make a statement. [35587]

Alistair Burt: As my right hon. Friend the Foreign Secretary has said, the collapse of the National Unity Government is an extremely serious development which could have grave implications for Lebanon and for regional stability. The UK has called on all parties to work together for a peaceful resolution of the crisis.

Members: Correspondence

Mr Baron: To ask the Secretary of State for Foreign and Commonwealth Affairs when he plans to reply to the letter from the hon. Member for Basildon and Billericay of (a) 29 November and (b) 16 December 2010 regarding a constituent, Mrs Lodmore. [35775]

Mr Lidington: The correspondence from my hon. Friend the Member for Basildon and Billericay was received on 5 January 2011. The Under-Secretary of State for Foreign and Commonwealth Affairs, my hon. Friend the Member for North East Bedfordshire (Alistair Burt), replied on 21 January 2011 following his return from overseas.

Mr Baron: To ask the Secretary of State for Foreign and Commonwealth Affairs when he plans to reply to the letter from the hon. Member for Basildon and Billericay of (a) 29 November and (b) 16 December 2010 regarding a constituent, Miss Tizzard. [35837]

Mr Lidington: The correspondence from my hon. Friend the Member for Basildon and Billericay (Mr Baron) was received on 11 January 2011. The Under-Secretary of State for Foreign and Commonwealth Affairs, my hon. Friend the Member for North East Bedfordshire (Alistair Burt), replied on 21 January 2011 following his return from overseas.

North Korea: Nuclear Weapons

Simon Kirby: To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has held with his (a) American and (b) Chinese counterpart on the de-nuclearisation of the Korean peninsula; and if he will make a statement. [35909]

Mr Jeremy Browne: My right hon. Friend, the Foreign Secretary discussed North Korea most recently with the Chinese Government during the visit of Li Keqiang earlier this month. We talk regularly to the US Government in Washington and Seoul on North Korea. We strongly support a process which involves building trust and confidence between North and South Korea with the view of seeing a return to negotiations. All parties in the region have a strong interest in this and we have made clear that we would consider any request to provide practical assistance.

DEFENCE

Afghanistan: Peacekeeping Operations

Mr Jim Murphy: To ask the Secretary of State for Defence (1) how many times service personnel have been delayed returning to the UK on rest and recuperation from Afghanistan since January 2010; and what the reasons were for the delay in each case; [34960]

(2) how many times (a) military and (b) civilian personnel had extended deployments due to the unavailability of air transport to return them from Afghanistan since January 2010. [34961]

Nick Harvey: The information is not held in the format requested.

The reasons for individual travel and for each specific delay are not held centrally and could be provided only at disproportionate cost. Delays may occur for a number of reasons and individual taskings could be delayed for more than one reason, including: Air Traffic Control and airspace restrictions; missing theatre arrival slot times; technical and equipment failures; absence of diplomatic clearance; weather; expiry of crew duty hours; passenger and ground handling issues; fuelling; and holding aircraft to facilitate deployment of priority aeromedical taskings.

Delays to flights for personnel leaving theatre do not constitute extended deployments. We do not hold information that indicates whether personnel have been delayed beyond their planned deployment end-dates.

Air Force: Military Bases

Sir Menzies Campbell: To ask the Secretary of State for Defence what estimate of the level of future expenditure on work classified as redevelopment at each RAF base in the UK was made in his Department's annual planning round in 2010. [35076]

Mr Robathan: The outcome of the planning round in 2010 was re-costed as part of the strategic defence and security review and the comprehensive spending review. The outcome of both reviews will be enacted through planning round 2011, which will allocate future budgets. This is expected to conclude in the early part of 2011.

Armed Forces: Compensation

Mr Russell Brown: To ask the Secretary of State for Defence (1) what the change in the level of annual compensation for a single amputee is in each (a) rank and (b) force as a result of the change to link pensions to the consumer prices index from the retail prices index; [35915]

(2) what the change in the level of annual compensation for a double amputee is in each (a) rank and (b) force as a result of the change to link pensions to the consumer prices index from the retail prices index. [35916]

Mr Robathan: I refer the hon. Member to the answer given by the Under-Secretary of State for Defence, my hon. Friend the Member for Aldershot (Mr Howarth) on 17 January 2011, *Official Report*, columns 587-89W, and to the ministerial statement I made on 9 December 2010, *Official Report*, columns 34-36WS.

Armed Forces: Pensions

Gemma Doyle: To ask the Secretary of State for Defence (1) if he will estimate, on the basis of the 2010 figures for the retail prices index and the consumer prices index, the change in unemployability allowance payable to a member of each of the armed forces at each rank living until (a) 60, (b) 65, (c) 70, (d) 75, (e) 80, (f) 85, (g) 90 (h) 95 and (i) 100 years as a result of the use of the consumer prices index rather than the retail prices index; [35760]

(2) if he will estimate, on the basis of the 2010 figures for the retail prices index and the consumer prices index, the change in disablement gratuity for each specified minor injury to a member of each of the armed forces at each rank living until (a) 60, (b) 65, (c) 70, (d) 75, (e) 80, (f) 85, (g) 90 (h) 95 and (i) 100 years as a result of the use of the consumer prices index rather than the retail prices index; [35761]

(3) what estimate he has made, on the basis of the 2010 figures for the retail prices index and the consumer prices index, of the savings which will accrue to his Department from the change in pension indexation from the retail prices index to the consumer prices index in each financial year to 2019-20; [35762]

(4) if he will estimate, on the basis of the 2010 figures for the retail prices index and the consumer prices index, the change in disability pension payable to a member of each of the armed forces at each rank living until (a) 60, (b) 65, (c) 70, (d) 75, (e) 80, (f) 85, (g) 90, (h) 95 and (i) 100 years as a result of the use of the consumer prices index rather than the retail prices index. [35763]

Bridget Phillipson: To ask the Secretary of State for Defence (1) if he will estimate the change in the level of pension payable to a widow of a senior NCO widowed at age 40 years and living to (a) 60, (b) 65, (c) 70, (d) 75, (e) 80, (f) 85, (g) 90, (h) 95 and (i) 100 years arising from a calculation on the basis of the consumer prices index rather than the retail prices index; [35581]

(2) if he will estimate the change in the level of (a) compensation benefit and (b) pensions payments per annum a 27-year-old corporal who lost both legs in Afghanistan would receive as a result of the change to link pensions to the consumer prices index if he or she lived until (i) 60, (ii) 65, (iii) 70, (iv) 75, (v) 80, (vi) 85, (vii) 90, (viii) 95 and (ix) 100 years old. [35582]

Mr Robathan: I refer the hon. Members to the answer given by the Under-Secretary of State for Defence, my hon. Friend the Member for Aldershot (Mr Howarth) on 17 January 2011, *Official Report*, columns 587-89W, to the hon. Member for West Dunbartonshire (Gemma Doyle) and the hon. Member for North Durham (Mr Jones); and to the ministerial statement I made on 9 December 2010, *Official Report*, columns 34-36WS.

Defence Vetting Agency: Foreign and Commonwealth Office

Hugh Bayley: To ask the Secretary of State for Defence what progress he has made in his consideration of the merits of merging the Defence Vetting Agency with the vetting services of the Foreign and Commonwealth Office; and when a decision on this matter will be reached. [35822]

Mr Robathan: The Ministry of Defence has been working with the Cabinet Office for some time on the opportunities to streamline and simplify security vetting across Government. Currently the processing of vetting is conducted by two organisations, the Defence Vetting Agency and Foreign and Commonwealth Office Services. We continue to look closely at what further improvements could be made as part of the overall efficiency and reform agenda while maintaining the highest standards of protection for HMG assets. No decision has been taken about merging vetting services.

Defence: Sales

Caroline Nokes: To ask the Secretary of State for Defence what consideration his Department has given to use of Ministry of Defence equipment by the Territorial Army for training purposes as an alternative to the sale of such equipment. [35140]

Mr Robathan: The Army allocates equipment to units across the whole Army (regular and territorial) according to their directed tasks and roles. All units are provided with sufficient equipment to complete their planned training, and to conduct their endorsed day-to-day business. Where units or personnel, including Territorial Army, are involved in an operation they will be equipped accordingly to enable them to prepare for and carry out their designated roles and tasks in support of that operation.

Before equipment is deemed surplus and disposed of, any possible further use, whether by regular or reserve forces, is carefully considered.

Departmental Manpower

Lisa Nandy: To ask the Secretary of State for Defence what information his Department holds on the number of sub-contracted staff servicing his Department who were not paid at a rate equivalent to or above the London living wage in the latest period for which figures are available. [34822]

Peter Luff: All Ministry of Defence (MOD) contracts let in the UK are governed by UK law. There is a statutory obligation for UK employers to pay the national minimum wage. The MOD does not collect information about the wage rates paid by its contractors in London.

Nimrod Aircraft

Angus Robertson: To ask the Secretary of State for Defence which company will be responsible for dismantling the Nimrod MR4A aircraft; if he will estimate the cost of dismantling; and whether such dismantling will include the aircraft Nimrod PA04. [35382]

Nick Harvey: Once BAE Systems has removed onboard equipment and systems from the Nimrod MRA4 aircraft, including PA04, they will be dismantled on the Ministry of Defence's behalf by Metal and Waste Recycling Limited. This company is one of the contractors used to dispose of surplus defence equipment through specialist marketing agreements that have been completed in accordance with European Union procurement regulations. It is not yet possible to confirm the cost of dismantling the Nimrod MRA4 aircraft.

Peacekeeping Operations

Mr Russell Brown: To ask the Secretary of State for Defence (1) how many service personnel who served in Bosnia are in receipt of an armed forces pension; [35912]

(2) what the (a) average, (b) highest and (c) lowest annual compensation payment is to service personnel who served in Bosnia; [35913]

(3) what the (a) average, (b) highest and (c) lowest annual compensation payment is to service personnel who served in Sierra Leone. [35914]

Bridget Phillipson: To ask the Secretary of State for Defence what the (a) average, (b) highest and (c) lowest annual compensation payment was to service personnel who served in Bosnia in the latest period for which figures are available. [35583]

Mr Robathan: I refer the hon. Members to the answer I gave on 21 January 2011, *Official Report*, column 1016W, to the right hon. Member for East Renfrewshire (Mr Murphy), the hon. Member for West Dunbartonshire (Gemma Doyle) and the hon. Member for North Durham (Mr Jones).

EDUCATION

Academies: Hendon

Mr Offord: To ask the Secretary of State for Education what recent progress has been made on his Department's Academies programme in Hendon constituency. [32501]

Mr Gibb: The London Academy has been running successfully since 2004.

Five Expressions of Interest to convert to academy status have been received by the Department for Education from schools in the Hendon constituency. One application to convert to academy status has been received by the Department.

Officials will continue to work with schools across the country, providing information in response to expressions of interest and supporting schools once they have decided to convert to academy status.

The list of converting schools can be found at:

<http://www.education.gov.uk/schools/leadership/typesofschools/academies/a0069811/schools-submitting-applications-and-academies-which-have-opened-in-201011>

Academies: Religion

Stephen Timms: To ask the Secretary of State for Education for what reasons his Department did not include an obligation to provide religious instruction in its legislative proposals for the Academies Bill 2010; and if he will make a statement. [32604]

Mr Gibb: The Academies Act 2010 provides minimal prescription in legislation in order to provide autonomy and freedom to schools who gain academy status. All academies are however required by their funding agreements to make provision for the teaching of religious education. It is an academy's funding agreement that has, since the inception of the programme, been used as a mechanism to uphold the core principles that an academy must agree to follow and there are no plans to change this.

The Department for Education has also worked closely with both the Church of England and the Catholic Education Service to ensure that those faith voluntary-controlled or voluntary-aided schools who wish to convert have their religious position protected. The faith model documentation therefore protects on conversion the position around religious education and instruction in these schools.

Curriculum: Languages

Mrs Hodgson: To ask the Secretary of State for Education what steps he has taken towards establishing modern foreign languages as part of the primary school curriculum from the 2011-12 academic year. [32876]

Mr Gibb: The Government believe that learning a language is important to the social and economic future of the country and to help children understand the world in which they live. We have announced a review of the National Curriculum, which will consider the status of languages at both primary and secondary level. We are consulting a wide range of academics, teachers and

other interested parties to ensure that our core curriculum can compare favourably with those of the highest performing countries in the world.

We know that some 90% of primary schools are already teaching languages to at least some of their seven to 11-year-olds. We appreciate the efforts that teachers are putting into making sure that children in primary schools are taught languages. It is thanks to their work that pupils not only learn a language but also come to appreciate other cultures. Given its importance, primary schools that are teaching languages should continue to do so.

Education Maintenance Allowance

John Robertson: To ask the Secretary of State for Education what estimate he has made of the number of people (*a*) of each gender, (*b*) with a disability and (*c*) from each ethnic background who received an education maintenance allowance in 2009-10. [32995]

Mr Gibb: This is a matter for the Young People's Learning Agency (YPLA) who operates the education maintenance allowance for the Department for Education. Peter Lauener, the YPLA's chief executive, has written to the hon. Member for Glasgow North West with the information requested and a copy of his reply has been placed in the House Libraries.

Letter from Peter Lauener, dated 13 January 2011:

I am writing in response to your Parliamentary Question PQ32995.

The information provided below is for take-up of Education Maintenance Allowance (EMA) in the 2009/10 academic year. Equal opportunity monitoring questions are asked on the application form but applicants may choose not to answer some or all of these questions.

EMA take-up is defined as young people who have received one or more EMA payments in the academic year.

<i>Gender</i>	<i>Number</i>
Male	174,547
Female	173,511
Not specified/preferred not to say	296,463
<i>Disability</i>	<i>Number</i>
Disabled	1,366
Not disabled	368,301
Not specified/preferred not to say	274,854
<i>Ethnicity</i>	<i>Number</i>
Bangladeshi	2,124
Indian	2,838
Pakistani	5,583
Other Asian	1,593
Black/Black British African	4,792
Black/Black British Caribbean	2,389
Black/Black British Other	433
Chinese	469
Other Ethnic Group	19
Mixed White/Asian	724
Mixed White Black African	398
Mixed White Black Caribbean	1,762
Mixed Other	994
White British	70,457

<i>Ethnicity</i>	<i>Number</i>
White Irish	222
White Other	2,557
Not specified/preferred not to say	547,167

Ms Angela Eagle: To ask the Secretary of State for Education how many people have received education maintenance allowance in (a) Wallasey constituency, (b) the Wirral borough council area, (c) the North West and (d) England in each of the last five years. [33870]

Mr Gibb: This is a matter for the Young People's Learning Agency (YPLA) who operate the education maintenance allowance for the Department for Education. Peter Lauener, the YPLA's chief executive, has written to the hon. Member for Wallasey with the information requested and a copy of his reply has been placed in the House Libraries.

Letter from Peter Lauener, dated 19 January 2011:

I am writing in response to your Parliamentary Question PQ33870.

Information on the number of young people who have received Education Maintenance Allowance (EMA) is available at local authority level, but not at constituency level. EMA take-up is defined as young people who have received one or more EMA payments in the academic year.

Take-up figures are:

<i>Academic year</i>	<i>Wirral LA</i>	<i>North West</i>	<i>England</i>
2006/07	4,252	84,409	526,808
2007/08	4,424	87,568	547,235
2008/09	4,561	83,992	576,144
2009/10	4,894	101,526	644,497
2010/11 as at 31 December	4,435	94,686	605,035

EMA take-up data showing the number of young people who have received one or more EMA payments during 2004/05, 2005/06, 2006/07, 2007/08, 2008/09 and 2009/10 is available on the YPLA website, at the following address:

<http://ema.ypla.gov.uk/resources/research/takeup/>

John Howell: To ask the Secretary of State for Education how many people were in receipt of education maintenance allowance in Henley constituency in the latest period for which figures are available. [34227]

Mr Gibb [*holding answer 17 January 2011*]: This is a matter for the Young People's Learning Agency (YPLA) which operates the education maintenance allowance for the Department for Education. Peter Lauener, the YPLA's chief executive, has written to the hon. Member for Henley with the information requested and a copy of his reply has been placed in the House Libraries.

Letter from Peter Lauener, dated 19 January 2011:

I am writing in response to your Parliamentary Question PQ34227.

Information on the number of young people who have received Education Maintenance Allowance (EMA) is available at local authority level, but not at constituency level. EMA take-up is defined as young people who have received one or more EMA payments in the academic year.

As at 31 December 2010, the take-up figure for young people in Oxfordshire who have received EMA during the 2010/11 academic year was 4,223.

EMA take-up data showing the number of young people who have received one or more EMA payments during 2004/05, 2005/06, 2006/07, 2007/08, 2008/09 and 2009/10 is available on the YPLA website, at the following address:

<http://ema.ypla.gov.uk/resources/research/takeup/>

Free School Meals: Durham

Pat Glass: To ask the Secretary of State for Education how many and what proportion of school pupils in North West Durham constituency claim free school meals. [33020]

Mr Gibb: Information on free school meal eligibility is shown in the table.

The answer includes full time pupils aged 0 to 15 and part time pupils aged five to 15 known to be eligible for and claiming free school meals.

Maintained nursery, primary¹, state-funded secondary^{1,2} and special schools³: school meal arrangements^{4,5,6} North West Durham—January 2010

	<i>Number on roll^{4,5}</i>	<i>Number of pupils known to be eligible for and claiming free school meals^{4,5}</i>	<i>Percentage known to be eligible for and claiming free school meals^{4,5}</i>
Maintained nursery and primary ¹	6,228	1,264	20.3
State-funded secondary ^{1,2}	3,780	583	15.4
Special ³	53	13	24.5

¹ Includes middle schools as deemed.

² Includes city technology colleges and academies.

³ Includes maintained and non-maintained special schools, excludes general hospital schools.

⁴ Includes sole and dual (main) registrations.

⁵ Includes pupils who have full time attendance and are aged 15 or under, or pupils who have part time attendance and are aged between 5 and 15.

⁶ Durham local authority is participating in a pilot offering FSMs to all primary school children. The figures in this table reflect the pupils who would be eligible for FSM under the national criteria.

Source:

School Census

Home Education: Durham

Pat Glass: To ask the Secretary of State for Education what recent estimate he has made of the number of children in North West Durham constituency who are home-schooled. [32953]

Mr Gibb: The Department does not collect information about the numbers of home-schooled children and has not made a recent estimate of the number of home-schooled children in North West Durham constituency.

Languages: English Baccalaureate

Kevin Brennan: To ask the Secretary of State for Education which languages available at GCSE level will not be included in the English baccalaureate. [31871]

Mr Gibb [*holding answer 20 December 2010*]: For the purposes of the 2010 performance tables GCSEs in all modern foreign languages including Welsh and Welsh

as a 2nd Language and GCSEs in Latin, Classical Greek and Biblical Hebrew will count towards the language aspect of the English Baccalaureate. The only GCSEs not to be included are Applied French and Applied Welsh as a 2nd Language.

We will review the precise definition of the English Baccalaureate for the 2011 tables, but would not expect to remove any of the qualifications identified for the 2010 tables.

Numeracy

Kevin Brennan: To ask the Secretary of State for Education what recent assessment he has made of the Every Child Counts numeracy scheme. [34008]

Mr Gibb [holding answer 17 January 2011]: We regularly monitor the progress of the Every Child Counts (ECC) programme against a range of management information.

Edge Hill university recently published a management report on the programme which is available on their website at the following link:

<http://www.edgehill.ac.uk/everychildcounts/general/documents/NCAnnual%20Report200910.pdf>

The programme is currently undergoing an independent evaluation, to report by spring, which will give a substantive view of the impact of the programme.

Offences Against Children

Glenda Jackson: To ask the Secretary of State for Education if he will establish a cross-departmental inquiry on grooming of vulnerable under-age children for the purposes of sexual exploitation; and if he will make a statement. [35153]

Tim Loughton: Sexual exploitation of children and young people is horrific. It is a form of child sexual abuse which affects all sorts of children—boys as well as girls, younger as well as older children—and is perpetrated

by people from all ethnic and socio-economic backgrounds. It can be found in all areas of the country and the coalition Government are determined to act decisively to tackle it.

To deal with such a complex problem effectively, we need to look at every aspect, from awareness-raising and prevention through to crime detection and victim support. That means that there must be a collaborative approach involving Ministers from a range of Government Departments as well as local authority children's services, Local Safeguarding Children Boards, and organisations like the Child Exploitation and Online Protection Centre (CEOP), Barnardo's and others, including voluntary organisations around the country.

CEOP has agreed to conduct a thematic assessment, involving a range of agencies and organisations, which will consider the extent and scale of child sexual exploitation and the police response to it.

Within Government, and working with national and local partners, I will lead our urgent consideration of what further action needs to be taken to safeguard children and young people from sexual exploitation. This will build on existing guidance and our developing understanding of this appalling abuse including through local agencies' work around the country on effective prevention strategies, identifying those at risk of sexual exploitation, supporting victims, and taking robust action against perpetrators.

Pupils: Disadvantaged

Alok Sharma: To ask the Secretary of State for Education what his estimate is of the level of deprivation for school children resident in (a) Reading West constituency and (b) Berkshire using as a measure (i) eligibility for free school meals and (ii) the Income Deprivation Affecting Children Index 2007. [30078]

Mr Gibb: The information requested is given in the following tables.

(i) Number of resident pupils¹ who are eligible for free school meals: 2010

	Number of resident pupils ¹	Number of resident pupils ¹ eligible for free school meals	Percentage of resident pupils ¹ eligible for free school meals
Reading West	13,853	2,153	15.5
Bracknell Forest	14,518	1,134	7.8
West Berkshire	20,002	1,590	7.9
Reading	18,476	3,304	17.9
Slough	20,528	3,684	17.9
Windsor and Maidenhead	15,727	1,111	7.1
Wokingham	19,795	892	4.5
Berkshire ²	109,046	11,715	10.7
England	6,758,259	1,174,249	17.4

¹ Includes full-time pupils aged 15 or under and part-time pupils aged between five and 15 who are resident in England with sole and dual main registrations and attend maintained nursery, primary, secondary, maintained and non-maintained special schools, city technology colleges and academies. Includes boarders.

² Berkshire county council was abolished in 1998 and replaced by the following unitary authorities: Bracknell Forest, West Berkshire, Reading, Slough, Windsor and Maidenhead and Wokingham.

Source:

School Census 2010

(ii) Number of resident pupils^{1,2} by IDACI decile: 2010

IDACI decile	Reading West		Bracknell Forest		West Berkshire		Reading		Slough	
	No.	%	No.	%	No.	%	No.	%	No.	%
0 to 10%—most deprived	1,376	8.6	0	0	0	0	2,139	10	978	4.0
10 to 20%	2,058	12.8	0	0	733	3.2	4,003	18.8	5,983	24.6
20 to 30%	2,073	12.9	220	1.4	826	3.6	2,950	13.8	6,422	26.4
30 to 40%	2,122	13.2	2,159	13.3	1,351	6.0	3,318	15.6	5,495	22.6
40 to 50%	874	5.4	2,865	17.7	1,715	7.6	1,313	6.2	2,322	9.6
50 to 60%	1,295	8.1	2,147	13.3	2,595	11.4	2,021	9.5	940	3.9
60 to 70%	1,390	8.7	2,289	14.1	3,167	14.0	1,858	8.7	788	3.2
70 to 80%	2,209	13.8	1,177	7.3	5,141	22.7	1,113	5.2	780	3.2
80 to 90%	1,502	9.4	2,019	12.5	2,643	11.6	1,424	6.7	576	2.4
90 to 100%—least deprived	1,157	7.2	3,313	20.5	4,521	19.9	1,180	5.5	0	0

IDACI decile	Windsor and Maidenhead		Wokingham		Berkshire ³		England	
	No.	%	No.	%	No.	%	No.	%
0 to 10%—most deprived	0	0	0	0	3,117	2.5	986,773	13.2
10 to 20 %	0	0	4	4	10,721	8.6	865,456	11.6
20 to 30 %	1,507	8.3	854	3.8	12,779	10.2	781,074	10.4
30 to 40 %	3,339	18.3	704	3.1	16,366	13.1	729,243	9.8
40 to 50 %	643	3.5	1,087	4.8	9,945	7.9	705,556	9.4
50 to 60 %	1,742	9.6	4	4	9,958	7.9	689,114	9.2
60 to 70 %	2,079	11.4	1,457	6.4	11,638	9.3	678,145	9.1
70 to 80 %	1,780	9.8	3,249	14.4	13,240	10.6	684,317	9.2
80 to 90 %	1,558	8.5	5,531	24.5	13,751	11.0	684,564	9.2
90 to 100%—least deprived	5,580	30.6	9,222	40.8	23,816	19.0	674,252	9.0

¹ Includes all full-time and part-time pupils who are resident in England with sole and dual main registrations, includes boarders.

² Includes all full-time and part-time pupils who attend maintained nursery, primary, secondary, maintained and non-maintained special schools, city technology colleges and academies.

³ Berkshire county council was abolished in 1998 and replaced by the following unitary authorities: Bracknell Forest, West Berkshire, Reading, Slough, Windsor and Maidenhead and Wokingham.

⁴ Suppressed data.

Source:

School Census 2010

Mr Offord: To ask the Secretary of State for Education how many children receive (a) free school meals and (b) education maintenance allowance in each local authority ward in Hendon constituency. [32502]

Mr Gibb: The number of pupils known to be eligible for and claiming free school meals is shown in the table. This includes full time pupils aged 0 to 15 and part-time pupils aged 5 to 15.

Maintained nursery¹, maintained primary², state-funded secondary^{2, 3} and special⁴ schools: School meal arrangements⁵. As at January 2010. By each ward within Hendon parliamentary constituency

	Nursery ¹ and primary ²			State-funded secondary ^{2, 3}			Special ⁴	
	Number on roll ^{5, 6}	Number of pupils known to be eligible for and claiming free school meals ^{5, 6}	Percentage known to be eligible for and claiming free school meals	Number on roll ^{5, 6}	Number of pupils known to be eligible for and claiming free school meals ^{5, 6}	Percentage known to be eligible for and claiming free school meals	Number on roll ^{5, 6}	Percentage known to be eligible for and claiming free school meals
Burnt Oak	2,214	855	38.6	n/a	n/a	n/a	n/a	n/a
Colindale	441	81	18.4	916	129	14.1	n/a	n/a
Edgware	1,453	399	27.5	1,048	460	43.9	n/a	n/a
Hale	1,500	347	23.1	1,226	136	11.1	81	35
Hendon	1,601	284	17.7	1,653	466	28.2	n/a	n/a
Mill Hill	1,733	297	17.1	892	186	20.9	n/a	n/a
West Hendon	920	213	23.2	n/a	n/a	n/a	n/a	n/a
Hendon (all wards)	9,862	2,476	25.1	5,735	1,377	24.0	81	35

n/a = Not applicable. No schools of this type.

¹ There are no maintained nursery schools in Hendon parliamentary constituency.

² Includes middle schools as deemed.

³ Includes city technology colleges and academies.

⁴ Includes maintained and non-maintained special schools, excludes general hospital schools.

⁵ Includes sole and dual (main) registrations.

⁶ Pupils who have full time attendance and are aged 15 and under, or pupils who have part time attendance and are aged between 5 and 15.

Source:

School Census

The education maintenance allowance is a matter for the Young People's Learning Agency (YPLA) who operate this for the Department for Education. Peter Lauener, the YPLA's chief executive, has written to the hon. Member with the information requested and a copy of his reply has been placed in the House Libraries.

Letter from Neil Flint, dated 7 January 2011:

I am writing in response to your Parliamentary Question PQ 032502.

The Department for Education is responsible for overall policy in these areas and will answer the first part of your question on free school meals.

The Young People's Learning Agency (YPLA) is responsible for the delivery of Education Maintenance Allowances (EMA). Information on the number of young people who have received EMA is available at local authority level, but not at constituency level. EMA take-up is defined as young people who have received one or more EMA payments in an academic year.

The take-up figure for EMA in Barnet Local Authority was 2,976 as at 30 November 2010.

EMA take-up data showing the number of young people who have received one or more EMA payments during 2004/05, 2005/06, 2006/07, 2007/08, 2008/09 and 2009/10 is available on the YPLA website, at the following address:

<http://ema.ypla.gov.uk/resources/research/takeup/>

Religious Education

Stephen Pound: To ask the Secretary of State for Education what his policy is on religious education as an element of the national curriculum. [33018]

Mr Gibb: Religious education RE is a statutory part of the basic curriculum of maintained schools in England, but not a part of the National Curriculum. This means that there are no statutory national programmes of study, attainment targets or assessment arrangements. However, the locally agreed syllabus, which is designed by Standing Advisory Councils on Religious Education SACRE and adopted by the local authority, is statutory, and that means that local authorities must provide such a syllabus and that maintained schools must follow it. Schools with a religious character can either follow the locally agreed syllabus, or use a syllabus which has been agreed by their governing body. It is the responsibility of the head teacher, governors and local authorities (LAs) to make the necessary provisions for RE in all maintained schools.

Stephen Pound: To ask the Secretary of State for Education what representations he has received from faith groups on the place of religious education in an English Baccalaureate. [33019]

Mr Gibb: To date we have had 35 representations from faith groups on the place of religious education in the English Baccalaureate.

School Support Staff Negotiating Body: Impact Assessments

Mrs Hodgson: To ask the Secretary of State for Education whether his Department carried out an equality impact assessment prior to taking the decision to abolish the School Support Staff Negotiating Body. [32868]

Mr Gibb: In reaching the decision to abolish the School Support Staff Negotiating Body, the Secretary of State took full account of the Equality Impact Assessment (EQIA) that was produced by this Department. A copy of that EQIA will be sent to SSSNB trade union and employer organisation representatives.

Schools: Film

Mike Weatherley: To ask the Secretary of State for Education how much funding his Department provided for FILMCLUB for recreational use of films in schools in each of the last three years. [32992]

Mr Gibb: The Department for Education announced in July 2008 that it would provide £11.4 million to fund the roll out of FILMCLUB. That funding was for £3.1 million in 2008-09, £3.7 million in 2009-2010 and £4.6 million in 2010-11.

Schools: Hendon

Mr Offord: To ask the Secretary of State for Education what recent representations he has received on school standards in Hendon constituency. [32503]

Mr Gibb: No representations have been received on school standards in Hendon. In 2009, the most recent year for which constituency level data are available, 76% of pupils in Hendon achieved level 4 or above in English and maths combined at key stage 2, compared with 72% in England. At key stage 4, 55.3% of pupils in Hendon achieved five or more GCSEs at grade A* to C, including English and maths, compared with 50.9% in England. Constituency level data for 2010 will be available shortly.

Schools: Personnel

Mrs Hodgson: To ask the Secretary of State for Education (1) which employee groups within his Department's responsibilities are covered by a national pay body; which such pay bodies have been abolished in the last year; and if he will make a statement; [32866]

(2) what mechanism he plans to put in place to ensure fairness, consistency and local flexibility in pay and conditions for school support staff following the abolition of the School Support Staff Negotiating Body; [32867]

(3) what assessment he has made of the effect on schools of the abolition of the School Support Staff Negotiating Body. [32875]

Mr Gibb: The School Teachers Review Body (STRB) examines and reports on matters relating to statutory conditions of employment of school teachers in England and Wales as may be referred to it from time to time by the Secretary of State for Education. The School Support Staff Negotiating Body (SSSNB) was established by the previous Government in 2009, with a remit that includes considering, with a view to reaching agreement on, matters relating to the remuneration and conditions of school support staff working in maintained schools in England.

No changes are planned to the role or remit of the STRB, but on 28 October the Secretary of State for Education announced his intention to introduce legislation at the earliest opportunity to abolish the SSSNB. I refer

the hon. Member to the written ministerial statement issued by the Secretary of State for Education on 28 October 2010, *Official Report*, columns 14-15WS. In reaching this decision, full account was taken of the associated equality impact assessment, a copy of which is being sent to the union and employer representatives on the SSSNB.

Since its establishment, the SSSNB has not submitted any agreements to the Secretary of State who has now withdrawn the matters that had been referred to the SSSNB by the previous Secretary of State. Because of this, the process used to determine the pay and conditions of school support staff remains unchanged and these will continue to be determined at a local level. Employers are, of course, under an obligation to ensure that any pay and grading structure that they put in place complies fully with the requirements of equality legislation.

The Government believe that schools should be free to organise staff and resources to address local priorities and needs, without undue or unnecessary influence, or intervention, from Government. The existence of a national negotiating body for support staff pay and conditions is not consistent with this aim.

Schools: Sports

Mr Graham Stuart: To ask the Secretary of State for Education what assessment he has made of the effectiveness of school sport partnerships in (a) all school settings and (b) primary schools. [25771]

Tim Loughton: While some school sport partnerships have helped schools to raise participation rates in areas targeted by the previous Government, they have also locked schools into a rigid network while forcing them to report on progress which impedes schools' ability to promote sport. The Government are also concerned that, despite this heavy focus on targets, the proportion of pupils playing competitive sport regularly has remained disappointingly low. Only around two in every five pupils play competitive sport regularly within their own school, and only one in five plays regularly against other schools.

Good schools know that playing sport has many benefits. Our approach is to maximise the resources available to schools to allow school leaders to decide how best to provide those benefits for pupils, without specifying a national blueprint of partnerships, programmes and central support.

The Secretary of State's announcement on 20 December outlined the additional central resources available to schools for school sport.

Vocational Education: Special Educational Needs

Mr Offord: To ask the Secretary of State for Education what consideration Professor Alison Wolf's review of vocational education will give to pupils with special educational needs; and if he will make a statement. [32752]

Mr Gibb: Professor Wolf's review is considering the appropriate place of vocational education for all 14 to 19-year-olds, including those with special educational needs. She will report her conclusions in the spring.

Written Questions: Government Responses

Ian Austin: To ask the Secretary of State for Education when he plans to provide a substantive answer to question 29768, on questions tabled for named day answer, tabled on 6 December 2010 for named day answer on 9 December 2010. [30947]

Tim Loughton [*holding answer 15 December 2010*]: A response to PQ29768 was issued on 19 January 2011, *Official Report*, column 858W.

WALES

Departmental Pay

Lisa Nandy: To ask the Secretary of State for Wales what information her Department holds on the number of sub-contracted staff servicing her Department who were not paid at a rate equivalent to or above the London living wage in the latest period for which figures are available. [34808]

Mr David Jones: The Wales Office does not hold any pay information relating to sub-contracted staff.

Departmental Public Appointments

Fiona Mactaggart: To ask the Secretary of State for Wales (1) how many (a) women and (b) men have been appointed to public duties by her Department since May 2010; [35389]

(2) what public appointments she has made since her appointment; and to what payments each person so appointed is entitled. [35410]

Mrs Gillan: None.

Driving Standards Agency: Cardiff

Owen Smith: To ask the Secretary of State for Wales what recent (a) discussions and (b) correspondence she has had with Parliamentary Under-Secretary of State for Transport responsible for the Driving Standards Agency (DSA) on the proposed closure of the DSA office in Cardiff. [34977]

Mr David Jones: My right hon. Friend and I have regular discussions with the Parliamentary Under-Secretary of State for Transport on a range of issues.

Owen Smith: To ask the Secretary of State for Wales when she was informed of the decision to close the Driving Standards Agency in Cardiff; and by whom she was informed of that decision. [34978]

Mr David Jones: My right hon. Friend and I have regular discussions with the Secretary of State for Transport and his ministerial team on a range of issues.

VAT

Susan Elan Jones: To ask the Secretary of State for Wales what estimate she has made of the sum which will accrue to the Exchequer attributable to the proposed increase in the standard rate of value added tax in Wales in each of the next five years. [34434]

Mr Gauke: I have been asked to reply.

The estimated total revenue gain from the VAT rate increase on 4 January 2011 is £12.1 billion for 2011-12. We have not attempted to attribute that revenue to particular areas of the UK.

PRIME MINISTER

10 Downing Street: Official Hospitality

Chris Bryant: To ask the Prime Minister what wine was served at the reception at 10 Downing street on 18 January; and at what cost to the public purse. [35920]

The Prime Minister: There were no costs to the public purse.

Members: Surveillance

Jonathan Edwards: To ask the Prime Minister whether there have been any changes to the Wilson doctrine since May 2010. [35701]

The Prime Minister: No.

COMMUNITIES AND LOCAL GOVERNMENT

Billingsgate Market: Conditions of Employment

Jim Fitzpatrick: To ask the Secretary of State for Communities and Local Government (1) whether financial assistance from (a) his Department and (b) the EU is available to fund the restructuring of terms and conditions of employment for licensed porters at Billingsgate Fish Market; [34788]

(2) what regulations with national extent govern the licensing arrangements for porters at Billingsgate Fish Market; [34789]

(3) what discussions his Department has had with the City of London Corporation on the licensing arrangements of the porters at Billingsgate Fish Market; and if he will make a statement. [34790]

Robert Neill: Licensing arrangements and terms and conditions for porters at Billingsgate market is not for central Government. It is a local issue. The City of London corporation is the landlord of Billingsgate market and the porters are employed by individual fish merchants. I understand that the Billingsgate market byelaws cover aspects of licensing arrangements for porters, but there may of course be licensing issues that extend beyond the reach of byelaws. The City of London has made an application to the Department for Communities and Local Government for the revocation of byelaws relating to Billingsgate market. At present, the application is being considered by officials in my Department and no decision has yet been made as to whether or not to grant provisional approval for the revocation.

The Department for Communities and Local Government does not give any financial assistance to fund the restructuring of terms and conditions of employment for licensed porters at Billingsgate fish

market, and the EU Fisheries Fund does not cover the restructuring of the terms and conditions of employment for the licensed porters.

I can confirm that my Department has had no discussion with the City of London corporation on the licensing arrangements.

Bus Services: Concessions

Mr Andrew Smith: To ask the Secretary of State for Communities and Local Government what the funding allocation in respect of concessionary bus travel was to (a) Oxfordshire district councils for 2010-11 and (b) Oxfordshire county council for 2011-12. [35676]

Robert Neill: Formula grant is an unhypothecated block grant, ie authorities are free to spend it on any service. For this reason, and due to the method of calculating formula grant, particularly floor damping, it is not possible to say how much grant has been provided for any particular service, including concessionary travel.

Empty Dwelling Management Orders

Mike Weatherley: To ask the Secretary of State for Communities and Local Government what steps he is taking to help local authorities to bring derelict buildings back into use following changes in the administration of empty dwellings management orders. [34860]

Andrew Stunell: In addition to the proposed changes we will be making on empty dwelling management orders, we have recently completed a consultation on the New Homes Bonus which includes the option of including empty homes within the scheme. This could provide local authorities with a powerful incentive to tackle empty homes as part of their overall approach to meeting housing need.

We will also provide £100 million for housing associations and local authorities to bring over 3,000 empty homes back into use as affordable rented housing. This will enable local authorities to tackle the most difficult properties by providing renovation works and management support.

We will also be reforming the Public Request to Order Disposal (PROD) process. It enables local authorities and citizens alike to ask for the Government's help to bring under or unused land and buildings, owned by various public bodies, back into use. The reforms will enable communities to have greater influence on shaping the future of their areas.

Empty Dwelling Management Orders: Brighton

Mike Weatherley: To ask the Secretary of State for Communities and Local Government how many properties in Brighton and Hove were subject to an Empty Dwelling Management Order in (a) 2007, (b) 2008, (c) 2009 and (d) 2010. [34859]

Andrew Stunell: No properties have ever been subject to an empty dwelling management order in Brighton and Hove.

Home Information Packs

Andrew Rosindell: To ask the Secretary of State for Communities and Local Government what timetable he has set for the abolition of home information packs. [33878]

Andrew Stunell: The Localism Bill was laid before Parliament on 13 December 2010 and includes a provision to formally abolish home information packs. Subject to parliamentary approval, the provision will come into force when Royal Assent is achieved.

The Secretary of State suspended the home information pack duties by an Order made under s162 of the Housing Act 2004 which came into effect on 21 May 2010.

Local Government Finance

Mr Blunkett: To ask the Secretary of State for Communities and Local Government what arrangements he has put in place for his Department's internal review of local government finance; what time scale he has set for the review; with whom his Department plans to consult; from whom it plans to take advice as part of its evidence-based approach; and if he will make a statement. [35584]

Robert Neill: The Local Growth White Paper "Local Growth: realising every place's potential" confirmed that the Local Government Resource Review would consider proposals to allow local authorities to retain locally-raised business rates. The review will commence in January and develop proposals by July 2011. The Secretary of State will make an announcement shortly about the review and its terms of reference.

Thames Tideway Tunnel

Mr Slaughter: To ask the Secretary of State for Communities and Local Government what representations his Department has made to Thames Water on the Thames Tideway Tunnel; and if he will publish each item of correspondence between his Department and Hammersmith and Fulham Council on this matter. [34804]

Robert Neill: My Department has made no representations to Thames Water on the Thames Tideway tunnel or exchanged correspondence with Hammersmith and Fulham council on this matter.

Travellers: Caravan Sites

Dan Byles: To ask the Secretary of State for Communities and Local Government what progress he has made on updating ODPM circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites); when he expects an updated or replacement circular to be published; and if he will make a statement. [34915]

Robert Neill: I refer my hon. Friend to the answer I gave to my hon. Friend the Member for Witham (Priti Patel) on 17 January 2011, *Official Report*, column 497W.

JUSTICE

Departmental Artworks

Gemma Doyle: To ask the Secretary of State for Justice how much his Department has spent on artwork since May 2010. [35206]

Mr Djanogly: The Ministry of Justice and its agencies have spent no money on artwork since May 2010.

Gemma Doyle: To ask the Secretary of State for Justice how many artworks his Department has moved since May 2010. [35357]

Mr Djanogly: The Ministry of Justice does not hold a central record of artwork that has been moved. Providing these details would require individual offices being contacted separately and a sift through their specific records. As a result the information requested could be provided only at disproportionate cost.

Departmental Offices

Gemma Doyle: To ask the Secretary of State for Justice how much his Department has spent on the redecoration of ministerial offices since May 2010. [35359]

Mr Djanogly: No ministerial offices have been redecorated since May 2010. Therefore there has been no expenditure on this.

Departmental Official Cars

Gemma Doyle: To ask the Secretary of State for Justice what the (a) make and (b) model was of each Government Car Service car that have been used by his Department since May 2010; and which Minister used each car. [35250]

Mr Kenneth Clarke: Between May and September 2010, the Ministry of Justice (MOJ) was allocated four cars to its Ministers. One was a Jaguar XJ TDVi Sovereign, one was a Toyota Prius T3 and two were Honda Civic ES Hybrid. This was supplemented by the use of pool cars as needed.

Since September 2010, I have an allocated Jaguar XJ TDVi Sovereign, which other departmental Ministers are expected to make use of, before calling on the car pool. The majority of journeys made in pool cars since September 2010 were made in a Toyota Prius T3 or a Honda Civic ES Hybrid, with occasional journeys in other Government Car Service approved models. It is unfortunately not possible to provide a list of which ministerial journeys have been made in which models.

The Home Office provides the arrangements in relation to the Minister of State for Policing and Criminal Justice, who also has ministerial responsibilities at the Ministry of Justice.

The Government's policy is that Ministers may make use of the Government Car Service (GCS) under the terms of the new Ministerial Code, published on 21 May 2010. This states that

"the number of Ministers with allocated cars and drivers will be kept to a minimum, taking into account security and other relevant considerations. Other Ministers will be entitled to use cars from the Government Car Service Pool as needed".

The Ministerial Code is available on the Cabinet Office website.

Gemma Doyle: To ask the Secretary of State for Justice how many Ministerial cars have been used by his Department since May 2010. [35252]

Mr Kenneth Clarke: Between May and September 2010, the Ministry of Justice (MOJ) was allocated four cars to its Ministers. This was supplemented by the use of pool cars as needed.

Since September 2010, I have an allocated car, which other departmental Ministers are expected to make use of, before calling on the car pool. It is unfortunately not possible to identify how many different cars have been used by MOJ Ministers since September 2010.

The Home Office provides the arrangements in relation to the Minister of State for Policing and Criminal Justice, who also has ministerial responsibilities at the Ministry of Justice.

The Government's policy is that Ministers may make use of the Government Car Service (GCS) under the terms of the new Ministerial Code, published on 21 May 2010. This states that

"the number of Ministers with allocated cars and drivers will be kept to a minimum, taking into account security and other relevant considerations. Other Ministers will be entitled to use cars from the Government Car Service Pool as needed".

Ministers are permitted to use an official car for official business and for home to office journeys within a reasonable distance of London on the understanding that they would normally be carrying classified papers on which they would be working. Where practicable, Ministers are encouraged to use public transport.

The Ministerial Code is available on the Cabinet Office website.

Departmental Pay

Lisa Nandy: To ask the Secretary of State for Justice what information his Department holds on the number of sub-contracted staff servicing his Department who were not paid at a rate equivalent to or above the London living wage in the latest period for which figures are available. [34813]

Mr Djanogly: This information is not held centrally. Prime contractors are obliged to notify my Department of any sub-contractors they intend to use, but this typically extends to the name and address of the sub-contractor and does not include detail of the actual number of sub-contracted staff or their pay rates. Further, information on sub-contracted companies could be gathered only at disproportionate cost, as a data collection exercise would entail a manual search of procurement case files.

Departmental Pay

Gemma Doyle: To ask the Secretary of State for Justice what the (a) total cost to his Department of expenditure on salaries and (b) average cost of such expenditure in respect of staff employed on fixed term contracts in his Department was in the latest period for which figures are available. [35256]

Mr Kenneth Clarke: In the financial year 2009-10 the Ministry of Justice spend £2,743,368,000 on staff salaries. This figure is published on page 92 of the Ministry of Justice Resource Accounts 2009-10 and can be found at the following link:

<http://www.justice.gov.uk/publications/docs/moj-resource-accounts-2010.pdf>

With regard to the question about the average cost in respect of fixed term staff, this information is not held centrally and it would incur disproportionate cost to produce such a figure. Information on staff salaries and staff employment status are not held on the same database. It would be necessary identify each staff member on a fixed contract and find their salary in order to generate an average.

Departmental Photography

Gemma Doyle: To ask the Secretary of State for Justice how much his Department has spent on photography since May 2010. [35358]

Mr Djanogly: The Ministry of Justice has spent £2,577 on photography since May 2010. This expenditure was by Her Majesty's Courts Service and the National Offender Management Service for official events.

In MOJ headquarters, all photography is done in-house by the Communications team at no extra cost to the taxpayer.

Departmental Redundancy

Gemma Doyle: To ask the Secretary of State for Justice how much his Department has spent on redundancy costs since May 2010. [35254]

Mr Kenneth Clarke: There have been no redundancies since May 2010, therefore there are no costs.

Gemma Doyle: To ask the Secretary of State for Justice how many staff in his Department have been made redundant since May 2010. [35255]

Mr Kenneth Clarke: Since May 2010, no staff redundancies have occurred. Where reorganisations have taken place, any displaced staff have been redeployed to alternative duties, gained employment elsewhere, or have applied for and received voluntary early departure.

Departmental Travel

Gemma Doyle: To ask the Secretary of State for Justice how much his Department has spent on Ministerial travel since May 2010. [35251]

Mr Kenneth Clarke: Between May and December 2010, the Ministry of Justice spent £14,000 on ministerial public and overseas transport costs via GPC. This includes the costs of officials travelling with Ministers as these costs cannot be broken down without incurring disproportionate costs.

£284 was spent between May and October on taxi fares for Ministers.

This Department spent £152,000 on the Government Car Service for ministerial transport between 1 May and 31 December 2010.

Gemma Doyle: To ask the Secretary of State for Justice how much his Department has spent on travel by officials since May 2010. [35354]

Mr Kenneth Clarke: Ministry of Justice HQ has spent £1,235,588 on travel by officials since May 2010.

HM Courts Service has spent £1,640,638 on travel by officials since May 2010.

The National Offender Management Service has spent £8,888,000 on travel by officials since May 2010. This figure does not include travel costs for long-term detached duty and overseas travel. In both these cases travel and subsistence costs are accounted together and it would incur disproportionate costs to analyse each transaction to determine whether it is a travel or subsistence charge.

The Office of the Public Guardian has spent £118,000 on travel by officials since May 2010.

The Tribunals Service does not have separate accounts for travel and subsistence for the period requested. It would incur disproportionate costs to analyse each transaction to identify whether it is a travel or subsistence charge.

All staff are responsible for minimising business travel and are advised to consider whether they can use video or teleconferencing instead of travel. When travel is necessary staff are instructed to choose the most effective means of travel in terms of time, cost and sustainability to minimise carbon footprint.

Divorce

George Eustice: To ask the Secretary of State for Justice what plans he has to bring forward legislative proposals in respect of divorce settlements. [34921]

Mr Djanogly: The Family Justice Review is considering the process around divorce and financial settlement on divorce (ancillary relief) but not the substantive law. Concurrent consideration of these technically difficult areas would have been unmanageable and impinge on the deliverability and timescale for much needed reform of the family justice system overall. The review is due to publish an interim report in the spring.

On 11 January the Law Commission launched a public consultation on marital property agreements, following the decision of the Supreme Court last year in *Radmacher v. Granatino*. The Law Commission is seeking views on the desirability and feasibility of a range of potential options for reforming the law of pre-nuptial, post-nuptial and separation agreements—contracts made by couples before or during their marriage or civil partnership that are intended to govern their financial arrangements if the relationship ends. The consultation closes on 11 April 2011. The Government will await recommendations from the Law Commission before considering how to proceed.

Drugs: Reoffenders

Mike Weatherley: To ask the Secretary of State for Justice what proportion of those convicted of drug-related offences in (a) 2007, (b) 2008 and (c) 2009 had a previous conviction of any sort. [34856]

Mr Blunt: Table 1 gives the figures for the percentage of offenders convicted of drug offences in 2007-09 who had previously been convicted for any type of offence(s).

Table 1: Percentage of offenders convicted for drug offences who had a previous conviction for any type of offence(s) in 2007-09

Year of sentence	Percentage
2007	82.0
2008	82.3
2009	83.1

The figures presented in table 1 have been taken from the dataset used for Table 6.1 of Sentence Statistics 2009 published by the Ministry of Justice on 24 October 2010. The figures are based on offences of drug possession, supply, production or import/export of drugs. The Ministry of Justice is unable to identify offences which may be drug-related but are not specifically drug offences.

These figures have been drawn from the police's administrative IT system, the police national computer, which, as with any large scale recording system, is subject to possible errors with data entry and processing. The figures are provisional and subject to change as more information is recorded by the police.

Film

Gemma Doyle: To ask the Secretary of State for Justice how much his Department has spent on film production, including the filming of speeches, since May 2010. [35356]

Mr Djanogly: The Ministry of Justice has spent £15,000 on film production since May 2010. This was a joint collaboration between the Tribunals Service and the Department for Business, Innovation and Skills and focused on the Employment Tribunal.

Any filming of speeches by Ministers would be done by the MOJ's Communications team and produced in-house at no extra cost to the taxpayer.

Ford Prison

Ian Lavery: To ask the Secretary of State for Justice (1) what the prison population was on 31 December at HM Prison Ford in each of the last 10 years; [34981]

(2) what the average prison population was at HM Prison Ford in each of the last 10 years. [34982]

Mr Blunt: The following tables shows the relevant information on the prison population for HMP Ford from 2001-10.

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.

Table A: Prison population in HMP Ford, as on 31 December of each year 2001-08 and 2010 and on 18 December 2009

	Number
2001	396
2002	427
2003	488
2004	510
2005	465
2006	395
2007	494
2008	529
2009	524
2010	523

Note:

Due to technical problems reported by the MoJ Head of Statistics as announced on 27/09/2009, the publication of Population in custody monthly tables England and Wales' was suspended. Publication resumed in April 2010.

Sources:

2001 and 2002 taken from Table 3 of the 'Prison Population Brief England and Wales' published December 2001 and December 2002.

2003 taken from Table A of the 'F1032 End of month prison population tables, December 2003'.

2004-08 taken from Table 4 of the 'Population in custody monthly tables England and Wales' for December 2004 to 2008.

2009 data taken from NOMS 'Prison Population and Accommodation Briefing' as on 18/12/2009, the closest available date.

2010 is taken from the prison population as published in the 31/12/10 NOMS 'Prison Population and Accommodation Briefing'.

Table B: Average prison population in HMP Ford, from 2001-10

	Number
2001	375
2002	496
2003	500
2004	514
2005	520
2006	445
2007	456
2008	534
2009	537
2010	533

Note:

Due to technical problems relating to the supply of data for statistical purposes, the average annual populations for 2009 and 2010 use data compiled on a slightly different basis for July 2009 to February 2010.

Sources:

'Prison Population and Accommodation Briefing'; 'F1032 End of month prison population tables'; 'Population in custody monthly tables, England and Wales' and 'Offender Management Statistics Quarterly Bulletin'.

Ian Lavery: To ask the Secretary of State for Justice (1) on how many occasions an offender has been sent to HM Prison Ford who would fall outside of the normal selection criteria for placement there in the last 12 months; and if he will make a statement; [34983]

(2) on how many occasions an offender has been sent to HM Prison Ford without a full risk assessment having been carried out in the last 12 months; [34984]

(3) what criteria are used to (a) assess the level of risk posed by a prisoner and (b) determine an offender's suitability for placement at HM Prison Ford. [34985]

Mr Blunt: Prisoners are categorised and allocated to open prison (category D) following an established risk assessment process set out in the National Security Framework as amended by Prison Service Instructions 16/2008 and 3/2009, which remain in force. Prisoners may be assessed as suitable for open conditions if they present a low risk of harm to the public, are considered to be trustworthy not to abscond from low security conditions and, for those serving a lengthy prison sentence, in general, within two years of their earliest release date. Prisoners who do not meet these criteria are not moved to open conditions, and those who are later considered to have increased those risks whilst in open conditions would be moved back to closed conditions.

Sending prisons are aware of Ford's acceptance criteria, and so prisoners who do not meet these criteria are not sent there. All prisoners transferred to Ford have been risk assessed as suitable for category D.

Members: Correspondence

Mr Baron: To ask the Secretary of State for Justice when he plans to reply to the letter from the hon. Member for Basildon and Billericay of (a) 17 November and (b) 14 December 2010 regarding a constituent, Mr Allison. [35774]

Mr Kenneth Clarke: I will reply to the hon. Member as soon as possible.

Prisoners' Transfers;

Mr Crausby: To ask the Secretary of State for Justice what recent assessment he has made of the effect on HM Prison (a) Preston, (b) Garth and (c) Wymott of receiving prisoners displaced from other prisons in the region. [35267]

Mr Blunt: In the management of the prison population the aim is to hold prisoners in establishments that provide the level of security required, are suitable for their gender, age and legal status, provide special facilities appropriate to prisoner needs and are near to their homes or the courts dealing with their cases

Prisoners are moved from one prison to another as part of their sentence plan, following re-categorisation, where requested or where there is an operational need to do so.

As a local prison which serves the courts in the area, HMP Preston's main function is to hold unconvicted and unsentenced prisoners and, once a prisoner had been sentenced, to allocate them on to an appropriate training prison to serve their sentence.

As training prisons, HMPs Garth and Wymott regularly receive sentenced prisoners from other establishments in the North West, including local prisons such as HMP Preston, as well as from other establishments across the estate.

Prisons: Drugs

Lisa Nandy: To ask the Secretary of State for Justice how many visitors to prisons in England and Wales were found in possession of (a) class A and (b) class B drugs in 2009-10. [34749]

Mr Blunt: Information on the number of visitors to prisons in England and Wales found in possession of class A and class B drugs is not recorded centrally. To provide the information would require a detailed investigation into all local records and incur disproportionate cost.

Lisa Nandy: To ask the Secretary of State for Justice how many finds of (a) Class A and (b) Class B drugs there were in jails in England and Wales in 2009-10. [35069]

Mr Blunt: The National Offender Management Service (NOMS) collates the number and type of drug seizures in prisons. The number of drug seizures in prisons in England and Wales in 2009-10 is given in the following table. Many seizures are similar in appearance and where not attributable are not categorically identified by scientific analysis.

Drugs	Number of seizures
Heroin	647
Cocaine	132
LSD	4
Amphetamines	81
Barbiturates	6
Cannabis	1,100
Cannabis Plant	303
Tranquilisers	18
Crack	10
Other	2,190
Total	4,491

These figures have been drawn from administrative data systems. Although care is taken when processing and analysing the returns, the detail collected is subject to the inaccuracies inherent in any large scale recording system. The data are not subject to audit.

Prisons: Employment

Karl Turner: To ask the Secretary of State for Justice what process he has put in place for private employers seeking to establish an employment project within a prison. [34904]

Mr Blunt: The development of prisoners' employment skills help them to become productive members of society and improves their chances of gaining employment on release, which we know is a major contributor to turning them away from crime.

There are already examples of successful partnerships between prisons and private sector organisations; whether employers are recruiting offenders directly from prison, running a prison workshop, providing the chance of employment on release or helping shape policy and practice.

Through our Green Paper 'Breaking the Cycle: Effective punishment, rehabilitation and sentencing of offenders', published on 7 December 2010, we are consulting with the private sector about how we can increase further their participation in providing work and training in prisons.

We will continue to identify senior business leaders to champion the role and contribution of employers in rehabilitating offenders through skills development and employment in both prisons and the community.

Karl Turner: To ask the Secretary of State for Justice which private employers provide prisoners with work in prisons. [34905]

Mr Blunt: There are a number of private sector organisations that currently support work in prisons and the Government are currently considering how best to work with the private and voluntary sectors to provide further work and training opportunities for prisoners, including an increased number of employer led workshops in prisons.

A list of 'contract services' customers¹ (including many from the private sector) is available on the HM Prison Service website via the following link:

<http://www.hmprisonservice.gov.uk/abouttheservice/prisonindustries/>²

A number of other organisations from the private sector, including Timpson's, Travis Perkins, National Grid, Cisco Systems, Speedy Hire plc and DHL/Booker, work in partnership with the National Offender Management Service (NOMS) to provide prison training workshops offering training to prisoners and the chance of employment on release.

There are many examples of successful partnerships across NOMS, whether employers are recruiting offenders directly from prison, running a prison workshop, providing work placements or helping shape policy and practice.

¹ Where organisations use prison facilities and prisoner labour to carry out services or manufacture/assemble goods under contract.

² Refer to 'Related Documents' at the end of the website page.

Karl Turner: To ask the Secretary of State for Justice how many prisons have vacant prison workshop spaces. [34909]

Mr Blunt: Information in relation to the number of public sector prisons in England and Wales that currently have unused prison workshops is not held centrally and could be obtained only by contacting individual prison establishments at disproportionate cost.

Prosecutions: Cycling

Mark Tami: To ask the Secretary of State for Justice how many cyclists were prosecuted for road traffic offences in each of the last five years. [35451]

Mr Blunt: The number of defendants proceeded against at magistrates courts for pedal cycle offences in England and Wales, from 2005-09 (latest available) is shown in the following table.

Court proceedings data for 2010 are planned for publication in spring 2011.

Number of defendants proceeded against at magistrates courts for pedal cycle offences¹, England and Wales, 2005-09^{2, 3, 4}

	Number
2005	626
2006	643
2007	566
2008	534
2009	596

¹ Includes offences under:

Highways Act 1835 as amended by Local Government Act 1888, Statute Law Revision (No.2) Act 1888, Highways Act 1959, Criminal Justice Act 1967 and Criminal Justice Act 1982; Metropolitan Police Act 1839 and byelaws; Road Traffic Act 1988; Road Traffic Regulation Act 1984; Pedal Cycles (Constructions and Use) Regulations 1983; Motorways Traffic (England and Wales) Regulations 1982; Highways Act 1980; Road Vehicles Lighting Regulations 1989.

² 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.

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 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.

⁴ Excludes data for Cardiff magistrates court for April, July and August 2008.

Source:

Justice Statistics Analytical Services: Ministry of Justice.

Rape

Fiona Mactaggart: To ask the Secretary of State for Justice (1) what the longest sentence received by a woman prosecuted for (a) perverting the course of justice, (b) perjury and (c) wasting police time was following the withdrawal of a complaint of rape or domestic violence in the latest period for which figures are available; [35172]

(2) how many prosecutions for offences of rape were discontinued following a withdrawal by the victim between May 2010 and the latest date for which figures are available; and how many such prosecutions were discontinued in the same period in 2009; [35468]

(3) how many women who have retracted a complaint of rape or domestic violence were prosecuted for (a) wasting police time, (b) perjury and (c) perverting the course of justice between May 2010 and the latest date

for which figures are available; and how many such prosecutions there were in the same period in 2009;

[35469]

(4) how many prosecutions for offences of domestic violence were discontinued following a retraction by the victim between May 2010 and the latest date for which figures are available; and how many such prosecutions were discontinued in the same period in 2009.

[35470]

Mr Blunt: The Ministry of Justice's Court Proceedings Database (CPD) holds information on defendants proceeded against, found guilty and sentenced for criminal offences in England and Wales. The CPD does not hold specific information on offences beyond descriptions provided in the statutes under which prosecutions are brought. It is not possible to identify from data held on proceedings brought against females for perverting the course of justice, perjury and wasting police time, those resulting from the withdrawal of a complaint of rape or domestic violence. Neither is it possible to separately identify domestic violence offences from other offences of assault and violence against the person nor the reasons why proceedings have been discontinued.

Court proceedings data for 2010 are planned for publication in spring 2011.

Reoffenders: North Yorkshire

Julian Sturdy: To ask the Secretary of State for Justice what the reoffending rate was for prisons in North Yorkshire in the latest period for which figures are available.

[35146]

Mr Blunt: The latest available re-offending rates for prisons in North Yorkshire are provided in Table 1 as published by the Ministry of Justice in the Compendium of Reoffending Statistics and Analysis in November 2010.

Table 1 shows reoffending rates for North Yorkshire prisons (Wealstun and Leeds) in 2007 presented by prison category and prison sentence length (under 12 months and 12 months and over sentences).

The reoffending rates provided have been calculated based on the prison from which an offender was discharged and ignores the time spent at other institutions during that sentence.

The table also shows the average number of previous offences, average number of custodial sentences and the average age of the offenders discharged from North Yorkshire prisons in 2007. This illustrates that different prisons can have populations with a substantially different likelihood of reoffending.

Table 1: Reoffending rates for North Yorkshire prisons 2007

Prison	Number of offenders discharged	Reoffending rate (%)	Average number of previous offences per offender	Average number of previous custodial sentences per offender	Average age per offender
<i>Under 12 months sentence</i>					
Wealstun (Category C)	371	43.4	31.4	3.2	31.6
Leeds (Male local)	810	74.0	56.1	7.5	32.2
<i>Over 12 month sentence</i>					
Wealstun (Category C)	388	16.2	25.4	2.9	34.9
Leeds (Male local)	173	50.9	46.1	5.8	33.1

Young offender institution reoffending rates are not included for Northallerton and Wetherby, as the work published to date only considered adult prisons.

More information on the individual prison reoffending rates is available from the Ministry of Justice website:

<http://www.justice.gov.uk/publications/compendium-reoffending.htm>

Unpaid Fines: Wales

Mr Llwyd: To ask the Secretary of State for Justice what the amount of unpaid fines and fees was in each justice region of Wales in (a) 2006-07, (b) 2007-08, (c) 2008-09 and (d) 2009-10.

[35009]

Mr Djanogly: The amount of financial penalties outstanding in each of the Wales justice regions is:

	Dyfed Powys	Gwent	North Wales	South Wales
2006-07	3,498,109	5,631,898	6,203,903	11,894,720
2007-08	3,324,554	5,857,625	6,367,895	10,004,091
2008-09	3,955,288	5,903,094	7,303,005	9,879,205
2009-10	4,325,342	5,617,483	8,598,513	10,466,440

The amount outstanding can relate to fines imposed in that year or any previous year as fines are not always paid in the period which they are imposed and includes fines which are being paid in accordance with payment plans and the outstanding balance is therefore not all in arrears.

Wills

Rosie Cooper: To ask the Secretary of State for Justice if he will bring forward proposals to regulate will writing for the purposes of ensuring that all testamentary documents prepared for reward are prepared by qualified professionals.

[35065]

Mr Djanogly: The Legal Services Act 2007 (LSA) contains provisions which allow the Legal Services Board to recommend to me that a legal service such as will writing becomes a reserved legal activity.

Since the Legal Services Board (LSB) is currently investigating whether or not it would be in the interests of the legal consumer to regulate will writing, it will be more appropriate for me to await the outcome of that investigation before making an assessment of next steps.

CABINET OFFICE

Company Liquidations

Susan Elan Jones: To ask the Minister for the Cabinet Office what proportion of new businesses ceased trading in their first year in the latest period for which figures are available. [35917]

Mr Hurd: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, dated January 2011:

As Director General for the Office for National Statistics, I have been asked to reply to your recent Parliamentary Question asking what proportion of new businesses ceased trading in their first year in the latest period for which figures are available. [35917]

Annual statistics on the number of enterprise births, deaths and survivals are available from the ONS release on Business Demography at:

www.statistics.gov.uk

ONS does not produce figures on the number of enterprises that ceased trading within their first year. However, the table below contains the latest statistics on business survival, which show the number of enterprise births in 2008, and the number that survived into 2009.

<i>Enterprise births in 2008 and survival into 2009</i>	
	<i>Number/percentage</i>
2008 births	267,445
1 year survival	246,065
1 year percentage	92.0

Susan Elan Jones: To ask the Minister for the Cabinet Office what proportion of new businesses ceased trading in their first five years in the latest period for which figures are available. [35918]

Mr Hurd: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, dated January 2011:

As Director General for the Office for National Statistics, I have been asked to reply to your recent Parliamentary Question asking what proportion of new businesses ceased trading in their first five years in the latest period for which figures are available. [35918]

Annual statistics on the number of enterprise births, deaths and survivals are available from the ONS release on Business Demography at:

www.statistics.gov.uk

ONS does not produce figures on the number of enterprises that ceased trading within their first five years. However, the table below contains the latest statistics on business survival, which show the number of enterprise births in 2004, and their survival over five years.

<i>Enterprise births in 2004 and their survival over five years</i>		
	<i>Number</i>	<i>Percentage</i>
2004 births	280,080	—
1 year survival	263,895	94.2
2 year survival	220,420	78.7
3 year survival	182,810	65.3
4 year survival	153,195	54.7
5 year survival	131,170	46.8

Employment

Amber Rudd: To ask the Minister for the Cabinet Office what proportion of the working age population of (a) Hastings and Rye constituency, (b) Hastings borough council area, (c) East Sussex, (d) the South East and (e) the UK are (i) employed in the public sector, (ii) employed in the private sector and (iii) unemployed. [35012]

Mr Hurd: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, dated January 2011:

As Director General for the Office for National Statistics, I have been asked to reply to your Parliamentary Question asking what proportion of the working age population of (a) Hasting and Rye constituency, (b) Hasting Borough Council area, (c) East Sussex, (d) the South East and (e) the UK are (i) employed in the public sector, (ii) employed in the private sector and (iii) unemployed. (035012)

Public and private sector employment statistics for local areas can be calculated from the Annual Population Survey (APS). Table 1 shows the levels and proportions of the resident population aged 16 to 64 years employed in the private and public sector in (a) Hasting and Rye constituency, (b) Hasting Borough Council area, (c) East Sussex, (d) the South East and (e) the UK. Data has been provided for the most recent APS period, July 2009 to June 2010.

As with any sample survey, estimates from the APS are subject to a margin of uncertainty.

Table 2, shows the number and proportions of persons aged 16 to 64 years resident in (a) Hasting and Rye constituency, (b) Hasting Borough Council area, (c) East Sussex, (d) the South East and (e) the UK claiming Jobseeker's Allowance (JSA) for December 2010, the most recent period for which figures are available.

National and local area estimates for many labour market statistics, including employment, unemployment and claimant count are available on the NOMIS website at:

<http://www.nomisweb.co.uk>

Table 1 Levels and proportions of the resident population aged 16-64 years of UK, South East, East Sussex County Council, Hastings borough council, Hastings and Rye parliamentary constituency employed in (i) public and (ii) private sector—July 2009 to June 2010

	<i>Level (thousand)</i>		<i>Proportion (percentage)</i>	
	<i>Public</i>	<i>Private</i>	<i>Public</i>	<i>Private</i>
UK	*7,066	*20,751	18	52
South East	*895	*3,071	17	57

Table 1 Levels and proportions of the resident population aged 16-64 years of UK, South East, East Sussex County Council, Hastings borough council, Hastings and Rye parliamentary constituency employed in (i) public and (ii) private sector—July 2009 to June 2010

	Level (thousand)		Proportion (percentage)	
	Public	Private	Public	Private
East Sussex	**48	**170	16	57
Hastings	***12	***28	23	52
Hastings and Rye	***13	***32	21	53

Note:

Coefficients of Variation have been calculated for the latest period as an indication of the quality of the estimates. See Guide to Quality below.

Guide to Quality:

The Coefficient of Variation (CV) indicates the quality of an estimate, the smaller the CV value the higher the quality. The true value is likely to lie within +/- twice the CV—for example, for an estimate of 200 with a CV of 5% we would expect the population total to be within the range 180-220

Key:

* 0 ≤ CV < 5%—Statistical Robustness: Estimates are considered precise

** 5 ≤ CV < 10%—Statistical Robustness: Estimates are considered reasonably precise

*** 10 ≤ CV < 20%—Statistical Robustness: Estimates are considered acceptable

**** CV ≥ 20%—Statistical Robustness: Estimates are considered too unreliable for practical purposes

CV = Coefficient of Variation

Source:

Annual Population Survey and Annual Labour Force Survey

Table 2: Number of persons aged 16-64 years claiming jobseeker's allowance resident in UK, South East, East Sussex county council, Hastings borough council, Hastings and Rye parliamentary constituency—December 2010

	Level	Proportion (percentage)
UK	1,420,125	3.5
South East	127,445	2.4
East Sussex	8,800	2.9
Hastings	3,095	5.6
Hastings and Rye	3,385	5.2

Note:

Figures rounded to the nearest 5.

Source:

Jobcentre Plus administrative system

Voluntary Organisations

Peter Aldous: To ask the Minister for the Cabinet Office what steps he plans to take to help protect voluntary sector organisations from closure. [34104]

Mr Hurd: The Government are committed to making it easier to run a voluntary or community sector organisation, to get more resources into the sector and to make it easier to do business with the state.

To that end, the Government have set out a number of activities to support the sector. For example, the recently announced £100 million Transition Fund to support the sector through these challenging times and take advantage of the future opportunities presented by the big society. The renewed compact will strengthen the capacity of the sector and improve the partnership between the Government and civil society organisations, for the benefit of citizens and communities. A big society bank is currently being developed to help social enterprises, charities and voluntary organisations to access more resources. The recently published Commissioning Green Paper highlights the Government's commitment to reforming the commissioning process to enable charities, social enterprises and employee-owned co-operatives a bigger role in delivering more innovative, diverse and responsive public services.

At the same time, the Government are listening to the sector. It recently ran a consultation "Supporting a Stronger Civil Society" on how to improve support for front-line voluntary and community groups, charities and social enterprises.

Working Hours

Chris Ruane: To ask the Minister for the Cabinet Office what the average number of hours worked per week by (a) men and (b) women in full-time employment was in each year for which figures are available. [35748]

Mr Hurd: The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, dated January 2011:

As Director General for the Office for National Statistics, I have been asked to reply to your Parliamentary Question asking what the average number of hours worked per week by (a) men and (b) women in full-time employment were in each year. 35748.

The table provides the information requested for the September to November quarter each year from 1992 onwards. Comparable estimates are not available prior to 1992. The estimates are derived from the Labour Force Survey (LFS) and are seasonally adjusted. They are published in the monthly Labour Market Statistical Bulletin which is available on the National Statistics website.

As with any sample survey, estimates from the LFS are subject to a margin of uncertainty. Indications of the sampling variability of LFS aggregate estimates are provided in the Statistical Bulletin.

Actual weekly hours of people aged 16 and over in full-time employment, three months ending November, 1992 to 2010, United Kingdom, seasonally adjusted

	Average actual weekly hours for full-time workers ¹	
	Men	Women
1992	40.1	34.3
1993	40.0	34.0
1994	40.6	34.4
1995	40.6	34.3
1996	40.8	34.7
1997	40.7	34.8
1998	40.5	34.5
1999	40.1	34.3
2000	39.8	34.2
2001	39.5	34.3
2002	39.3	34.0
2003	39.0	33.8
2004	39.2	34.1
2005	39.1	34.1
2006	38.8	34.0
2007	39.0	33.7
2008	38.8	33.7

Actual weekly hours of people aged 16 and over in full-time employment, three months ending November, 1992 to 2010, United Kingdom, seasonally adjusted

	Average actual weekly hours for full-time workers ¹	
	Men	Women
2009	38.7	33.7
2010	38.9	33.8

¹ Main job only. The identification of full-time workers is based on respondents' self-classification.

Source:

Labour Force Survey.

HOME DEPARTMENT

Deportation of Convicted Foreign Nationals

19. **Mr Raab:** To ask the Secretary of State for the Home Department what steps she is taking to ensure the deportation of foreign nationals convicted of criminal offences. [35109]

Damian Green: Tough enforcement is the cornerstone of this Government's immigration police. We strongly believe that foreign law breakers should be removed from the UK at the earliest possible opportunity. We will seek to deport any foreign national criminal who meets our deportation criteria.

Gang-related Youth Violence: London

20. **Ms Buck:** To ask the Secretary of State for the Home Department what recent assessment she has made of the level of gang-related youth violence in London. [35110]

James Brokenshire: We engage in regular discussion with the Mayor of London and the Metropolitan police and I know that both are strongly committed to tackling this problem. The Government also takes gang violence very seriously. New civil injunctions to tackle gangs will go live nationally on 31 January. I know that partners in London are already looking at the potential for using these new powers.

UK Border Agency

22. **Graeme Morrice:** To ask the Secretary of State for the Home Department how many staff work for the UK Border Agency. [35112]

Damian Green: The UK Border Agency's workforce was 23,235 full-time equivalents, at the end of December 2010, of which 21,588 are classed as 'staff'. The remainder are; 1,398 locally engaged, 161 agency workers and 88 Contractors and secondments.

Nottingham PCSOs

23. **Lilian Greenwood:** To ask the Secretary of State for the Home Department what estimate she has made of the likely number of police community support officers in Nottinghamshire police at the end of the comprehensive spending review period. [35113]

Nick Herbert: This Government believes that police community support officers are a crucial part of the policing family providing a visible, uniformed presence

on our streets. That is why we have maintained the Neighbourhood Policing fund for a transitional period until the introduction of Police and Crime Commissioners. It is, however, ultimately for police forces and authorities, and in future for PCCs, to determine how they deploy their personnel.

Antisocial Behaviour Orders

Ms Angela Eagle: To ask the Secretary of State for the Home Department how many people are currently under restrictions from anti social behaviour orders in (a) the North West and (b) England and Wales. [35301]

James Brokenshire: The latest available data on the number of antisocial behaviour orders (ASBOs) issued cover the period 1 April 1999 to 31 December 2008. The north-west region comprises the following Criminal Justice System (CJS) areas: Cheshire, Cumbria, Greater Manchester, Lancashire and Merseyside.

The number of ASBOs issued at all courts in the north-west region, and in England and Wales, are 3,560 and 16,999 respectively. These figures include ASBOs made on application which became available from 1 April 1999 and ASBOs made following conviction for a relevant criminal offence, which became available for offences committed on or after 2 December 2002.

ASBOs can be of a fixed duration (for a minimum of two years) or made until further order. Furthermore, courts have the power to vary ASBOs, including their durations and the details of any such variations are not centrally collected by the Ministry of Justice. It is therefore not possible to determine from centrally collected data how many ASBOs are in force at a particular point in time except by reference to individual court files which could be achieved only at disproportionate cost.

ASBO data for 2009 are due to be published on 25 January 2011.

British Citizenship

Mr Burley: To ask the Secretary of State for the Home Department how many individuals of each original nationality have been deprived of British citizenship in each year since the Immigration and Asylum Act 2006 came into force. [33472]

Damian Green: Section 56 of the Immigration, Asylum and Nationality Act 2006 which relates to deprivation of British citizenship, came into force on 16 June 2006.

Since that date, nine individuals have been deprived of their British citizenship. Their original nationalities were one Australian, one Iraqi, one Pakistani, one Albanian, two Sudanese, one Russian, one Egyptian and one Lebanese. This information has been provided from local management information and is not a National Statistic. As such, it should be treated as provisional and therefore subject to change.

Coroners: Legal Costs

Jeremy Corbyn: To ask the Secretary of State for the Home Department (1) if she will estimate the cost to the public purse of (a) investigations by the Independent Police Complaints Commission and (b) inquests and

other associated action relating to deaths during or following police contact including involving police vehicles in each financial year since 2007-08; [34523]

(2) if she will estimate the cost of legal representation for the state at completed inquests into cases relating to deaths during or following police contact including involving police vehicles in each financial year since 2007-08. [34531]

Nick Herbert: The relevant information is not collated centrally, nor held by the Home Office.

Crime

Chris Ruane: To ask the Secretary of State for the Home Department what estimate she has made of the level of reported crime (a) overall and (b) for each category of crime in each of the (i) 100 most deprived wards and (ii) 100 least deprived wards in each of the last five years. [35229]

James Brokenshire [*holding answer 21 January 2011*]: Information at ward level is not collected centrally. The lowest level for which the Home Office routinely collects crime data is for Community Safety Partnership areas.

Demonstrations: English Defence League

Kelvin Hopkins: To ask the Secretary of State for the Home Department what representations she has received requesting consideration of banning the proposed English Defence League march in Luton on 5 February 2011; and if she will make a statement. [35580]

James Brokenshire: The Secretary of State for the Home Department has received representations from councillors on Luton borough council and members of the public requesting consideration of a ban on the proposed march by the English Defence League (EDL) in Luton on 5 February. The Home Secretary has however received no formal application to ban the march.

Any application to ban a march would be considered against the legal tests in the Public Order Act 1986.

Departmental Pay

Lisa Nandy: To ask the Secretary of State for the Home Department what information her Department holds on the number of subcontracted staff servicing her Department who were not paid at a rate equivalent to or above the London living wage in the latest period for which figures are available. [34815]

Nick Herbert: The Home Department does not hold information on the number and remuneration of staff employed by companies which are subcontracted to the Department's contractors. The exception is where employment agencies are contracted to provide temporary staff to the Department. The Department is able to confirm that temporary staff, who are on subcontracted terms to the agencies, are paid at a rate equivalent to or above the London living wage.

Detainees: Sexuality

Simon Kirby: To ask the Secretary of State for the Home Department what consideration she has given to the participation of (a) women and (b) lesbian, gay, bisexual and transgender persons in the detained fast-track procedure. [34910]

Damian Green: Entry to the detained fast-track procedure is determined by reference to published policy available on the UK Border Agency website. The policy lays out categories of claimant who, for reasons of particular vulnerability such as late pregnancy, children or serious disability, are excluded from entry to the process. For all other claimants, the key factor determining entry to the process is whether a quick, fair and sustainable decision can be taken on the case.

We do not intend to specifically add to an exclusion list all applicants on the basis of claimed or accepted gender, gender identity or sexuality. However, if on a case by case basis, any claimants from these groups are identified as having a claim of particular complexity, the general consideration referred to previously regarding amenability to a quick, fair and sustainable decision will apply.

Drugs: Crime

Mr Ainsworth: To ask the Secretary of State for the Home Department how much funding from her Department's drugs budget is allocated to (a) the criminal justice system, (b) drug treatment services and (c) drugs education. [35184]

James Brokenshire [*holding answer 21 January 2011*]: The Home Office budget is not divided into the categories in the question. The following budgets have been allocated for the financial period 2010-11:

	<i>£ million</i>
Drug Interventions Programme ¹	142
Drug Strategy Delivery ²	1.28
Positive Futures programme ³	6
YOT named drug worker ⁴	8.5

¹ Funding for delivery of the Drug Interventions Programme (DIP), includes grants to local areas, grants and costs for drug testing and for the programme's information systems.

² Grant funding for a range of projects which supported delivery of the Drug Strategy in terms of developing innovation and best practice.

³ Positive Futures programme provides grants to local prevention projects that target vulnerable and at risk 10 to 19-year-olds aiming to stop them from becoming drawn into crime and substance misuse and supporting them in moving forward with their lives.

⁴ Funding to provide a named drugs worker in every Youth Offending Team in England and Wales.

Mr Ainsworth: To ask the Secretary of State for the Home Department what estimate she has made of the proportion of acquisitive crime attributable to (a) heroin addicts, (b) crack cocaine addicts, (c) cocaine addicts and (d) cannabis users in the latest period for which figures are available. [35185]

James Brokenshire [*holding answer 21 January 2011*]: The Home Office has not produced estimates of the proportion of acquisitive crime attributable to individual drug types.

The most recent Home Office estimate of the proportion of acquisitive crime which was related to the use of Class A drugs was published in 2005. This estimated that between one-third and a half of all acquisitive crime was related to use of Class A drugs.

Reference:

Macdonald, Z. et al (2005) 'Measuring the harm from illegal drugs using the Drug Harm Index' Home Office Online Report 24/05: <http://rds.homeoffice.gov.uk/rds/pdfs05/rdsolr2405.pdf>

Entry Clearances: Overseas Students

Mr Offord: To ask the Secretary of State for the Home Department whether her review of student visas will examine the ability of students to bring their dependents with them to the UK. [35499]

Damian Green: On 7 December the Government launched a public consultation on reform of the student immigration system; copies are available in the House Library. Section 7 of the consultation considers limiting the entitlements of students to bring their family members with them to the UK.

Freedom Bill

Kris Hopkins: To ask the Secretary of State for the Home Department when she expects to publish the Freedom Bill. [34990]

James Brokenshire: As set out in the Home Office business plan (published on 8 November 2010), we will introduce a Freedom Bill by February 2011.

Human Trafficking

Michael Connarty: To ask the Secretary of State for the Home Department what her strategy is for reducing the incidence of human trafficking. [35056]

Damian Green: Combating human trafficking is a key priority for the Government. Our approach involves tackling organised crime groups who profit from this human misery and supporting protecting victims.

A new human trafficking strategy is currently in development, due for publication in the spring.

Mr Frank Field: To ask the Secretary of State for the Home Department how many decisions by the competent authority regarding the National Referral Mechanism have been reversed since 1 April 2009; and if she will make a statement. [35227]

Damian Green [holding answer 21 January 2011]: Since the National Referral Mechanism commenced on 1 April 2009 there are 19 recorded cases where the decision has been formally reversed following reconsideration by the Competent Authority. The Competent Authority's decision is often the result of multi-agency consultation and will be reconsidered if significant additional information becomes available after the initial decision is made.

Andrew Selous: To ask the Secretary of State for the Home Department what scope the Inter-Departmental Ministerial Group on Trafficking has to examine policies and practices on human trafficking across Government. [35276]

Damian Green [holding answer 21 January 2011]: The Government recognise the importance of monitoring the progress of anti-trafficking efforts in the UK and our international obligations.

The Inter-Departmental Ministerial Group has full scope to examine and monitor human trafficking policy and practices in the UK.

Andrew Selous: To ask the Secretary of State for the Home Department how many reports the Inter-Departmental Ministerial Group on Trafficking has issued since its inception. [35277]

Damian Green [holding answer 21 January 2011]: The Inter-Departmental Ministerial Group does not issue reports.

Illegal Immigrants

Mr Leigh: To ask the Secretary of State for the Home Department what steps her Department plans to take to control illegal immigration. [35093]

Damian Green: The UK Border Agency is committed to combating illegal immigration in line with the agency's strategic threat assessment and crime control strategy. By working with UK and international law enforcement organisations, the agency focuses its investigative effort to disrupt and dismantle organised crime networks that cause the greatest harm.

Over 55% of all passenger movements into and out of the UK are currently covered by the e-Borders system. This is being used to target would be illegal immigrants, as well as terrorist suspects and known criminals, before they cross the border. Additionally, a network of staff in key countries abroad issue biometric visas, collect intelligence and prevent people with forged documents from boarding planes, to prevent high risk individuals from entering the UK.

Teams working around the country investigate immigration offences and take action against illegal workers and those that employ them. The Government also allow only restricted access to a limited range of state funded benefits to those here illegally. The UK Border Agency deports foreign national prisoners and removes illegal immigrants who have no lawful basis to remain here, and who refuse to leave the country voluntarily.

This Government have committed to creating a new National Crime Agency. This will include a new Border Police Command to strengthen the operational response to organised crime and better secure our borders—a key national security requirement. This command will enable the development and execution of a single coherent border security strategy, drawing on a single national threat assessment. This will deliver our commitment, made in the coalition programme for government, to establish a border police force to “enhance national security, improve immigration controls and crack down on the trafficking of people, weapons and drugs”.

Institute for Public Policy Research

Nicholas Soames: To ask the Secretary of State for the Home Department what funding her Department provided to the Institute for Public Policy Research in 2008-09; and what the purposes were of such funding. [33736]

Damian Green: In 2008-09, the Home Office provided funding of £90,000 towards the “Economics of Migration” report by the Institute for Public Policy Research.

Kerb Crawling: Newham

Lyn Brown: To ask the Secretary of State for the Home Department what recent steps she has taken to prevent kerb crawling in the London borough of Newham.

[35317]

James Brokenshire: The Government understand the nuisance and distress that is caused by kerb crawling and supports action to prevent it.

The prevention of kerb crawling in Newham is a matter for the Metropolitan police and other appropriate local agencies. The law has recently been changed to allow the police to arrest kerb crawlers without having to prove that they had engaged in this conduct persistently. We want to see the police use this measure where appropriate to apprehend those who engage in this activity.

Members: Correspondence

Sir Gerald Kaufman: To ask the Secretary of State for the Home Department when she intends to answer the letter sent to the Minister for Immigration by the right hon. Member for Manchester, Gorton on 6 December 2010 with regard to Mrs Attia Akhtar.

[34751]

Damian Green: I wrote to the right hon. Member on 13 January 2011.

National DNA Database

Philip Davies: To ask the Secretary of State for the Home Department how many people have been convicted of (a) rape and (b) murder through evidence drawn from the National DNA Database.

[35083]

James Brokenshire: Data on the number of convictions obtained in which DNA match evidence from the National DNA Database (NDNAD) was a contributory factor are not collected centrally.

Police: Demonstrations

Frank Dobson: To ask the Secretary of State for the Home Department how many people have been arrested by the Metropolitan police service for suspected offences in the course of demonstrations against tuition fees; and how many such people have been charged.

[32618]

Nick Herbert [*holding answer 10 January 2011*]: As of 12 January, the total number of arrests resulting from each of the student protests was as follows:

<i>Arrests</i>	<i>Number</i>
10 November	76
24 November	56
30 November	1,153 221
9 December	53

¹ To prevent breach of the peace. ² For substantive offences.

With regard to charges, two persons have so far been charged. However, the police will not charge individuals until they are satisfied that all the evidence of any offences committed on the day have been identified. This allows a proper investigation of all possible offences so that in consultation with the Crown Prosecution Service, the police can consider the most appropriate charge, taking into account the seriousness of the offence or offences.

Police: Pensions

Mr Anderson: To ask the Secretary of State for the Home Department (1) when she plans to publish the findings of the review of police pensions;

[34979]

(2) what timetable she has set for the implementation of changes to the police service pension scheme.

[34980]

Nick Herbert: The police pension schemes are included in the scope of the Independent Public Service Pensions Commission, which is due to produce its final report in March. The Government will respond thereafter. No timetable has been set for the implementation of any potential changes to the police pension schemes.

In response to the Independent Public Service Pensions Commission's interim report, the Government announced at the spending review that we will implement progressive changes to the level of employee contributions to public service pensions. These changes will be phased in from April 2012.

Any changes will be subject to the normal consultation processes in line with statutory requirements.

Police: Shropshire

Karen Lumley: To ask the Secretary of State for the Home Department (1) what plans her Department has for the future budget allocation for the recruitment and retention of police community support officers in the West Mercia police;

[34954]

(2) how many community police officers were assigned to duties in Redditch constituency in the latest period for which figures are available.

[34995]

Nick Herbert: Information at constituency level is not held centrally. The following table shows police community support officer strength for the West Mercia police force by basic command unit, as at 31 March 2010.

West Mercia police community support officer strength by basic command unit, 31 March 2010^{1, 2}

<i>BCU</i>	<i>Police community support officers (full-time equivalents)</i>
Hereford	37
North Worcestershire	57
Shropshire	80
South Worcestershire	59
Telford and the Wrekin	47
Central Services	0
	279

¹ These figures are based on full-time equivalents that have been rounded to the nearest whole number. Figures include those officers on career breaks and maternity/paternity leave.

² Source—Home Office using data received from police forces via the Annual Data Requirement.

The Government announced on 13 December 2010 as part of the police funding settlement that, in recognition of the essential role police community support officers (PCSOs) play, the Neighbourhood Policing Fund will be maintained over the next two years, before being devolved to police and crime commissioners.

About 90% of the grant is ring-fenced for PCSOs, contributing up to 75% of their salary costs.

Decisions on the recruitment and retention of PCSOs are a matter for the chief constable of West Mercia police and the police authority.

Visas: Fingerprints

Mike Weatherley: To ask the Secretary of State for the Home Department whether her Department has assessed the merits of introducing compulsory fingerprinting for visitors to the UK with visas. [34858]

Damian Green: The United Kingdom Border Agency introduced the collection of fingerprints for all visa applicants from 2007, and from 30 November 2009 have introduced the capability to verify the fingerprints of passengers with biometric visas on arrival at the UK border against the record which the passenger gave as part of the application process overseas. This process also applies to passengers with biometric entry clearances and biometric residence permits.

Voluntary Organisations: Finance

Mr Offord: To ask the Secretary of State for the Home Department what plans her Department has to make funding available for voluntary sector organisations working with children and young people. [34756]

James Brokenshire: The Government are committed to supporting the role of the voluntary and community sector in tackling youth crime and antisocial behaviour at a local level and responding to the needs of local communities, particularly in delivering diversionary programmes, interventions for offenders, and provision of accommodation for remand and resettlement. The Government will set out their plans for future funding in due course.

ENERGY AND CLIMATE CHANGE

Combined Heat and Energy: Hospitals

Nicky Morgan: To ask the Secretary of State for Energy and Climate Change what steps his Department is taking to (a) promote the use of combined heat and power schemes in NHS hospitals and (b) improve energy efficiency in the health care sector. [34919]

Gregory Barker: The Department supports the health care sector in its efforts to improve its energy efficiency. Current activities include a workshop facilitated under the CHP Focus initiative, specifically targeted at NHS managers in order to promote take-up of combined heat and power (CHP) in the NHS estate. CHP Focus also comprises a free website and helpline service available to those wishing to deliver CHP, such as NHS trusts.

The Department also supports the work of the Department of Health and the Cabinet Office in promoting carbon reduction and energy efficiency solutions for the NHS and works closely with the NHS Sustainable Development Unit to promote awareness and carbon management across health care providers.

Combined Heat and Power

Mrs McGuire: To ask the Secretary of State for Energy and Climate Change what assessment he has made of the conversion efficiency of combined heat and power installations; and if he will make a statement. [34769]

Gregory Barker: The conversion efficiency of combined heat and power installations is undertaken within the UK's CHP quality assurance programme (CHPQA), the means by which the Government assess the environmental performance of CHP plants to ensure they deliver primary energy savings of at least 10%.

The conversion factors for the most recent gas-fired CHP plants certified under CHPQA demonstrate electrical efficiencies in the order of 33-39% and heat efficiencies in the order of 40-45%, depending on the size and type of the plant.

Departmental Pay

Lisa Nandy: To ask the Secretary of State for Energy and Climate Change what information his Department holds on the number of subcontracted staff servicing his Department who were not paid at a rate equivalent to or above the London living wage in the latest period for which figures are available. [34820]

Gregory Barker: The Department does not hold information on the number of subcontracted staff or their pay rates. The Department includes clauses within contracts to ensure suppliers provide the services in accordance with good industry practice and legal requirements.

Departmental Public Appointments

Fiona Mactaggart: To ask the Secretary of State for Energy and Climate Change what public appointments he has made since his appointment; and to what payments each person so appointed is entitled. [35421]

Gregory Barker: In October 2010 the Secretary of State for Energy and Climate Change appointed two executive members to the board of the Gas and Electricity Markets Authority (GEMA). One of these appointments was a reappointment for a second five-year term. Executive members of GEMA do not receive additional remuneration above their Ofgem salaries.

The Secretary of State reappointed the Chair and 12 members of the Committee on Radioactive Waste Management (CoRWM) for a second term of office from 1 November 2010. The CoRWM Chair, with a time commitment of approximately 1.5 days per week, receives remuneration of £450 per day. The Deputy Chair and remaining 11 members, with an average time commitment of one day per week, receive £380 per day and £300 per day respectively. Committee members are

also entitled to reimbursement of all reasonable travel and subsistence costs necessarily incurred during the course of their work.

The Secretary of State appointed to the Civil Nuclear Police Authority in January 2011 an industry representative from the Nuclear Decommissioning Authority. The appointment was on an ex officio basis and is unpaid.

Energy Supply

David Morris: To ask the Secretary of State for Energy and Climate Change what the installed energy generation capacity is of each of the six largest (a) coal, (b) gas, (c) nuclear and (d) renewable energy producers as a percentage of the total. [35318]

Charles Hendry: The following table shows the proportions of total installed capacity of the six largest (in terms of installed capacity) coal, gas, nuclear and renewables producers, as at May 2010.

	<i>Company</i>	<i>Percentage Share of Capacity</i>
Coal	EON	17
	RWE npower	16
	SSE	15
	EDF	14
	Drax	13
	Scottish Power	12
Gas	Centrica	15
	EON	11
	SSE	10
	RWE npower	9
	GDF Suez	7
	Scottish Power	7
Nuclear	EDF	86
	Magnox	14
Renewables	SSE	22
	Scottish Power	11
	RWE npower	8
	EON	5
	Fred Olsen	4
	Centrica	4

Shares of capacity are taken from data in table 5.11 of the Digest of UK Energy Statistics, 2010, available at:

<http://decc.gov.uk/en/content/cms/statistics/source/electricity/electricity.aspx>

Energy: EU Action

Nicholas Soames: To ask the Secretary of State for Energy and Climate Change what his objectives are for the European Council meeting on energy security in February 2011. [35626]

Charles Hendry: The Prime Minister will be representing the UK at the European Council and he will be taking forward the UK objectives, which are: setting a long-term

strategic vision for the move to a secure, sustainable and competitive low carbon economy by 2050; providing renewed political momentum to such a move; and agreeing on practical action to facilitate the necessary infrastructure investment, to improve how EU energy markets work and increase their integration, to support low carbon technologies and to encourage a step change in energy efficiency. The Council should also endorse the importance of the EU's external energy policy and the role of both the Commission and member states in this.

Energy: Meters

Mr Bain: To ask the Secretary of State for Energy and Climate Change what his Department's policy is on the provision of adequate and prior notice of tariff changes by energy supply companies to people who pay for electricity through pre-payment meters. [35739]

Charles Hendry: The Government believe that domestic energy consumers should receive advance notification before a price increase becomes effective. We therefore support Ofgem's proposed licence modifications to ensure this and have made it clear that we will use powers in the Energy Act 2010 if Ofgem is unable to introduce these changes in a timely manner.

Energy: Production

Andrew Stephenson: To ask the Secretary of State for Energy and Climate Change what research his Department has (a) commissioned and (b) evaluated on the potential contribution of sub-critical reactors to energy production. [35768]

Charles Hendry: We are aware that there are a number of reactor design proposals around the world, however, it is ultimately for industry to decide what type of reactor systems it will invest in.

As yet, industry has not indicated that they would be looking to develop and deploy sub-critical nuclear reactor designs in the UK in the near term future.

The Government's chief scientific adviser, Sir John Beddington, recently co-ordinated an assessment of the prospects for research into advanced accelerator driven thorium reactors, one type of sub-critical technology, with input from a number of sources. The conclusion was that, while the science is reasonably sound, the technology would carry major technology and commercial risks. The assessment further concluded that, for the UK, a watching brief on the area would be appropriate, but that it should not be a priority area for research in the context of constrained budgets.

The UK's National Nuclear Laboratory has also carried out an independent assessment of the thorium fuel cycle which included analysis on the use of accelerator driven systems (ADS). The report can also be found at:

www.nnl.co.uk/positionpapers

and notes in relation to ADS that the practical difficulties are "considered a major barrier to commercial implementation".

The Secretary of State has instructed officials to commission work to look further into the possible benefits of next generation reactor designs including

the use of thorium fuel. We are currently considering the details of this work and we hope to include further assessment of ADS technology in the evaluation.

Energy: Profits

Mr Bain: To ask the Secretary of State for Energy and Climate Change what recent advice he has received from Ofgem on levels of profits achieved by companies in the domestic energy supply sector. [35741]

Charles Hendry: Ofgem is required by the Government to produce quarterly price reports that examine the relationship between wholesale energy costs and standard tariff energy bills for a typical customer. The latest report published in November 2010 showed large increases in supplier margins, due to recent increases in retail prices. We are disappointed on behalf of consumers by this development and welcome the announcement of Ofgem's review of the retail market. Ofgem will report on this review in March of this year. This announcement is available online at:

<http://www.ofgem.gov.uk/Media/PressRel/Documents/1/Retail%20Market%2026%20November.pdf>

Fuel Oil: Competition

Mr Weir: To ask the Secretary of State for Energy and Climate Change (1) if he will request (a) the Office of Fair Trading and (b) the Competition Commission to launch an investigation into allegations of anti-competitive practices within the heating oil market; [35333]

(2) if he will investigate allegations of anti-competitive practices in the heating oil market; [35334]

(3) whether Ofgem is required to undertake any social obligation monitoring in respect of companies operating in the heating oil market; [35335]

(4) what regulatory regime applies to companies operating in the heating oil market. [35339]

Charles Hendry: The UK has an open and competitive market for heating oil. In contrast to gas and electricity markets, the heating oil market is not regulated by Ofgem. This is because Ofgem was set up to regulate the natural monopolies for gas and electricity distribution. There is no natural monopoly for heating oil distribution to consumers with a competitive supply market. Correspondingly Ofgem has no responsibilities in respect of companies operating in the heating oil market. Many suppliers do offer payment plans to spread costs over the year.

The Office of Fair Trading (OFT) monitors the heating oil market for any indications that consumer or competition legislation has been breached and considers all complaints and representations carefully.

In response to the OFT's consultation on its annual plan to determine its work programme for the coming year, and mindful of the increases in heating oil prices during the recent severe weather, I have written to the OFT to ask it to bring forward its competition and consumer study into off grid energy.

Fuel Oil: Costs

Miss McIntosh: To ask the Secretary of State for Energy and Climate Change what representations he has received on cost of domestic household heating oil; and if he will make a statement. [35018]

Charles Hendry: I have received various representations on the cost of domestic household heating oil during the recent severe weather.

The Government are very sympathetic to the predicament of those faced with rising costs. If there is evidence of uncompetitive practices, this should be referred to the Office of Fair Trading (OFT) which has responsibility for investigations into anti-competitive practice and market abuse. The OFT continues to consider all complaints and representations carefully and is monitoring for any indications that consumer or competition legislation has been breached.

In response to the OFT's consultation on its annual plan to determine its work programme for the coming year, and mindful of the increases in heating oil prices during the recent severe weather, I have written to the OFT to ask it to bring forward its competition and consumer study into off grid energy.

Miss McIntosh: To ask the Secretary of State for Energy and Climate Change what steps he plans to take to request oil companies to deliver amounts of domestic heating oil in smaller quantities to enable the most vulnerable to pay. [35054]

Charles Hendry: Bulk supply by tanker is the most economic form of delivery for heating oil. The Federation of Petroleum Suppliers has advised that the majority of meters fitted to road tankers used to deliver heating oil have a minimum delivery volume of 500 litres. The accuracy of the tank meter means there are minimum volumes for delivery and while pre-packaged smaller quantities of heating oil are available from some suppliers, the price per litre from packaged product is often significantly higher, due to the additional packaging storage and distribution costs incurred by the supplier.

Many suppliers also have payment plans to spread costs over the year.

In response to the Office of Fair Trading's (OFT) consultation on its annual plan to determine its work programme for the coming year, and mindful of the increases in heating oil prices during the recent severe weather, I have written to the OFT to ask it to bring forward its competition and consumer study into off grid energy.

Fuel Oil: Regulation

George Eustice: To ask the Secretary of State for Energy and Climate Change if he will bring forward proposals for regulation of the heating oil market by Ofgem. [34888]

Charles Hendry: The regulation of gas and electricity markets promotes competition and regulates the monopoly companies which run the electricity and gas networks. There is no natural monopoly for supply and distribution in the heating oil market.

The Office of Fair Trading (OFT) continues to consider all complaints and representations carefully, and monitor for indications that consumer or competition legislation has been breached.

In response to the OFT's consultation on its annual plan to determine its work programme for the coming year, and mindful of the increases in heating oil prices during the recent severe weather, I have written to the OFT to ask it to bring forward its competition and consumer study into off grid energy.

Heating: Rural Areas

Rory Stewart: To ask the Secretary of State for Energy and Climate Change if he will take steps to reduce the cost of heating for those in rural communities. [34927]

Charles Hendry: I have received various representations on the cost of domestic household heating oil during the recent severe weather.

The Government are very sympathetic to the predicament of those faced with rising costs. If there is evidence of uncompetitive practices, this should be referred to the Office of Fair Trading (OFT) which has responsibility for investigations into anti-competitive practise and market abuse. The OFT continues to consider all complaints and representations carefully and is monitoring for any indications that consumer or competition legislation has been breached.

In response to the OFT's consultation on its annual plan to determine its work programme for the coming year, and mindful of the increases in heating oil prices during the recent severe weather, I have written to the OFT to ask it to bring forward its competition and consumer study into off grid energy.

Methane: Natural Gas

Huw Irranca-Davies: To ask the Secretary of State for Energy and Climate Change what (a) licensing, (b) planning and (c) environmental consents need to be secured by developers before any exploratory drilling for (i) coalbed methane and (ii) shale gas proceeds; and whether the Climate Change Committee will consider the effects of the extraction of (A) shale gas and (B) coalbed methane. [34851]

Charles Hendry: It is the responsibility of each particular company to identify and comply with all legal and regulatory provisions that impinge upon him when carrying out operations of any kind. It is not possible to list every such provision that might arise, but in a typical case of a company seeking to explore for or produce hydrocarbons onshore in the UK, all the following bodies and provisions will have to be considered:

the Department of Energy and Climate Change, which administers a licensing system under the Petroleum Act 1998, and which authorises each particular drilling and development activity;

the planning authority (generally the local authority), from which the company would require planning permission;

the relevant environmental agency (in England and Wales, the Environment Agency, and in Scotland, the Scottish Environmental Protection Agency) who regulate discharges to the environment as well being a statutory consultee in the planning process;

the Health and Safety Executive which regulates the process safety aspects of this work, which contributes to mitigating the risk of environmental risks; and

the Coal Authority (in the case of coalbed methane) which regulates access to the nation's coal.

It is not for me to say what issues the Committee on Climate Change will consider.

Renewable Energy: Finance

Stephen Barclay: To ask the Secretary of State for Energy and Climate Change what recent estimate his Department has made of the full system cost to the public purse of meeting the UK's contribution to the EU renewable energy target for 2020 through (a) nuclear, (b) carbon capture and storage coal, (c) onshore wind, (d) offshore wind, (e) tidal and (f) solar technologies. [34836]

Charles Hendry [*holding answer 20 January 2011*]: It is estimated that meeting the UK 2020 15% renewable energy target may require around 30% of electricity to come from renewable sources, but there is no target for the electricity sector, nor for individual technologies. Onshore wind, offshore, tidal and solar technologies are expected to contribute to meeting the target, incurring expenditure through the renewables obligation (RO) and feed-in tariffs (FITs) that have been defined by the Office for National Statistics as 'tax and spend'. Nuclear and carbon capture and storage coal are not classified as renewables and will not be able to contribute to the 2020 target.

The following table shows the estimated cumulative expenditure from 2011 to 2020 through the RO and FITs on onshore wind, offshore wind, tidal and solar technologies.

<i>Technology</i>	<i>Expenditure through RO and FITs (2010 prices discounted to 2011) (£ billion)</i>
Onshore wind	8.3
Offshore wind	14
Tidal	1.1
Solar PV	2.5

Source:

DECC calculations based on 2009 modelling by Redpoint and the lead scenario in the Final FITs Impact Assessment published in February 2010

This is based on 2009 and 2010 analysis of one potential scenario amongst many. The exact shares of effort between sectors and technologies will depend on how investors respond to the renewable financial incentives put in place, and the relative success in overcoming non-financial barriers to renewables deployment such as planning, supply chain and grid issues.

We are currently reviewing the level of support for all renewable electricity technologies under the RO, and will consult on any changes to RO bands this summer. As part of that process, we have asked our consultants Arup and Ernst & Young to provide updated assumptions on potential deployment and costs for each renewable electricity technology. The Government are also currently consulting on reforms to the electricity market, including options for a phased transition from the RO to a feed-in tariff for large-scale generation. Both of these developments are expected to change the Government's assessments of the total public cost of meeting the UK's share of the

2020 renewables target. The Government are committed to controlling the cost of increasing the deployment of renewable technologies and have brought forward the review of the renewable obligation mechanism.

Note that these figures represent the total level of public support¹. The Renewable Energy Strategy 2009 published lower public support cost figures based on the additional level of public support resulting from the increase in renewables ambition, on a different price basis.

¹ The costs of the renewables obligation and feed-in tariffs fall on electricity suppliers who pass them on to electricity consumers. In the case of FITs, public support costs are estimated in 'net' terms ie net of the value of electricity exported back to the grid.

Sheffield Forgemasters

Huw Irranca-Davies: To ask the Secretary of State for Energy and Climate Change pursuant to the answer of 20 December 2010, *Official Report*, column 981W, on Sheffield Forgemasters, what the dates of his discussions with ministerial colleagues were; which Ministers were involved; whether the discussions were part of a formal meeting; whether minutes or notes were taken; what the outcomes of the discussions were; and whether the discussions are ongoing. [35006]

Charles Hendry: The Secretary of State regularly discusses a wide variety of issues with ministerial colleagues.

There were no formal discussions on Sheffield Forgemasters and therefore there is no record of these discussions. Following the decision to withdraw the loan officials worked with the company to try to help to achieve a private sector solution as reported at the time the Minister of State for Business and Enterprise on 8 July 2010, *Official Report*, column 503.

Solar Energy

Huw Irranca-Davies: To ask the Secretary of State for Energy and Climate Change pursuant to the answer of 11 January 2011, *Official Report*, column 259W, on solar energy, whether he intends to intervene to prevent any (a) applications for solar farms currently in planning and (b) future applications to the feed-in tariffs scheme from proceeding. [35007]

Charles Hendry: Following the spending review announcement last October, and our concerns about proposed large industrial-scale green field solar farms distorting the available funding for roof top and other innovative solar technologies, my officials are monitoring the situation closely. We stand ready to take measures to limit the access of such schemes to FITs if that is shown to be necessary.

The Government will not act retrospectively and any changes implemented will only affect new entrants into the FITs scheme. Installations which are already accredited for FITs will not be affected.

Huw Irranca-Davies: To ask the Secretary of State for Energy and Climate Change pursuant to the answer of 11 January 2011, *Official Report*, column 259W, on solar energy, what proportion of feed-in tariff funds for solar photovoltaics have been allocated to (a) individual households, (b) community schemes, (c) non-community based solar farms and (d) other schemes in each quarter since the scheme began; and what estimate he has made of the proportion of funding to be allocated to each such category of scheme in each quarter until the review date of the scheme. [35008]

Charles Hendry: The information is not available in the format requested. Quarterly statistics on feed-in tariffs (FITs) are published by both DECC and Ofgem and currently cover the first two quarters of the FITs scheme (April to September 2010). This confirms that of the 10,531 solar photovoltaic installations accredited for FITs in that period, 99.2% were domestic, 0.4% commercial, 0.4% community and there was one industrial scheme (under 0.01%). The total FITs payments over this period for all technologies was £2,686,712.55.

Under the FITs scheme, funds are not allocated in the manner described. However, the analysis and projections undertaken by the previous Administration which informed the FITs impact assessment suggested that in the first three years of the scheme (April 2010 to March 2013) only PV installations of 0-4kW would be incentivised under the scheme.

HEALTH

Alcoholic Drinks: Misuse

Grahame M. Morris: To ask the Secretary of State for Health how many (a) males and (b) females are registered as alcohol-dependent in (i) England, (ii) the North East and (iii) Easington constituency. [35261]

Anne Milton: There is no scheme or requirement for registration by alcoholics with the national health service. The adult psychiatric morbidity survey, 'Adult Psychiatric Morbidity in England, 2007' (APMS), was published in January 2009, covering adults living in private households in England. It includes information on the prevalence of alcohol use and dependence by age, sex, region and other factors. National and regional estimates of the number and percentage of alcohol dependent males and females are in the following table. No estimates are available below regional level.

Estimate of the number and percentage of alcohol dependent¹ males and females nationally and in the north-east, 2007

	Males aged 16 or over		Females aged 16 or over	
	Estimated number	Estimated percentage	Estimated number	Estimated percentage
North-east	100,000	10.2	40,000	3.7
England	1,200,000	5.8	400,000	1.9

¹ Scoring 16 or more on the Alcohol Use Disorders Identification Test

Blood Diseases: Health Services

Ms Abbott: To ask the Secretary of State for Health what steps his Department is taking to promote the professional development of sickle cell anaemia practitioners; if he will assess the merits of making the Sickle Cell Adult and Child Care Standards a minimum requirement for practitioners, with penalties in place for non-compliance; and if he will make a statement. [34881]

Anne Milton: The content and standard of health care training is the responsibility of the professional regulators. Their role is that of custodian of quality standards in education and practice. These bodies have a responsibility to ensure that health care practitioners are equipped to deal with the problems they will encounter in practice.

The Department is aware of the need to ensure perceived areas of weakness in training curricula in respect of sickle cell anaemia are addressed. For that reason, in 2010 health officials met with representatives of the Sickle Cell and Thalassaemia All-Party Parliamentary Group and other relevant organisations, including the health Royal Colleges to promote awareness and the appropriate coverage of these conditions in training curricula. As a result curricula were reviewed and a number of changes and additions have been implemented and arrangements established to co-ordinate future liaison and proposals to raise awareness of sickle cell and thalassaemia.

Ms Abbott: To ask the Secretary of State for Health what assessment his Department has made of the ability of people diagnosed with sickle cell anaemia and thalassaemia to access appropriate treatment; whether he has assessed the merits of increasing the level of resources available for such purposes; and if he will make a statement. [34882]

Anne Milton: The Department has made no such assessments. Responsibility for access to treatment, and the resourcing, planning, delivery and improvements in services for people diagnosed with sickle cell and thalassaemia are the responsibility of local commissioners and providers.

The Department has supported a range of initiatives to improve access to quality services for sickle cell and thalassaemia working with key partners, including funding the East Midlands Specialised Commissioning Group to produce standards of care for trusts and service models for commissioners in high and low prevalence areas and integrated pathways of care for patients.

The development of a national screening programme for sickle cell and thalassaemia has ensured that all expectant women (and fathers-to-be where relevant) are offered screening for sickle cell disease and thalassaemia. In addition all newborns are offered screening for sickle cell. This allows newly born infants with sickle cell disease to receive a definitive diagnosis of their condition, ensuring that prompt and specific treatment can begin immediately.

Screening, combined with effective follow-up and treatment, helps ensure that babies with sickle cell disease stay well. Out of 669,427 babies tested in England in 2008-09, 360 babies received a screen positive result.

The Department has also supported the development of a competence framework for nurses caring for those with sickle cell disease and thalassaemia to ensure the highest standard of care is provided at all times.

Note:

Figures provided by the NHS Sickle Cell and Thalassaemia Screening Programme.

Cancer

Lyn Brown: To ask the Secretary of State for Health what estimate he has made of the average time a cancer patient will wait from diagnosis to an appointment with a specialist in (a) 2011 and (b) 2012. [35196]

Ms Angela Eagle: To ask the Secretary of State for Health what the average waiting time is for a patient to see a cancer specialist in (a) Wirral primary care trust, (b) primary care trusts in the North West and (c) England. [35296]

Paul Burstow: "Improving Outcomes: A Strategy for Cancer", published on 12 January, has confirmed that the current cancer waiting time standards are clinically justified and should be retained. This follows a full review of the evidence base supporting cancer waiting times. A copy of the Strategy has already been placed in the Library.

In the most recent period for which statistics are available (Quarter Two 2010-11), 95% of patients in England urgently referred with suspected cancer by their general practitioner (GP) were seen by a specialist within two weeks. For primary care trusts (PCTs) in the North West, this figure was 95.8% and for patients served by Wirral PCT the figure was 97.6%. In England, 98.4% of patients were treated 31 days from diagnosis to first treatment for all cancers.

The NHS Constitution includes the right to see a specialist within two weeks of urgent GP referral, where cancer is suspected, or for the NHS to take all reasonable steps to offer a range of alternative providers where this is not possible. "The Operating Framework for the NHS in England 2011-12" confirms that patient rights under the constitution remain in place.

Mr Barron: To ask the Secretary of State for Health (1) whether cancer patients are to be included in the group of patients with a long-term condition to be offered a care plan as proposed in his Department's consultation on choice and control in the NHS; [35432]

(2) whether cancer is to be included as part of the long-term conditions outcome measure in the new NHS outcomes framework; [35433]

(3) whether a commitment to care plans for cancer survivors is to be included in his Department's refreshed cancer reform strategy. [35434]

Paul Burstow: All people living with one or more long-term conditions, including those with cancer, should be offered a personalised care plan to support improved choice and control. The NHS Outcomes Framework includes a domain for long-term conditions defined as conditions that are not cured but are managed using therapy and/or medication; this includes cancer. 'Improving Outcomes: A Strategy for Cancer', published on 12 January 2011, sets out the principles for improved care and

support for cancer survivors that the National Cancer Survivorship Initiative has developed. These principles include a care plan following cancer treatment. A copy of the strategy has already been placed in the Library.

Care Homes: Finance

Stuart Andrew: To ask the Secretary of State for Health what proposals his Department has for the future funding of residential care home places. [33816]

Paul Burstow: In July 2010, the Government established the independent Commission on the Funding of Care and Support to make recommendations on how to achieve an affordable and sustainable funding system or systems for care and support for all adults in England, both in the home and other settings.

The Commission is due to report by July this year. More information about its work can be found online at:

www.dilnotcommission.dh.gov.uk

Carers

Nicola Blackwood: To ask the Secretary of State for Health what support his Department will provide for the training of carers after March 2011. [35441]

Paul Burstow: The provision of training and other similar support to carers is largely a matter for local determination, by the national health service and local authorities.

The Caring with Confidence programme ended in September 2010. Government announced in October 2010 that over £4 million previously earmarked for the programme was being reinvested across 11 projects, these include:

£1.8 million funding to a range of voluntary sector organisations supporting carers including the Afiya Trust, in recognition of the particular needs and challenges faced by carers from ethnic minority communities;

over £1 million funding for training and carer awareness raising for key health and social professionals being delivered by Skills for Care and Skills for Health and training for general practitioners (GPs) and their practice staff being carried out by the Royal College of GPs; and

£1.35 million funding for a grant scheme aimed at encouraging bids from patient led and condition related organisations wishing to do more to support carers by reaching out to people who do not necessarily see themselves as carers. We received over 270 bids from a wide range of organisations and plan to fund over 80 organisations who were successful bidders.

The Government have also made all the training materials from Caring with Confidence available free of charge on the Carers Direct website and worked with the national carers' organisations and other interested parties to promote their availability. The materials can be used at a local level to support the continued provision of training to carers.

Departmental Pay

Lisa Nandy: To ask the Secretary of State for Health what information his Department holds on the number of subcontracted staff servicing his Department who were not paid at a rate equivalent to or above the London living wage in the latest period for which figures are available. [34816]

Mr Simon Burns: The information is not held centrally. The Department holds two contracts with suppliers for the provision of cleaning, catering, security and other facilities management services to the Department's London estate. The contracts are awarded through a competitive tender process based on the best overall value for money solution for the Department.

General Practitioners: Wolverhampton

Paul Uppal: To ask the Secretary of State for Health how many GPs in Wolverhampton received over £100,000 from the NHS in the most recent 12 months for which figures are available. [34791]

Mr Simon Burns: Details of individual general practitioners (GPs) earning over £100,000 in the national health service for Wolverhampton are not collected centrally.

The most up-to-date information on the overall numbers of GPs earning in excess of £100,000 is contained within the 'GP Earnings and Expenses 2008-09 Final Report', published by the Health and Social Care Information Centre on 12 January 2011.

A copy of the publication has been placed in the Library.

Hospital Wards: Children

Zac Goldsmith: To ask the Secretary of State for Health whether he plans to exempt paediatric wards from his proposals to eliminate mixed-sex wards in NHS hospitals. [35078]

Mr Simon Burns: There are no exemptions to delivering high standards of privacy and dignity. The national health service is expected to eliminate mixed-sex accommodation, except where it is "in the overall best interests of the patient, or reflects patient choice". However, same sex requirements allow sufficient flexibility to provide scope for specialist facilities for children and young people, where patients may choose to share facilities on the basis of age and diagnosis, rather than gender. In this context, the choice has to be a genuine one—not influenced by background factors such as staff convenience, the poor state of buildings or lack of facilities. If the child would prefer to be nursed in proximity to members of the same sex, then this preference should where possible be accommodated.

The Department has made available guidance^{1,2} which specifically focuses on children. This makes clear that decisions about where children and young people receive their care should be based on the clinical, psychological and social needs of the individual child or young person. It states that this approach be conveyed to the child, (where they are old enough to understand), and to their parents/carers. In emphasising that young people be offered choice, there remains an emphasis that the location and environment are; safe, healthy, child-friendly and suitable to their age/stage of development.

This guidance was developed following extensive consultation with clinical staff and patient representative groups.

¹ A copy has been placed in the Library and is available at:

www.dh.gov.uk/en/Publicationsandstatistics/Lettersandcirculars/Professionalletters/Chiefnursingofficerletters/DH_098894

² A copy has been placed in the Library and is available at:

www.institute.nhs.uk/images//documents/DSSA/Updates_August_2010/20102503%20dh_TT%20Children_YP.pdf

Maternity Services

Henry Smith: To ask the Secretary of State for Health what mechanism he will use to achieve the outcomes identified in his Department's NHS outcomes framework 2011-12 in respect of maternity care. [35269]

Anne Milton: The recently published "NHS Outcomes Framework 2011/12" sets out the national outcome measures that will be used to hold the NHS Commissioning Board to account. The Secretary of State for Health will not be setting out how these outcomes should be delivered.

It will be for the NHS Commissioning Board to determine how best to deliver improvements by working with general practitioner (GP) commissioning consortia and making use of the various tools and levers it will have at its disposal. These include the library of National Institute for Health and Clinical Excellence Quality Standards; the Commissioning Outcomes Framework, which the NHS Commissioning Board will use to hold GP commissioning consortia to account; and other payment mechanisms between the NHS Commissioning Board, commissioners and providers. These are described more fully in both "The NHS Outcomes Framework 2011/12" and "Liberating the NHS: legislative framework and next steps", which can be accessed via the following links:

www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/@ps/documents/digitalasset/dh_123138.pdf

www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_122661

Copies have already been placed in the Library.

Mobility

Dame Anne Begg: To ask the Secretary of State for Health what estimate his Department has made of expenditure by primary care trusts on meeting the mobility needs of under-65s living in residential care in the latest period for which figures are available. [35673]

Paul Burstow: Information on primary care trust expenditure has never been collected in the level of detail necessary to estimate their expenditure on meeting the mobility needs of under-65s living in residential care. This is because the essential business needs of the Department cannot justify the additional administrative burden on the bodies that would have to provide the data.

NHS: Contracts

Frank Dobson: To ask the Secretary of State for Health if he will take steps to ensure that no US health organisation indicted for defrauding doctors, patients or taxpayers will be allowed to enter into contracts with (a) GP consortia and (b) the NHS. [34895]

Mr Simon Burns: Arrangements for contracts with general practitioner (GP) consortia for clinical services have yet to be determined, as the creation of GP consortia is subject to parliamentary approval. In future, again subject to parliamentary approval of its proposed new roles, Monitor will develop and agree with the Secretary of State criteria for determining who constitutes a fit person for the purposes of contracting for national health service-funded clinical services. Good procurement practice and current supporting national guidance highlights the importance of rigorous due diligence as part of the initial pre-qualification questionnaire.

NHS: Disclosure of Information

Derek Twigg: To ask the Secretary of State for Health what plans he has to increase whistleblower rights and protections for NHS staff. [35629]

Anne Milton: Whistleblowers in the national health service are already protected from detriment by law.

A number of improvements have recently been made for NHS staff who wish to raise concerns. Guidance has been published providing advice to NHS organisations on how to implement and review whistleblowing arrangements in line with best practice. We have provided staff with a contractual right to raise concerns in the public interest. We have also recently consulted on proposed amendments to the NHS constitution to emphasise the existing rights and duties for staff and we are analysing the response.

We also intend to explore with NHS staff further measures to provide a safe and independent authority to whom they can turn when their own organisation is not listening.

NHS: Negligence

Duncan Hames: To ask the Secretary of State for Health what proportion of NHS Trusts that are not primary care trusts are members of the NHS Litigation Authority's Clinical Negligence Scheme for Trusts. [35555]

Mr Simon Burns: All national health service trusts are members of the Clinical Negligence Scheme for Trusts.

NHS: Standards

Derek Twigg: To ask the Secretary of State for Health how many NHS trusts have escalated to Resource Escalation Action Plan level 4 since 1 November 2010; and on how many occasions such an escalation has occurred in each NHS trust in that period. [35630]

Mr Simon Burns: Resource Escalation Action Plan (REAP) is a system used by ambulance trusts only to enable ambulance trusts to maintain the delivery of patient services. REAP levels are not reported into the Department centrally, but are used by individual ambulance trusts to manage increases in demand on an escalating sliding scale.

During the swine flu pandemic in 2009-10, the Department did collect the REAP level data nationally, but this was to assist the Department's National Incident

Coordination Centre (NICC) in national co-ordination of the wider health and social care response during the pandemic.

The REAP plan is essentially a set of pre-agreed actions to manage escalating demand by increasing capacity. It is always in operation, normally at level one, but higher levels are triggered as demand increases.

Further information on REAP can be found on the Ambulance Leadership Forum website at:

www.ambulanceleadershipforum.org/

Out of Area Treatment

Stephen Mosley: To ask the Secretary of State for Health (1) what consideration he has given to the effects of differences in health care commissioning practices between England and the devolved Administrations; [34758]

(2) what assessment he has made of the effectiveness of the cross-border commissioning protocol in ensuring adherence to the principle that no commissioner shall be disadvantaged by providing services to the other country's residents; [34759]

(3) what recent discussions he has had on the expiration of the cross-border commissioning protocol; and if he will make a statement. [34760]

Mr Simon Burns: While there are very significant areas of commonality in health provision in the home nations, there are already some divergences that reflect the differing local priorities, health being a devolved issue, and it is the responsibility of each administration to identify and address these priorities.

The Department participates in discussions with local health boards in Wales, primary care trusts and the Welsh Assembly Government to ensure that funding and commissioning issues arising from the differences in health provision regimes are understood. The cross-border commissioning protocol exists to define the commissioning and payment arrangements for patients living along the Anglo-Welsh border. It is the mechanism through which the two health Departments address the principle that neither commissioners nor patients should be disadvantaged by differences in health commissioning or provision processes between the two countries. The other key principle under the protocol is that the patient's safety and well being must be paramount at all times. No treatment must be refused or delayed due to uncertainty or ambiguity as to funding the health care provision.

The Secretary of State for Health met Ministers of the Welsh Assembly Government on 1 December 2010 and wrote to the Minister of Health and Social Security for the Welsh Assembly Government following the meeting to say that departmental officials remained committed to agreeing an appropriate level of financial transfer to the Welsh Assembly Government arising from issues around national tariff rates and how these are applied to Wales.

The cross-border commissioning protocol is due to expire on 31 March 2011 and officials from the Department are also in discussion with the Welsh Assembly Government with the intention of renewing the protocol, to run seamlessly from 2011. Until the forthcoming changes to the manner in which health care in England is commissioned are finalised in the Health and Social Care Bill currently

going through Parliament, the intention is that no substantial changes to the cross-border protocol should be introduced. For this reason, the protocol is expected to be renewed for just one year.

Pain: Medical Treatments

Annette Brooke: To ask the Secretary of State for Health if he will take steps to ensure that the National Institute for Health and Clinical Excellence develops a specific quality standard for pain as a stand-alone condition. [35834]

Mr Simon Burns: Additional work, to assess the feasibility and scope for a quality standard for pain relief, for both adults and children, is required before it can be referred to the National Institute for Health and Clinical Excellence (NICE) for them to develop a quality standard on that topic. NICE will provide that assessment later in the year.

Further details about NICE's quality standards programme can be found on the institute's website, including details of published and developing standards that, where appropriate, address the issue of pain management as part of an integrated care pathway.

www.nice.org.uk/guidance/qualitystandards/moreinfoaboutnicequalitystandards.jsp

Prescriptions

Mr Sanders: To ask the Secretary of State for Health whether he plans to review the electronic transmission of prescriptions project. [35063]

Mr Simon Burns: I refer the hon. Member to the written ministerial statement on the National Programme for Information Technology that I made on 9 September 2010, *Official Report*, columns 21-22WS. There are no plans to further review the electronic prescription service, previously known as the electronic transmission of prescriptions programme.

Public Health Service

Mr Barron: To ask the Secretary of State for Health what his policy is on preventing primary care trusts decommissioning public health services before the introduction of the public health service outlined in the NHS White Paper. [35444]

Anne Milton: The 'NHS Operating Framework 2011/12' states that the national health service must continue to lead on improvements to public health, ensuring that public health services are in the strongest possible position when responsibilities are devolved to local authorities.

During transition, overall accountability for delivery will remain with the existing organisations in the system. Strategic health authorities will be accountable for delivery and for overseeing the transition in their region up to April 2012 and primary care trusts will remain statutorily accountable up to April 2013.

Slaughterhouses: Horses

Mr Gray: To ask the Secretary of State for Health how many horses were slaughtered in UK abattoirs in the last year for which figures are available. [35578]

Anne Milton: Between 1 January 2010 and 31 December 2010 7,933 equines were slaughtered in red meat slaughterhouses in England, Scotland and Wales.

Smoking: Health Services

Mr Barron: To ask the Secretary of State for Health how much his Department spent on advertising and marketing NHS smoking cessation services in each quarter of 2010. [35442]

Anne Milton: The Department's estimated expenditure on advertising and marketing for national health service smoking cessation services in each quarter of 2010 is shown in the following table:

	£
Q4 (January to March)	861,456
Q1 (April to June)	26,000
Q2 (July to September)	0
Q3 (October to December)	0

Number of people in England setting a quit date and successful quitters¹ in 2010

Quarters 1 to 3	Number setting a quit date	Number of successful quitters	Percentage who successfully quit
January to March 2010	243,206 ²	124,792	51
April to June 2010	183,030 ³	85,749	47
July to September 2010	158,425 ³	76,504	48

¹ A client counted as having successfully quit smoking at the four-week follow-up if he/she has not smoked at all since two weeks after quit date.

² Quarterly data, which have been finalised by The Health and Social Care Information Centre, Lifestyle Statistics.

³ Quarterly data have been published for the first two quarters of 2010-11. These data remain provisional until the end of year 2010-11 report is published, expected to be in August 2011.

Source:

The Health and Social Care Information Centre, Lifestyle Statistics.

The data on the number of quit attempts for quarters two and three are provisional. Provisional data for quarter four are expected to be published in August 2011.

Information on people setting a quit date and successful quitters, by quarter, 2001-02 to 2009-10 is contained within table 2.2 of 'Statistics on NHS Stop Smoking Services: England, April 2009 to March 2010'.

This publication has been placed in the Library.

Swine Flu: COE Countries

Paul Flynn: To ask the Secretary of State for Health what information his Department holds for benchmarking purposes on the (a) expenditure and (b) outcomes of measures to tackle swine flu in other Council of Europe member states. [34930]

Anne Milton: The European Commission has carried out two reviews of the H1N1 pandemic response across the European Union and European economic area. The reviews provide helpful benchmarks across a range of areas, including communications, co-ordination of public health measures, and availability and use of antivirals and vaccines. These reviews can be found at:

http://ec.europa.eu/health/communicable_diseases/docs/assessment_response_en.pdf

http://ec.europa.eu/health/communicable_diseases/docs/assessment_vaccine_en.pdf

Figures are provisional and unaudited and are based on total advertising and marketing expenditure directly spent on promoting NHS smoking cessation services across the range of marketing channels, including advertising media, direct and relationship marketing, partnership marketing, digital marketing, public relations, events and publications.

The local NHS also spends money promoting NHS Stop Smoking Services, details of which are held by local NHS organisations and are not held centrally.

The majority of the 2010 spend took place during the January to March 2010 period. A high expenditure during this period is common as it is the key season for quitting smoking.

Mr Barron: To ask the Secretary of State for Health how many quit attempts NHS smoking cessation services recorded in each quarter of 2010. [35443]

Anne Milton: Information on people setting a quit date, through the national health service Stop Smoking services, and successful quitters by quarter in 2010, is shown in the following table:

On spend, the Department does not hold benchmark comparisons. This is partly due to the different approaches used by countries as to what factors are included. Also the commercial confidentiality of contracts for countermeasures restricts benchmarking.

Waiting Lists

Mr Laws: To ask the Secretary of State for Health (1) how many patients in the NHS have been treated by non-NHS providers as a consequence of the provisions of the Primary Care Trusts and Strategic Health Authorities (Waiting Times) Directions 2010; and if he will make a statement; [35511]

(2) what assessment he has made of the effectiveness of primary care trusts in complying with their legal requirements under the Primary Care Trusts and Strategic Health Authorities (Waiting Times) Directions 2010; and if he will make a statement. [35512]

Mr Simon Burns: The Department does not collect information on how many patients have been treated by non-national health service providers as a consequence of the 'Primary Care Trusts and Strategic Health Authorities (Waiting Times) Directions 2010'.

The Department has not made an assessment of the effectiveness of primary care trusts in complying with their legal duty to commission services that meet maximum waiting times standards and to offer redress to patients who wait longer if they request it.

The right to access services within maximum waiting times remains in the NHS constitution. NHS organisations need to be able to demonstrate that they have met patients' rights and fulfilled their obligations.

TRANSPORT

Ambulance Services: Accidents

Mr Scott: To ask the Secretary of State for Transport how many emergency response ambulances have been involved in a road traffic accident in each of the last three years for which figures are available. [35536]

Mike Penning: The number of reported personal injury road accidents involving at least one ambulance in Great Britain in each of the last three years for which figures are available is given in the following table:

	<i>Number of accidents</i>
2007	304
2008	260
2009	288

It is not possible to identify emergency response ambulances as the data are based on a "body type" of vehicles involved and therefore all types of ambulances are included in the data table.

Blue Badge Scheme: Older People

Bill Esterson: To ask the Secretary of State for Transport if he will bring forward proposals to make all people aged over 65 eligible for the Blue Badge scheme. [35182]

Norman Baker [*holding answer 21 January 2011*]: Eligibility for the Blue Badge scheme is set out in legislation. The Government have no plans to extend eligibility to all people aged over 65 and believe that badges should be issued on the basis of need, not age. The accessibility benefits offered by the scheme should be protected for the benefit of those disabled people who most rely on being able to park close to jobs, shops and services.

Cycling: Accidents

Mark Tami: To ask the Secretary of State for Transport how many cyclists were involved in reported road traffic accidents in Great Britain in each of the last five years. [35242]

Mike Penning: The information requested is published in "Reported Road Casualties Great Britain: 2009 Annual Report". The number of pedal cycles involved in reported personal injury road accidents in Great Britain by year is available from Table 10. The number of pedal cycle casualties involved in such accidents is available from Table 6c.

Copies of the report have been deposited in the Libraries of the House. This report can also be found at the following address:

<http://www.dft.gov.uk/adobepdf/162469/221412/221549/227755/rrecgb2009.pdf>

Mark Tami: To ask the Secretary of State for Transport how many pedestrians were (a) injured and (b) killed as a result of accidents involving cyclists in Great Britain in each of the last five years. [35243]

Mike Penning: The number of reported pedestrian casualties in collisions with pedal cyclists in Great Britain in each of the last five years is given in following table:

	<i>Number of casualties</i>	
	<i>Injured</i>	<i>Killed</i>
2005	276	3
2006	223	3
2007	225	4
2008	260	1
2009	292	0

The above figures include pedestrian casualties from collisions involving cyclists only. Where other vehicles were involved in the collision besides a cyclist, pedestrian casualties have been excluded.

Driving Instruction: Training

Mr Weir: To ask the Secretary of State for Transport what the residential location is of each entrant on the Approved Driving Instructor Register according to the Rural/Urban Local Authority Classification. [35386]

Mike Penning: The Driving Standards Agency can provide the information requested only at disproportionate cost.

Mr Weir: To ask the Secretary of State for Transport what the residential location is of each relevant entrant on the Approved Driving Instructor Register according to the Scottish Executive Rural/Urban Local Authority Classification. [35387]

Mike Penning: The Driving Standards Agency can provide the information requested only at disproportionate cost.

Driving: Diabetes

Jason McCartney: To ask the Secretary of State for Transport if he will bring forward proposals to place a requirement on young drivers who are diabetic to check regularly their insulin levels for the purposes of preventing a hypoglycaemic attack while driving. [35221]

Mike Penning: There are no current plans to place additional requirements on drivers who are diabetic. All drivers with insulin treated diabetes are already required by law to notify the Secretary of State, in practice the Driver and Vehicle Licensing Agency, of their condition. Drivers notifying the Agency are required to confirm whether they monitor their blood glucose regularly and this information is considered when deciding whether to issue a driving licence.

Highways Agency: Telephone Services

John Woodcock: To ask the Secretary of State for Transport whether his Department has set a target for reducing the number of calls to the Highways Agency public helpline which are unanswered. [35225]

Mike Penning [*holding answer 21 January 2011*]: The Highways Agency information line (0300 1235000) has an internal target to have no more than 10% of calls abandoned where the customer has waited for at least one minute. Despite recent demand the current rate of abandoned calls for the year to date stands at 6.3%, well within target.

HM Coastguard: Manpower

Mr MacNeil: To ask the Secretary of State for Transport how many staff left HM Coastguard service (a) voluntarily and (b) involuntarily in each of the last 10 years for which figures are available; and what the level of (i) internal and (ii) external staff turnover was in each such year. [34846]

Mike Penning: In respect of staff leaving HM Coastguard the following are figures covering the period 2003 to 2010.

	Type		Total
	Involuntary	Voluntary	
2001	¹ —	¹ —	—
2002	² —	² —	—
2003	9	30	39
2004	5	37	42
2005	3	45	48
2006	8	44	52
2007	6	41	47
2008	3	44	47
2009	6	26	32
2010	8	43	51

¹ No data

² Incomplete

In respect of internal and external turnover the following are the figures covering the period 2003 to 2010.

Type: External	Percentage
2001	¹ —
2002	² —
2003	7.32
2004	7.88
2005	9.01
2006	9.76
2007	8.82
2008	8.82
2009	6.00
2010	9.57

¹ No data

² Incomplete

The data the hon. Member has requested in respect of 2001 and 2002 are not in a readily accessible format. Due to the format the Maritime Coastguard Agency record turnover data it is also not possible to provide reliable figures for the internal turnover of staff.

HM Coastguard: Tugboats

Mr MacNeil: To ask the Secretary of State for Transport what plans he has for emergency ship towing after the removal of tugboats as a result of his proposed new structure for HM Coastguard. [34847]

Mike Penning: The decision not to continue public funding of emergency towing vessels recognises that towage and salvage are matters that are properly the responsibility of ship owners and operators.

In relation to emergency ship towing, the Maritime and Coastguard Agency (MCA) aims to meet all interested parties to discuss how incident management will be undertaken after the current contract for emergency towing vessels expires in September 2011. The first meeting has been arranged for Edinburgh on 4 March.

Although our decision not to renew the contract for emergency towing vessels, and the proposals I launched on 16 December for modernising the coastguard service, form part of the Department's response to the comprehensive spending review, the matters are not connected. Modernising the coastguard is about how best to provide a national search and rescue co-ordination service fit for the 21st century.

HS2 Tunnel

Frank Dobson: To ask the Secretary of State for Transport whether the construction of the route from the second HS2 tunnel from Chalk Farm to St Pancras will involve taking over any land or buildings not presently used for railway purposes. [32532]

Mr Philip Hammond [*holding answer 10 January 2011*]: Current plans mean the proposed High Speed 2/High Speed 1 link will emerge from tunnel on to existing railway land at the site of the disused Primrose Hill station. It would then continue on the surface, using the existing North London line through Camden Road station and on to the existing HS1 connection. Detailed design for the hybrid Bill would confirm the extent of the alterations, but at this stage we do not expect that any land outside the existing railway boundary would be required.

Motor Vehicles: Excise Duties

Sarah Newton: To ask the Secretary of State for Transport how many people paid vehicle excise duty for less than 12 months in each of the last five years. [35852]

Mike Penning: The following table provides the number of six-month vehicle excise duty discs purchased in Great Britain and Northern Ireland for the last five financial years.

	Great Britain	Northern Ireland
2005-06	19,834,316	248,458
2006-07	19,699,346	247,211
2007-08	20,122,136	253,919
2008-09	20,004,072	254,409
2009-10	20,145,054	257,552

Motorways: M1

Mr Blunkett: To ask the Secretary of State for Transport pursuant to the answer of 12 January 2011, *Official Report*, columns 348-49W, on motorways: M1, which part of the M1 North and Southbound was closed on Monday 6 December 2010 and which part was closed on Sunday 28 November 2010 between 2 pm and 10 pm. [35586]

Mike Penning: On Monday 6 December the M1 was closed southbound between Junction 20 and 21 from 06:01 to 15:08.

On Sunday 28 November the M1 was closed southbound between junctions 12 and 13 from 14:17 until 17:32. Residual delays remained in the area until 19:11.

Prince William: Marriage

Guto Bebb: To ask the Secretary of State for Transport if he will assess the likely financial effect on those organising street parties and other road-based events to mark the Royal Wedding on 29 April 2011 of proposed changes to the procedure for road closure notices. [34630]

Norman Baker [*holding answer 18 January 2011*]: There are no current proposals to change the regulations and published advice on 'special event' traffic regulation orders (TROs), used by local authorities to close roads for temporary events, but I am examining the issues for authorities in England in the context of our Traffic Signs Policy Review.

The regulations and published advice for 'special event' TROs are distinct from those applying to other TROs, and are not prescriptive. Local procedures applying to road closures for street parties are therefore determined by the relevant local authorities. The financial effects of their procedures are matters for those authorities. English local authorities should avoid implementing unnecessarily expensive or burdensome procedures.

It is for the Welsh Assembly Government to consider the relevant procedures that apply in Wales.

Public Transport: Visual Impairment

Tristram Hunt: To ask the Secretary of State for Transport if he will bring forward proposals for a right to accessible public travel information for blind and partially-sighted people. [34638]

Norman Baker: The Transport Act 2000 empowers local transport authorities in England and Wales to determine what local bus information, including information relating to facilities for disabled passengers, should be made available to the public and the way in which it should be made available.

It is expected that under the proposed EU regulation on bus and coach passenger rights, that operators and terminal managing bodies would be required to provide passengers with adequate information throughout their travel. Where feasible, this should be provided in accessible formats upon request. Negotiation of that regulation should conclude in the next few months, with the final text then published in the *Official Journal* of the European Union. As a regulation it would have direct application two years after its publication.

The Department for Transport commissioned a research project to investigate the costs and benefits of installing audio visual systems on buses, and to consider ways of increasing the take up of these systems. This project will provide guidance for local authorities and bus operators as to the benefits of audio visual systems and ways of implementing them.

Railways: High Speed Trains

Mr Thomas: To ask the Secretary of State for Transport how many representations he has received on the performance of high-speed rail services through the Channel Tunnel in December 2010; and if he will make a statement. [34613]

Mrs Villiers [*holding answer 18 January 2011*]: The Secretary of State for Transport has received only a very limited number of direct representations regarding the performance of high-speed rail services through the Channel Tunnel in December.

Nevertheless the Department continues to review a range of winter resilience issues. While extreme weather will always cause at least some disruption, we will be working with transport operators to ensure lessons are learned from the recent events to try to minimise inconvenience to passengers.

Railways: North West

David Morris: To ask the Secretary of State for Transport what plans he has to consult on changes to the Trans-Pennine Rail Franchise. [35668]

Mrs Villiers: During the life of the franchise, the train operating company is responsible for consulting on any proposed changes to services. The Department for Transport will initiate stakeholder consultation on a replacement for the present TransPennine Express rail franchise around six months before issuing an Invitation to Tender.

Railways: Standards

Mike Weatherley: To ask the Secretary of State for Transport how much each train company paid in compensation as a result of service delays in (a) 2007, (b) 2008 and (c) 2009. [32989]

Mrs Villiers: The Department for Transport does not hold this information in the form requested.

Train companies pay compensation to passengers for delays and other matters arising from poor service, under the terms of their passengers' charters. The terms of each operator's passengers' charter are set out in their respective franchise agreements.

Railways: Waste Disposal

Gavin Shuker: To ask the Secretary of State for Transport what representations he has received on changes to regulations which permit train operating companies to operate sanitary facilities on trains which discharge waste directly onto the tracks; and what recent estimate he has made of the number of railway carriages with such facilities. [34497]

Mrs Villiers: The Department for Transport has received various representations on this matter including from Members of this House, the media and members of the public. While my Department recognises the importance of toilet retention systems, it is the responsibility of individual operators to develop programmes to install them on existing trains. All new trains now have them.

The Department does not hold information on the number of railway carriages with sanitary facilities discharging waste directly on to the tracks. The hon. Member may wish to contact the Association of Train Operating Companies (ATOC) at the following address for this information:

ATOC Ltd.
3rd Floor
40 Bernard Street
London WC1N 1BY

The Rolling Stock Leasing Companies (ROSCOs) could also be contacted for this information.

Gavin Shuker: To ask the Secretary of State for Transport what recent estimate he has made of the number of railway carriages with toilet facilities. [34498]

Mrs Villiers: The Department for Transport does not hold this information. The hon. Member may wish to contact the Association of Train Operating Companies (ATOC) at the following address for this information:

ATOC Ltd.
3rd Floor
40 Bernard Street
London WC1N 1BY

The Rolling Stock Leasing Companies (ROSCOs) could also be approached about this information.

Road Traffic

Graham Stringer: To ask the Secretary of State for Transport what the difference was between actual congestion levels and those projected by his Department in each of the last five years. [34939]

Norman Baker [*holding answer 20 January 2011*]: The Department for Transport produces congestion forecasts for certain years using the National Transport Model. The latest forecasts are available at:

<http://www.dft.gov.uk/pgr/economics/ntm/forecasts2009/>

However, the first year for which forecasts are provided in this report is 2015. The most recent available set of congestion forecasts for 2010, can be found in: "Road Traffic Forecasts 2008: Results from the Department for Transport's National Transport Model", which is available at:

<http://www.dft.gov.uk/pgr/economics/ntm/roadtransportforecasts08/rtf08.pdf>

These forecasts show that congestion, measured in terms of delay on all roads in England was expected to increase by 1% between 2003 and 2010, and decrease by 1% on inter-urban Highways Agency roads.

The Department publishes inter-urban congestion statistics, the latest summary of these is available at:

<http://www.dft.gov.uk/pgr/statistics/datatablespublications/roads/congestion/latestinterurban/interurban2010a.pdf>

From the above report, historic delay data for all journeys from July 2005 can be accessed at:

<http://www.dft.gov.uk/pgr/statistics/datatablespublications/roads/congestion/inter-urban/cgn0103.xls>

Although there is a break in the data series, this shows that the average length of delay experienced by users of the strategic road network was broadly similar in November 2010 to July 2005.

Road Traffic Control

Jason McCartney: To ask the Secretary of State for Transport if he will instigate an investigation into the health and safety implications of the use of Trief kerbs. [35220]

Norman Baker: We have no current plans to instigate such research. The appropriate use of Trief kerbs is a matter for individual highway authorities.

Road Traffic: Kent

Charlie Elphicke: To ask the Secretary of State for Transport what recent estimate he has made of the average daily number of vehicles using the (a) A2 in Dover constituency, (b) A258 between Dover and Deal and (c) A256 in Dover constituency in the latest period for which figures are available. [35340]

Mike Penning: The most recent estimate of the average daily number of vehicles using the A2 in the Dover constituency was made for the 12 months ending on 30 November 2010. The figures are listed in the following table:

<i>Direction</i>	<i>Location</i>	<i>Average 24 hour traffic volumes</i>
S/B	Between A260 and Whitfield	7,778
N/B	Between Whitfield and A260	7,675
S/B	Between Whitfield and A256	8,996
N/B	Between A256 and Whitfield	8,272
S/B	Between A256 and A258	12,413
N/B	Between A258 and A256	12,221
S/B	Between A258 and A20	9,262
N/B	Between A20 and A258	8,711

No estimate has been made of the number of vehicles using the A258 or the A256 as the Secretary of State is not responsible for these routes. They are managed and maintained by Kent county council.

Roads: Closures

Guto Bebb: To ask the Secretary of State for Transport what assessment he has made of the likely financial effect on (a) voluntary organisations and (b) small businesses of proposed changes to the procedure for road closure notices. [34629]

Norman Baker [*holding answer 18 January 2011*]: There are no current proposals to change national regulations or guidance on procedures for effecting road closures, as they apply in England. However, I am examining some relevant issues in the context of our Traffic Signs Policy Review, and the Government's policies for localism and decentralisation. Any final decisions on regulatory changes will be made with reference to impact assessments.

It is for the Welsh Assembly Government to consider the procedures that apply in Wales.

Additional major scheme funding was allocated to certain local authorities by formula as follows:

£10 million for North East authorities in 2009-10.

46.9 million for Yorkshire and Humber authorities in 2009-10 and £23.5 million in 2010-11.

Separate arrangements are in place for local transport funding in London.

UK Journeys

Andrew Gwynne: To ask the Secretary of State for Transport what estimate his Department has made of the number of UK journeys over (a) 50 miles and (b) 100 miles to be made in 2033. [31253]

Norman Baker: The Department for Transport has used the National Transport Model (NTM) to estimate that in 2035 there will be 210 million passenger trips per weekday on average by surface modes (including road and rail, but excluding freight), in Great Britain. Of these, 4.2 million are expected to be over 50 miles long, and 1.5 million trips over 100 miles long.

In addition, the Department for Transport published its most recent air passenger demand forecasts in "UK Air Passenger Demand and CO₂ Forecasts" in January 2009, which is available at:

<http://www.dft.gov.uk/pgr/aviation/atf/co2forecasts09/>

Under a scenario assuming no additional runways in the South East, and using the then latest available GDP projections, this set of forecasts implied that there would be 37.6 million domestic air journeys per year between UK airports in 2030. The Department keeps its aviation forecasts under review and will publish updated forecasts as appropriate.

Growth of trip numbers over the period to 2033 by particular modes, and for particular parts of the network, may differ from these overall figures.

In addition, HS2 Ltd has published a forecast showing it expects there to be 7 million 'long distance' trips daily in 2033. However, this is not comparable to the preceding NTM figures. This is because HS2 Ltd's model of 'long distance' travel is based on a subset of trips which differs from the national set used in the NTM, and its 'long distance' trips include some that are less than 50 miles long. This different dataset was chosen by HS2 Ltd to enable effective and efficient modelling of the likely impacts of HS2.

West Coast Railway Line

Mr Bain: To ask the Secretary of State for Transport what changes in capacity on the West Coast Main Line he expects to specify in the new franchise. [34431]

Mrs Villiers: The Department for Transport announced the launch of the competitions to rebrand Intercity West Coast on Tuesday 11 January. A stakeholder consultation document will be available soon that will outline the Department's plans.

DEPUTY PRIME MINISTER

Voting Rights: Prisoners

Mr Bain: To ask the Deputy Prime Minister what estimate he has made of the cost to the public purse of extending the franchise to people serving a custodial sentence of four years or less over the comprehensive spending review period. [34799]

Mr Harper: The cost of extending the franchise to some prisoners will depend on the numbers enfranchised and the number of prisoners who subsequently register to vote, as well as the detailed processes that are put in place to implement prisoner voting rights.

Mr Bain: To ask the Deputy Prime Minister what estimate he has made of the likely cost to the public purse of the provision of election communications by freepost to prisoners serving custodial sentences to whom the franchise is to be extended at the next general election. [34800]

Mr Harper: The Government have not made such an estimate.

The cost of extending the franchise to some prisoners will depend on the numbers enfranchised and the number of prisoners who subsequently register to vote, as well as the detailed processes that are put in place to implement prisoner voting rights. The cost of providing election communications by freepost will additionally depend on the number of candidates standing in each election.

WORK AND PENSIONS

Departmental Working Conditions

Mike Freer: To ask the Secretary of State for Work and Pensions what his Department's policy is on (a) the space provided per employee, (b) home working and (c) hot desking; how many employees it has on average per desk; and how much space on average there is per employee. [34599]

Chris Grayling: The information is as follows:
(a) *Space provided per employee*

The Department has a policy on the amount of space provided per employee which is a two-tier approach that recognises the Department occupies a variety of both adapted and purpose built space in order to deliver its services either through back office, contact centre or face to face with customers.

The policy and supporting guidance will be used by local managers and staff representatives when determining estate plans.

The standards are:

Tier	m ²	
1	6 to 10	New and existing modern space for functions including back office, central processing, contact centres and the Head Office Estates
2	14 to 18	Existing older space, including new and refurbished 'front office' Jobcentre Plus properties

(b) Home working

The Department has a policy on home working. An application to become a contractual home worker will be accepted only if the employee's role has been identified as being suitable for home working or a vacancy has been advertised as such. Applications will not be accepted if the role has been designated by the departmental business as only suitable for delivery from a business location.

If a role is considered to be suitable a home visit must be undertaken to determine whether the accommodation is suitable in terms of security, health and safety and practicality. Employees must also obtain clearance from their local authority, home insurer, mortgage lender or landlord to ensure that there are no terms, conditions or covenants that prevent the property from being used as a place of work.

The Department provides contractual home workers with the equipment and furniture they need to carry out their duties outside the parent office, but this remains the property of the Department and must be returned when the arrangement ceases for any reason.

All home working arrangements are conditional on the satisfactory completion of a six-month trial and review period.

(c) Hot desking

The Department does not have a policy on 'hot desking'.

However through our Estate Strategy we are currently piloting 'hot desking' in part of one of our support locations in Leeds.

Future wider implementation is being currently considered as part of our efficiency planning to reduce corporate overheads by 40%.

How many employees it has on average per desk

The Department does not hold data on the number of desks.

How much space on average per employee

Under the annual cross-Government Property Benchmarking exercise for 2010 the Department had, on average, 10m² per full-time equivalent employee. This information is published in the State of the Estate Report which is laid before Parliament annually and excludes the customer facing areas of jobcentres.

The Department as a whole (and with regard to the two tiered space guidelines mentioned above) has an average amount of space per employee of 14.4m² as at January 2011.

Disability Living Allowance

Mike Weatherley: To ask the Secretary of State for Work and Pensions whether he has assessed the merits of providing for exemptions from the proposed compulsory annual review of the benefits of individuals claiming the mobility component of disability living allowance.

[31942]

Maria Miller: On 6 December we launched a consultation on the reform of disability living allowance with the key proposal of a new benefit, to be known as personal independence payment, which will be introduced from 2013. A copy of the consultation document, 'Disability Living Allowance reform' (Cm 7984), has been placed in the Library and is also available on our website:

<http://www.dwp.gov.uk/docs/dla-reform-consultation.pdf>

The consultation makes clear that key to personal independence payment will be an objective assessment of individual need, which we are developing in collaboration with a group of independent specialists in health, social care and disability, including disabled people. It is also our intention to ensure that everyone continues to receive the correct level of personal independence payment. We will, therefore, periodically review awards. Specific questions around these two aspects of personal independence payment have been asked in the consultation document, in particular how these aspects may affect individuals with particular disabilities or conditions.

Disability Living Allowance: Care Homes

Paul Flynn: To ask the Secretary of State for Work and Pensions what recent representations he has received from charities on the withdrawal of the mobility component of disability living allowance for care home residents; and what response he has made to such representations.

[34205]

Maria Miller: We have received a number of representations on the withdrawal of the mobility component of disability allowance for care home residents in the form of parliamentary questions and correspondence since the measure was announced. There was also an adjournment debate on this subject on 30 November 2010.

We have encouraged disabled people and their representatives to put forward their views on this proposal as part of the wider DLA reform consultation document, which was published on 6 December 2010 and will finish on 14 February 2011, after which the Government will publish their response.

Disability Living Allowance: Scotland

Tom Greatrex: To ask the Secretary of State for Work and Pensions how many people in (a) Rutherglen and Hamilton West constituency, (b) South Lanarkshire and (c) Scotland will have the mobility component of their disability living allowance withdrawn under his proposals for welfare reform.

[34372]

Maria Miller: The consultation document 'Disability Living Allowance reform', published on 6 December 2010, sets out our proposals for DLA reform. We will replace DLA with personal independence payment, a new, more transparent and sustainable benefit with an objective assessment of individual need.

It is our proposal that personal independence payment will continue to have a mobility component, focused on the individual's ability to get around, as well as a daily living component, which will be based on the individual's ability to carry out other key activities necessary to be able to participate in daily life.

We are still consulting on the design of personal independence payment and the new assessment; the consultation period is scheduled to close on 14 February 2011. I am, therefore, unable to predict the outcome of the assessment and precisely how many people might see a change in their benefit entitlement.

Tom Greatrex: To ask the Secretary of State for Work and Pensions how many people in (a) Rutherglen and Hamilton West constituency, (b) South Lanarkshire and (c) Scotland are in receipt of the mobility component of disability living allowance. [34373]

Maria Miller: The information is reproduced in the following table.

Disability living allowance recipients with mobility component May 2010

	Number
Rutherglen and Hamilton West constituency	8,050
South Lanarkshire local authority	20,590
Scotland	305,020

Notes:

1. Case load figures are rounded to the nearest 10.
2. 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.
3. These figures are published at: <http://83.244.183.180/100pc/tabtool.html>

Source:

DWP Information Directorate: 100% Work and Pensions Longitudinal Study (WPLS)

Employment and Support Allowance

Stephen Lloyd: To ask the Secretary of State for Work and Pensions what financial support he plans to make available for individuals who do not qualify for income-related employment and support allowance (ESA) after 12 months in the work-related activity group of contributory ESA. [32333]

Maria Miller: A claimant who does not qualify for income-related employment and support allowance after they have received 12 months of contributory employment and support allowance in the work related activity group may be able to claim a number of benefits depending on their circumstances. Depending on their rental circumstances, they may be eligible for housing benefit and council tax benefit. If they are aged 60 or over, they may be eligible for pension credit. If they have a partner who is working 16 hours or more a week, they may be able to claim working tax credit. However, any benefit entitlement will depend on individual circumstances.

A claimant will retain any entitlement to disability living allowance, provided they continue to meet the qualifying conditions.

Employment and Support Allowance: Bexley

Mr Evennett: To ask the Secretary of State for Work and Pensions how many and what proportion of employment and support allowance (ESA) claimants in the London borough of Bexley have been judged fit for work since the introduction of ESA; and how many and what proportion of appeals against such a determination were successful. [34107]

Maria Miller: For ESA claims in Bexley local authority which started since the introduction of ESA in October 2008 up to February 2010 (the latest published national data), 830 out of 2,230 (22%) have been found fit for work.

180 appeals have been heard against these fit for work decisions to date and 80 of them found in favour of the appellant, i.e. 4% of all ESA claims assessed.

Note that further appeals are due to be heard against the 830 decisions.

Figures are rounded to the nearest 10

Equivalent national figures can be found in table 5 at the following link:

http://research.dwp.gov.uk/asd/workingage/esa_wca/esa_wca_26102010.pdf

Background

Due to the time it takes to hear an appeal (on average around six months) and that we do not record an appeal until it is heard, comparing the latest fit for work figures with the latest appeal figures will usually underestimate the proportion of people appealing the fit for work decision. Latest figures for Bexley suggest that around 22% of people found fit for work have gone on to have an appeal hearing, to date. However this figure will rise as more appeals are heard. The latest national figures show proportions of around 40% for the earliest cohorts of ESA claims but we expect that this will also continue to increase (we anticipate to around 50%).

The success rate of 56% (which is unlikely to change much as more appeals are heard) is higher than the national rate of 40%, however at local level we would expect some variation from the national figures due to various factors, particularly different disability and health condition profiles experienced across the country.

Employment Schemes

Teresa Pearce: To ask the Secretary of State for Work and Pensions what types of work will be undertaken by jobseekers required to participate in the Mandatory Work Activity programme. [35674]

Chris Grayling: The Department will not specify the type of placement jobseekers will be doing. All placements will be delivered by contracted providers and will be of benefit to the local community, providing jobseekers with the disciplines and skills associated with work.

Housing Benefit: Scotland

Tom Greatrex: To ask the Secretary of State for Work and Pensions what proportion of (a) housing benefit and (b) local housing allowance recipients in (i) South Lanarkshire and (ii) Rutherglen and Hamilton West constituency were also in receipt of (A) jobseeker's allowance and (B) employment and support allowance in the latest period for which figures are available. [29424]

Mr Russell Brown: To ask the Secretary of State for Work and Pensions what proportion of (a) housing benefit recipients and (b) local housing allowance recipients in (i) housing association and (ii) private sector housing in the (A) Dumfries and Galloway local authority area and (B) Dumfries and Galloway constituency were also in receipt of (1) jobseeker's allowance and (2) employment and support allowance in the latest period for which figures are available. [31541]

Steve Webb: The information is not available.

Information is only collected on the number of claimants on housing benefit in receipt of a passporting benefit. This includes those receiving income-based jobseeker's allowance and income-related employment and support allowance, but not those on contributory benefits.

The available information is shown in the following table. At present geographic breakdowns are only available for local authorities and regions. However, an exercise is being undertaken to add other geographical areas to the data; this will include parliamentary constituencies.

Number of passported housing benefit recipients due to receipt of income-based jobseeker's allowance or income-related employment and support allowance, September 2010

	<i>Dumfries and Galloway</i>		<i>South Lanarkshire</i>
	<i>Number</i>	<i>Percentage</i>	<i>Number</i>
All housing benefit recipients	11,730	—	26,970
Income-based JSA	1,250	11	2,870
Income-related ESA	410	4	1,060
Registered social landlord tenants	8,700	—	4,150
Income-based JSA	840	10	330
Income-related ESA	300	4	120
Regulated private rented sector tenants	90	—	60
Income-based JSA	1	—	1
Income-related ESA	1	—	1
Deregulated private rented sector tenants (LHA)	1,690	—	3,760
Income-based JSA	280	17	670
Income-related ESA	60	4	210
Deregulated private rented sector tenants (non-LHA)	950	—	1,020
Income-based JSA	30	5	60
Income-related ESA	10	1	20

¹ Fewer than 5.

Note:

Figures are rounded to the nearest 10 recipients.

Source:

Single housing benefit extract.

Jobcentre Plus: Birkenhead

Mr Frank Field: To ask the Secretary of State for Work and Pensions how many people the Birkenhead Jobcentre Plus actively helped into work in each of the last 12 months. [35919]

Chris Grayling: The administration of Jobcentre Plus is a matter for the chief executive of Jobcentre Plus, Darra Singh. I have asked him to provide the hon. Member with the information requested.

Letter from Darra Singh:

The Secretary of State has asked me to reply to your question about how many people the Birkenhead Jobcentre Plus actively helped into work in each of the last 12 months. This is something which falls within the responsibilities delegated to me as Chief Executive of Jobcentre Plus.

Jobcentre Plus provides information on the services and help available to people to look for work. There are many routes into employment and throughout the customer's journey they may have accessed a number of channels. The type of help required or provided will vary from customer to customer. This help is not limited solely to Jobcentre Plus, as we recognise the importance of the private and voluntary sector.

The table below, which is taken from data available from the NOMIS website for Jobseeker's Allowance customers only, gives the number of people that have moved into work either with our assistance or through other channels. The numbers only show those Jobseeker's Allowance customers who notified us that they have started work. It does not include those people who flowed off benefit into other destinations, e.g. claimed other benefits or went into Government supported training. We estimate off-flow into work as generally representing about 50% of the total number of people leaving the register. Our published off-flow figures (not yet available for the whole of 2010) will include all customers who started work, as confirmed by Her Majesty's Revenue & Customs.

<i>Birkenhead 2010</i>	
	<i>Number</i>
January	120
February	220
March	180
April	165
May	220
June	190
July	200
August	225
September	205
October	250
November	190
December	190

Source:

The source of the data is the NOMIS. This is a departmental performance management, data capture and reporting tool. This type of internal management information does not form part of the official statistics outputs that are released by the Department in accordance with the UK Statistics Authority's Code of Practice.

Jobcentre Plus: Standards

Mr Sanders: To ask the Secretary of State for Work and Pensions what recent assessment he has made of the performance in reducing unemployment of (a) Jobcentre Plus and (b) private companies contracted by his Department. [34974]

Chris Grayling: Jobcentre Plus rose ably to the challenges presented by the recession and, while its work load doubled, the agency continued to perform strongly against its published targets, each day helping thousands of people to move quickly back into work. In 2009-10, Jobcentre Plus achieved 1.67 million recorded job outcomes. The latest available performance information, up to June 2010, shows Jobcentre Plus 20% above profile and on track to deliver the 2010-11 Job Outcome Target. Performance information is updated regularly and can be accessed through the Department's website:

<http://www.dwp.gov.uk>

It is important that Jobcentre Plus maintains this strong performance going forward, while we take steps to reduce waste and tackle the budget deficit to make every penny of taxpayers' money count. From April, we will be putting in place a new performance framework for Jobcentre Plus to further strengthen the focus on helping people move quickly off benefit into employment.

Our partners in the private sector are focused on helping some of our most disadvantaged customers into employment and provider performance information is also published regularly on the Department's website. The latest figures show that, in October 2010, flexible new deal providers delivered 4,570 job outcomes and 3,320 sustained jobs. This summer, we will be introducing the work programme which represents a step change for Welfare to Work in this country, creating a structure that treats people as individuals and allows providers greater freedom to tailor the right support to the individual needs of each customer.

Jobseeker's Allowance

Stephen Timms: To ask the Secretary of State for Work and Pensions what proportion of jobseeker's allowance claimants aged 25 years and over are expected to have been in receipt of benefit for more than 12 months in each financial year from 2011-12 to 2014-15. [32606]

Chris Grayling: The Department does not produce forecasts of unemployment. The Department produces projections for business planning purposes which are aligned to the overall independent claimant count forecasts published by the Office for Budget Responsibility (OBR) as part of the autumn forecast.

A number of policy changes will impact on JSA volumes, over the Parliament, including migration of incapacity benefit claimants to employment and support allowance and the lone parent obligation. These policy changes have been included in these projections. However, the projections do not include the impact of the planned work programme, or the introduction of universal credit.

On average, of those joining JSA, over 90% of people leave JSA within 12 months.

The available projections are in the table.

<i>25+ Duration greater than 12 months (GB)</i>	
	<i>Percentage</i>
2011-12	19
2012-13	20
2013-14	21
2014-15	20

Notes:

1. Figures represent the proportion of the 25+ JSA case load not the total JSA case load.
2. These proportions are based on the average point-in-time case load for Great Britain for each financial year.
3. Figures are subject to a significant degree of uncertainty.

Source:

DWP internal planning

Jobseeker's Allowance: Young People

Stephen Timms: To ask the Secretary of State for Work and Pensions what proportion of jobseeker's allowance claimants aged 18 to 24 years are expected to have been in receipt of benefit for more than nine months in each financial year from 2011-12 to 2014-15. [32605]

Chris Grayling: The Department does not produce forecasts of unemployment. The Department produces projections for business planning purposes which are aligned to the overall independent claimant count forecasts published by the Office for Budget Responsibility (OBR) as part of the autumn forecast.

A number of policy changes will impact on JSA volumes, over the Parliament, including migration of incapacity benefit claimants to employment and support allowance and the lone-parent obligation. These policy changes have been included in these projections. However, the projections do not include the impact of the planned Work programme, or the introduction of universal credit.

On average, of those joining JSA, over 90% of people leave JSA within 12 months.

The available projections are in the table.

<i>18-24: Duration greater than nine months, GB</i>	
	<i>Percentage</i>
2011-12	10
2012-13	9
2013-14	9
2014-15	9

Notes:

1. Figures represent the proportion of the 18 to 24 JSA caseload not the total JSA caseload.
2. These proportions are based on the average point-in-time caseload for Great Britain for each financial year.
3. Figures are subject to a significant degree of uncertainty.

Source:

DWP internal planning.

Motability

Dr Whiteford: To ask the Secretary of State for Work and Pensions (1) what recent discussions his Department has had with the operators of the Motability scheme on the removal of the mobility component of disability living allowance for people in residential care; [31364]

(2) pursuant to the answer of 2 November 2010, *Official Report*, column 789W, on disability living allowance: care homes, whether Motability scheme users will be liable to pay financial penalties as a result of the cancellation of their car leasing arrangements. [31363]

Maria Miller: Motability is an independent charitable organisation and is wholly responsible for the administration of the Motability Scheme. The Department has had a number of discussions with Motability about this proposal and will continue to work closely with them to ensure that scheme customers affected by the measure are informed about the change as soon as possible. As an independent organisation it will be for Motability to decide how scheme customers affected by the measure will be managed. However, Motability has advised that it is not their current policy to impose penalties on customers who need to terminate their leases for reasons outside of their control.

Poverty: Children

Kate Green: To ask the Secretary of State for Work and Pensions when he expects to (a) appoint the members of the Child Poverty Commission and (b) lay before Parliament a child poverty strategy. [31987]

Maria Miller: The Government's programme to reform public bodies demonstrates our determination to ensure that all public bodies must serve a useful purpose and provide value for money. In this context, the Government are reviewing plans to establish a Child Poverty Commission, as required by the Child Poverty Act.

We have today launched a consultation on our approach to tackling child poverty and improving life chances and social mobility. We will consider in the light of the

consulting findings and ahead of the publication of the Child Poverty Strategy how best to take forward plans for the Child Poverty Commission. We expect the strategy to be published next spring, as required by the Act.

Poverty: EU Action

Keith Vaz: To ask the Secretary of State for Work and Pensions what recent steps he has taken to implement the EU strategy against poverty. [34383]

Chris Grayling: I refer the right hon. Member to the answer I gave to the right hon. Member for Oxford East (Mr Smith) on 17 January 2011, *Official Report*, column 521W.

Remploy: Redundancy

Margaret Curran: To ask the Secretary of State for Work and Pensions (1) on what date Ministers in his Department last met those leading his Department's consultation on specialist disability employment programmes to discuss the announcement of voluntary redundancies at Remploy factories; [35765]

(2) for what reason his Department has announced voluntary redundancies at Remploy factories in advance of the close of its consultation on specialist disability employment programmes. [35766]

Maria Miller: Voluntary redundancies are a matter for Remploy management and employees. Remploy will continue to examine how best to deliver its businesses within the existing five-year modernisation plan funding and will continue to fulfil its mission of transforming lives by providing sustainable employment opportunities for disabled and disadvantaged people.

Ministers have not discussed the announcement of voluntary redundancies at Remploy factories with those leading the review of specialist disability employment programmes.

Retirement: Scotland

Ann McKechnin: To ask the Secretary of State for Work and Pensions what estimate he has made of the number of additional workers in Scotland aged 65 years who are likely to remain in the workforce for the additional year in 2011 following the abolition of the default retirement age. [35440]

Mr Davey: I have been asked to reply.

Our impact assessment estimates that around 6,000 additional workers are likely to remain in the work force across the UK in the first year. No separate estimate has been made for Scotland. We do not have data that can estimate robustly the proportion likely to remain in the work force relative to the rest of the UK.

The full impact assessment was published on 13 January and is available at:

<http://www.bis.gov.uk/assets/biscore/employment-matters/docs/p/11-634-phasing-out-default-retirement-age-impact-assessment.pdf>

Social Security Benefits

Gareth Johnson: To ask the Secretary of State for Work and Pensions how many households in Dartford constituency received more than £500 per week in benefits in the latest period for which figures are available. [31857]

Jenny Willott: To ask the Secretary of State for Work and Pensions (1) how many households in (a) London and (b) each parliamentary constituency receive more than £500 a week in benefits have no working adult; and if he will make a statement; [31767]

(2) how many households which receive more than £500 a week in benefits are in receipt of lone parent benefits in (a) London and (b) each parliamentary constituency; and if he will make a statement; [31663]

(3) how many households received more than £500 a week in benefits in (a) London and (b) each parliamentary constituency in the most recent period for which figures are available; and if he will make a statement. [31664]

Chris Grayling: The information requested is not available as sample sizes are too small to yield reliable results for areas smaller than Great Britain.

Latest estimates show that in 2010-11 there are around 100,000 working age households in receipt of more than £500 a week in all benefits and tax credits. The great majority of these will have no working adult.

Given the relatively low numbers of people receiving more than £500 a week in benefits and the limitations from using survey data, which do not produce robust estimates for small sub groups of benefit claimants, it is not possible to estimate with confidence the number of these households in receipt of lone parent benefits.

Social Security Benefits: Aberdeen

Dr Whiteford: To ask the Secretary of State for Work and Pensions what targets his Department has set for the benefits reassessment trial programme in Aberdeen; and whether an interim report on its operation has been produced. [33504]

Chris Grayling: No targets were set for the reassessment trial in Aberdeen.

We anticipate the trial, involving 850 customers in Aberdeen and 850 in Burnley to conclude in the next few weeks. Current plans are for a report on the trial outcomes to be made available around the end of February 2011.

Social Security Benefits: Disability

Sheila Gilmore: To ask the Secretary of State for Work and Pensions what assessment he has made of the effects of the introduction of fortnightly benefit payments of disability living allowance and incapacity benefit on the propensity of claimants to take out high interest loans. [31904]

Maria Miller: I refer the hon. Member to the written answer I previously gave her on 19 November 2010, *Official Report*, columns 995-96W.

Social Security Benefits: Expenditure

Mr Douglas Alexander: To ask the Secretary of State for Work and Pensions what estimate his Department made in the March 2010 Budget of the level of (a) caseload and (b) expenditure in respect of each of the main benefits in each year from 2010 to 2015. [33399]

Chris Grayling: The only forecast material that the last Government published in the March 2010 Budget was for 2010-11.

The information for 2010-11 is in the table.

March 2010 Budget forecasts for 2010-11

	<i>Case load (thousand)</i>	<i>Expenditure (£ million)</i>
Retirement pension—basic	12,537	55,882
Retirement pension—additional pension	9,157	13,656
Pension credit	2,664	8,071
Disability living allowance	3,214	12,072
Attendance allowance	1,635	5,332
Carer's allowance	566	1,648
Incapacity benefit	1,806	5,476
Employment and support allowance	777	2,969
Statutory maternity pay	190	1,815
Income support	1,745	7,237
Jobseeker's allowance	1,683	5,250
Housing benefit	4,709	20,776
Council tax benefit	5,733	4,959
Other benefits	—	7,032
Total	—	152,175

Note:

Some individuals are in receipt of more than one benefit.

Social Security Benefits: Medical Examinations

Tom Greatrex: To ask the Secretary of State for Work and Pensions what assessment he has made of the role of local GPs in medical assessments for the purposes of determining benefit suitability. [34376]

Maria Miller: Any information provided by a claimant's GP is fully considered by the Department's decision-makers, and there are processes in place to request this information where we think it would be helpful. However, GPs usually do not have specialist knowledge of disability analysis or the benefit system. Moreover, as advocates for their patients GPs are not well-placed to give independent advice to the Department on benefit entitlement.

We are revising the forms we send customers to encourage them to submit any additional information, including information from their GP, at the beginning of their claim.

State Retirement Pensions: Up-rating

Mr Andrew Turner: To ask the Secretary of State for Work and Pensions what estimate he has made of the number of people who will receive a lower pension as a result of the decision to index pensions and benefits to the Consumer Price Index; and what consultation he undertook with (a) the UK Statistics Authority and (b) other bodies before taking the decision. [33658]

Steve Webb: The Department's analysis of the equality impact of the policy changes to state pension and benefit uprating in the 2011-12 financial year is due to be published shortly in the equality impact assessment of the 2011-12 uprating order.

The impact of using the consumer prices index (CPI) as the measure for price increases in private sector occupational pension schemes will vary from scheme to scheme. Consequently, the Department does not hold reliable data on the number of individuals affected. In preparing the impact assessment published on the Department's website on 8 December, we made a number of assumptions about the impact on schemes, and we are currently undertaking research to help improve the accuracy of those assumptions.

There are approximately 12 million active, deferred and pensioner members of public service pension schemes. These individuals are likely to be affected by the change to CPI, but as the level of price increases in the future is uncertain, it is not possible to make an accurate estimate of the impact of these changes on all individuals.

The effect of the change to CPI should be seen in the context of the restoration of the earnings link for the basic state pension, and the 'triple guarantee' that it will be increased by the highest of the growth in average earnings, prices or 2.5%.

The Department made use of a range of information provided by the Office for National Statistics (ONS) regarding price inflation indices. The UK Statistics Authority has oversight of the ONS.

Unemployed People: Disability

Margaret Curran: To ask the Secretary of State for Work and Pensions what estimate he has made of the number of unemployed disabled people in (a) Scotland, (b) England, (c) Wales and (d) Northern Ireland in each of the last 10 years. [35863]

Maria Miller: The information is not available in the format requested. Such information as is available is in the table.

The number of unemployed disabled people in (a) Scotland and (b) England, as per the International Labour Organisation (ILO) definition of unemployment, is shown in the following table. We cannot provide estimates for Wales and Northern Ireland due to very small sample sizes in the source data set.

ILO unemployed disabled people in England and Scotland, 2001-10

	<i>Thousand</i>	
	<i>Scotland</i>	<i>England</i>
2001	20	195
2002	21	175
2003	21	185
2004	18	161
2005	17	191
2006	20	225
2007	25	221
2008	20	246
2009	32	262
2010	35	325

Notes:

1. Figures have been rounded to the nearest thousand cases.
2. The definition of disability used corresponds to the Disability Discrimination Act definition of disability.
3. The figures shown are for quarter 3 (July to September) in each year.

Source:

Labour Force Survey.

Unemployed People: Dyslexia

Mr Rob Wilson: To ask the Secretary of State for Work and Pensions if he will estimate the proportion of unemployed people resident in (a) Reading East constituency and (b) England who are dyslexic. [35449]

Mr Hurd: I have been asked to reply.

The information requested falls within the responsibility of the UK Statistics Authority. I have asked the authority to reply.

Letter from Stephen Penneck, dated January 2011:

As Director General for the Office for National Statistics, I have been asked to reply to your Parliamentary Question asking for an estimate of the proportion of unemployed people resident in (a) Reading East constituency and (b) England who are dyslexic. (35449)

The Office for National Statistics (ONS) compiles unemployment statistics for local areas from the Annual Population Survey (APS) following International Labour Organisation (ILO) definitions.

Unfortunately this source does not have information on the number of unemployed persons who are dyslexic.

Universal Credit

Mr Bain: To ask the Secretary of State for Work and Pensions whether any recipients of the childcare element of working tax credit will have a reduction in the level of their payments as a result of the introduction of the proposed universal credit; and what estimate he has made of the likely weekly net change in the level of such payments for each decile of population in the period from the introduction of universal credit to May 2015. [34043]

Chris Grayling: The Government are continuing to work with key stakeholders to establish how support for child care could best be delivered as part of, or alongside, universal credit. We will take account of the evidence collected from recent pilots designed to test different ways of accessing the child care element of tax credits. We will announce our conclusions over the coming months.

Mr Bain: To ask the Secretary of State for Work and Pensions what estimate he has made of the likely weekly change in income of families with children with savings of over £16,000 attributable to the operation of the taper on the introduction of the universal credit between its introduction and May 2015. [34089]

Chris Grayling: The Government have committed to providing protection to ensure that households in receipt of the predecessor benefits will not experience a reduction in their income as a result of the introduction of universal credit.

Work Programme

Miss Begg: To ask the Secretary of State for Work and Pensions what mechanisms will be in place to ensure that the Work programme will be fully available nationally by its proposed start date. [32129]

Chris Grayling: The commercial process for the Work programme is on track. We have published the list of preferred bidders for the Framework for Employment

Related Support Services and will publish the Work Programme Invitation to Tender before the end of the month.

We want to ensure that as many people benefit from the Work Programme as soon as possible, and will launch the Work programme as soon as providers are ready to start delivery in each contract package area.

We aim to roll the Work Programme out nationally by the summer of 2011.

In the meantime, we are determined to ensure that there is continuity of provision, and that the transition to the Work programme does not leave any customer unsupported. Therefore, New Deal and Employment Zone contracts will be extended until June 2011, ensuring that customers referred to these programmes in March will be supported until the summer, when the Work programme will be rolled out.

Before their referral to the Work programme, customers will have access to support delivered through Jobcentre Plus, including access to work experience, help to volunteer or take advantage of peer-to-peer support, as well as help with basic skills or jobsearch techniques and access to the Jobcentre Plus flexible fund.

Dr Whiteford: To ask the Secretary of State for Work and Pensions how many companies have registered an interest in tendering for the Work programme. [33505]

Chris Grayling: All 35 organisations who were successful in competing to be accepted on to the Framework Agreement for the Provision of Employment Related Support Services were invited to submit a tender for the Work programme contracts on 22 December 2010. Of those 35 organisations, 32 have indicated that they will be submitting bids.

BUSINESS, INNOVATION AND SKILLS

Debts: Advisory Services

Glenda Jackson: To ask the Secretary of State for Business, Innovation and Skills how many submissions his Department has received in support of statutory regulation in the field of debt management; and if he will make a statement. [35152]

Mr Davey: The previous Administration conducted a consultation on whether a statutory debt management scheme should be introduced. We issued a summary of responses on 15 October 2010 which concluded that there was no strong consensus on the action that Government should take. The responses were published alongside our call for evidence 'Managing Borrowing and Dealing with Debt', which invited comments on the personal insolvency framework, including debt management. We have received a large number of responses to this call for evidence which are currently being analysed and will be published in due course. I have also received a number of letters on this subject.

Departmental Press Releases

Caroline Lucas: To ask the Secretary of State for Business, Innovation and Skills on how many occasions his Department has provided embargoed media briefings

prior to an oral statement to the House since 26 May 2010; in respect of how many such briefings his Department was informed that the embargo had been breached; what steps were taken as a result of each such breach; and on how many occasions his Department has provided media briefings without an embargo prior to an oral statement to the House since 26 May 2010. [31912]

Mr Davey: The Department has, on one occasion since 26 May, provided an embargoed media briefing in advance of an oral statement to the House. The briefing related to the publication of the Postal Services Bill and was held with the aim of ensuring accurate reporting of a significant, complex and large piece of draft legislation. The embargo was not breached.

There are no instances of advanced media briefings given without an embargo, prior to an oral statement, since 26 May 2010.

Employment Law

Nicholas Soames: To ask the Secretary of State for Business, Innovation and Skills when he expects to receive the report of the cross-departmental review of employment legislation. [35585]

Mr Davey: The Employment Law Review is an ongoing programme of work which will last the duration of the Parliament. Individual Departments are looking at their legislation area by area. We will make any announcements that result from the review in due course.

Employment Services: Females

Chi Onwurah: To ask the Secretary of State for Business, Innovation and Skills what plans he has for the provision of information on resources available to assist women and girls to pursue careers in science, technology, engineering and mathematics following the withdrawal of funding to the UK Resource Centre for Women in Science Engineering and Technology. [33763]

Mr Willetts: Information on careers is currently available from a range of sources. The Department funds a number of initiatives which promote STEM careers including the Big Bang Fair, the STEMNET Ambassador programme, and the work of the National Academies, and works with a wider range of partners who work to raise awareness of STEM across society.

The new all-age careers service will bring together guidance resources for young people aged 13 to 19 and adults. They aim to provide professional, impartial, independent, comprehensive and diverse careers guidance to help young people and adults make informed choices about their careers, skills and learning, and to tackle any barriers to progression that they may face. They are working with the Careers Profession Alliance so that advisers have the up-to-date knowledge and skills they need to advise on career prospects, including for STEM subjects.

My officials will work with UKRC to secure continuing access to the information the organisation has collated in recent years on STEM career resources for women and girls.

Higher Education: Finance

Mr Andrew Smith: To ask the Secretary of State for Business, Innovation and Skills whether social work will be treated as a priority subject in his proposed changes to arrangements for higher education funding. [35675]

Mr Willetts: We will set out our views on the priorities for the Higher Education Funding Council for England teaching grant in the forthcoming Higher Education White Paper.

Higher Education: Standards

Mr Thomas: To ask the Secretary of State for Business, Innovation and Skills what recent assessment he has made of the quality of university education in England and Wales; and if he will make a statement. [35871]

Mr Willetts: The Higher Education Funding Council for England (HEFCE) has a statutory responsibility to provide for the assessment of the quality of education provided in institutions that it funds. HEFCE contracts with the Quality Assurance Agency for Higher Education (QAA) to conduct quality assessments on its behalf. The QAA checks how well individual higher education institutions meet their responsibilities for maintaining academic standards and quality. The QAA publishes the findings of its institutional audits and reports annually to HEFCE on activity undertaken against contract. Those reports are available on the QAA's website. I am not in a position to respond about the assessment of the quality of university education in Wales.

In future, we have already announced our intention to publish a Higher Education White Paper covering a wide range of long-term issues.

Higher Education: Student Numbers

Mr Thomas: To ask the Secretary of State for Business, Innovation and Skills how many people applied to enter higher education in 2011-12 in England and Wales (*a*) in total and (*b*) in full-time equivalent terms; and if he will make a statement. [35869]

Mr Willetts: Figures on applicants to Higher Education (HE) courses in 2011/12 have been supplied by the Universities and Colleges Admissions Service (UCAS). Figures relate to applicants to full-time undergraduate courses. UCAS do not manage applications to part-time courses, so full-time equivalent figures are not available.

Latest figures provided by UCAS show that as at 20 December 2010, there had been 322,790 applicants from the UK and overseas for the 2011/12 academic year who had made at least one choice to an institution in England. 44,308 applicants had made at least one choice to an institution in Wales.

Applicants can make up to five choices on their application form (up to four if they are applying for medicine, dentistry or veterinary medicine/science courses); therefore some applicants will be counted in both groups in the figures above. The figures will also contain applicants who have made choices to Scotland and Northern Ireland, as well as England and Wales.

Mr Thomas: To ask the Secretary of State for Business, Innovation and Skills how many funded places he expects there to be in higher education institutions for entry in 2011-12 in England and Wales (*a*) in total and (*b*) in full-time equivalent terms; and if he will make a statement. [35870]

Mr Willetts: We do not plan for the number of students attending institutions in Wales. In English higher education institutions we expect the number of full-time entrant places in 2011-12 to remain at 2010-11 levels. We announced in the 2011-12 Higher Education Funding Council for England Grant Letter that we were continuing to make provision for the 10,000 additional entrant places made available through the University Modernisation Fund in May 2010. There is not a student number control in place for part-time entrants, but given recent trends we would expect part-time entrant numbers to remain broadly constant. Higher Education Statistics Agency (HESA) data for 2009/10 showed no change in part-time entrants to English higher education institutions.

Overseas Students: EU Nationals

Mr Thomas: To ask the Secretary of State for Business, Innovation and Skills how many students from other EU member states he expects to attend English universities in each of the next three years; how many attended each university in each of the last five years; and if he will make a statement. [35872]

Mr Willetts: We do not plan for the numbers of students domiciled in other EU member states separately from those domiciled in UK countries because students from anywhere within the EU are treated the same. The latest figures from the Higher Education Statistics Agency (HESA) are shown in the table and can be found in the Libraries of the House.

Mr Thomas: To ask the Secretary of State for Business, Innovation and Skills what proportion of students from other EU member states he estimates will not repay their loans in each of the next three years; and if he will make a statement. [35873]

Mr Willetts: We do not have any estimates of the number of students who will not repay their loans in each of the next three years. The Student Loans Company (SLC) Official Statistics Supplement to the June 2010 Statistical First Release

<http://www.slc.co.uk/pdf/SLCOSP032010.pdf>

shows the current position for EU students, in tables 1(iii), 1(iv), 2(iv), 2(v) and 3(iv) to 3(vi).

The SLC has well established mechanisms for recovering loans from all students who move abroad and we are confident that these will enable us to effectively collect repayments from EU students in the future.

Postal Services: Finance

Paul Uppal: To ask the Secretary of State for Business, Innovation and Skills whether the Royal Mail has made an estimate of the savings which would accrue from reducing the number of postal deliveries to five per week. [34782]

Mr Davey: The Government's policy, as set out in the Postal Services Bill, is that the minimum requirements for the universal postal service must include at least one delivery of letters to addresses or other identified points every Monday to Saturday.

As the universal service provider, Royal Mail will be obliged to meet this requirement. The costs involved in providing the universal postal service are a matter for Royal Mail and the regulator.

Science: Equal Opportunities

Meg Munn: To ask the Secretary of State for Business, Innovation and Skills what plans he has to support women returning to work in science, engineering and technology after a career break. [32976]

Mr Willetts: The Government's approach to encouraging diversity in the STEM workforce, as set out in the science and research allocations published on 20 December 2010, will be refocused on specific actions integral to the programmes we fund. We will encourage those partners with whom we work closely to do likewise, and we will develop success measures that explicitly demonstrate progress on equality and diversity. This builds on the wider work of the Government to promote inclusive workplaces.

In partnership with the engineering institutions, industry and others, the Royal Academy of Engineering will develop a new diversity programme in engineering, and the wider STEM work force, to widen participation among under-represented groups.

We will continue to work with partners to consider how those individuals with particular needs, such as those returning to the workplace, might be supported.

Science: Higher Education

Mr Thomas: To ask the Secretary of State for Business, Innovation and Skills how many places for full-time equivalent students to study (*a*) life sciences (*b*) low-carbon technologies (*c*) digital technology and (*d*) advanced manufacturing at each university (i) there were in the last five years for which figures are available and (ii) he expects there to be in each of the next three years; and if he will make a statement. [35525]

Mr Willetts [holding answer 21 January 2011]: The Higher Education Statistics Agency (HESA) uses the Joint Academic Coding System (JACS) to classify subject areas. As this classification system does not correspond exactly to the subjects specified, the nearest alternatives have been provided in the table. Figures in the table refer to the number of full-time equivalent students enrolled on courses in each academic year. Figures for the 2010/11 academic year will be available in January 2012 and can be found in the Libraries of the House. We do not plan for the number of students at a course or subject level.

Students: Loans

Jeremy Lefroy: To ask the Secretary of State for Business, Innovation and Skills what estimate he has made of the (*a*) monetary value and (*b*) proportion of student loans which will be irrecoverable for the purposes

of his Department's annually managed expenditure estimates for each year of the comprehensive spending review period. [34502]

Mr Willetts: In the spending review period the full-time student tuition fee loan outlay is estimated to be £3.5 billion in 2012-13, £5 billion in 2013-14 and £6 billion in 2014-15.

Additionally, outlay on maintenance loans is expected to be over £3 billion each year.

The proportion of student loans which will be irrecoverable over the lifetime of those loans is estimated to be about 30p in the pound. This has been used in setting the Department's non-cash budget as a ring-fenced part of its departmental expenditure limit budget for each year of the spending review.

Teachers: Qualifications

Mr Thomas: To ask the Secretary of State for Business, Innovation and Skills what plans he has to require all new university academics with teaching responsibilities to undertake a teacher training qualification; and if he will make a statement. [35477]

Mr Willetts: This Government are committed to ensuring teaching excellence across the higher education sector. We are exploring with the sector ways in which excellent teaching can be promoted and incentivised, including through training. Plans for our wider programme of reform of higher education will be set out in the forthcoming White Paper.

TREASURY

Air Passenger Duty

Ian Murray: To ask the Chancellor of the Exchequer if he will estimate the monetary value of amounts paid by prospective air passengers to carriers but not then paid to HM Revenue and Customs as air passenger duty as a result of cancelled or missed flights in (a) 2008, (b) 2009 and (c) 2010. [35293]

Justine Greening: APD is an excise duty that is levied on aircraft operators, not individual passengers. It is the airline which is responsible for paying the tax to HM Revenue and Customs (HMRC). Although they are not required to do so by law, generally airlines pass on the duty charge to their passengers by way of a separately identified charge in the ticket price, which may also include other elements such as passenger service charges, insurance surcharges or tax imposed by other governments. Since any additional charges applied at the discretion of the airline are outside the remit of HMRC, no estimates of their value are available.

Animal Diseases: Finance

Mr Bain: To ask the Chancellor of the Exchequer what provision within the Contingency Reserve there is for emergency relief in respect of the outbreak of diseases affecting animals and livestock in the UK in each of the next four financial years. [35482]

Danny Alexander: The responsibility for animal health and welfare lies with the Department for the Environment, Food and Rural Affairs (DEFRA). In Treasury budgetary guidance, Departments are encouraged not to allocate budgets fully against their programmes at the start of a financial year. This is to allow for contingency planning in the face of unforeseen pressures that emerge subsequently, including their known contingent liabilities.

In exceptional circumstances a Department may make a claim on the reserve. As part of the spending plans announced in spending reviews, the Government allocate a reserve for genuinely unforeseen contingencies that Departments cannot absorb within their departmental expenditure limits.

The overall size of the reserve is set out in Table 1 of the Spending Review document.

Child Benefit: Separated People

Mr Sanders: To ask the Chancellor of the Exchequer if he will assess the compliance of child benefit eligibility rules for separated couples with shared custody with the rights of the child as expressed in the UN Convention on the Rights of the Child; and if he will make a statement. [34970]

Mr Gauke: The UK fulfils the relevant obligations of the UN convention on the rights of the child by paying child benefit to parents, to provide financial support for the benefit of their child or children.

The law is clear that child benefit cannot be paid for the same child to two people in the same week. Section 144 of the Social Security Contributions and Benefits Act 1992 states that where two or more persons would be entitled to child benefit in respect of the same child for the same week, only one of them only shall be entitled. The question of which of them is entitled is determined in accordance with schedule 10 to the Act.

Child Tax Credit and Child Benefit

Mr Sheerman: To ask the Chancellor of the Exchequer if he will review the effectiveness of the process by which child tax credit and child benefit are transferred to other family members when they assume guardianship of a child. [35003]

Mr Gauke: HM Revenue and Customs (HMRC) is responsible for administering child tax credits and child benefit so I have been asked to reply.

The Department aims to pay 60% of all new tax credits claims in 15 calendar days and 69% of new child benefit claims in nine working days. It can take longer to award new claims where a child is involved in more than one tax credits and/or child benefit claim because HMRC must make separate inquiries to establish the correct entitlements.

HMRC Benefits and Credits keeps all of its procedural guidance under review seeking to make continuous improvements wherever necessary.

Corporation Tax

Caroline Lucas: To ask the Chancellor of the Exchequer how much of the corporation tax losses declared in respect of the accounting period ending in

(a) 2007-08, (b) 2008-09 and (c) 2009-10 was carried back for offset against profits of previous periods; how much corporation tax was repaid as a result of such carry-backs of losses in each such year; and what the monetary value was of the tax losses carried forward for offset against future profits at the end of each such year. [32815]

Mr Gauke: Loss relief policy remains unchanged since the inception of the Corporation Tax regime in 1965.

From HMRC databases it is estimated that in 2007-08 just over £5.1 billion of allowable losses were carried back by UK companies. In 2008-09 the figure increased to just under £7.8 billion. These figures represent the gross value and not the tax impact of allowing carry-back of these losses. Complete data for 2009-10 are not yet available.

With regard to your question as to the value of tax repayments, the data provided by corporation tax returns it is very difficult to separately identify the total value of repayments made purely from carry back of losses; or the final value of losses made in-year that are carried forward across corporate groups. As such, these figures cannot be provided.

Departmental Film

Kate Green: To ask the Chancellor of the Exchequer how much his Department has spent on film production, including the filming of speeches, since May 2010. [34544]

Justine Greening: The Treasury has not spent anything on film production, including the filming of speeches, since May 2010.

Since May 2010, the Treasury has added three films to its website. On each occasion the films were produced at no cost to the Treasury in partnership with other Government Departments' in-house communications teams.

Departmental Procurement

Catherine McKinnell: To ask the Chancellor of the Exchequer what steps (a) his Department, (b) its agencies and (c) the non-departmental public bodies for which he is responsible have taken to comply with the Guidance of the Office of Government Commerce on promoting skills through public procurement issued in 2009. [31328]

Justine Greening: Treasury Group Commercial undertake commercial and procurement activities on behalf of the whole of the Treasury Group (HM Treasury, the Debt Management Office, the Asset Protection Agency, UK Financial Investments). All members of the Treasury Group Commercial Team have been made aware of the OGC guidance on skills and apprenticeships in procurement.

Where appropriate contract conditions and performance requirements are included in major Treasury contracts.

The Treasury's major suppliers have been made aware of the policy and guidance. By the end of 2009-10, the Treasury's major suppliers had provided at least 16 apprenticeship places. The major suppliers also offer a

range of programmes including various NVQs, Skills for Life in Numeracy and Literacy, Investors in People, work placements and the Train to Gain initiative. At least one supplier has been awarded a National Employer Service contract, with the Learning and Skills Council.

Treasury Group Commercial, as part of the plan to transform its commercial function, is looking to develop its strategic relationships with key suppliers that will include promotion of policy objectives (e.g. Skills, Apprenticeships, SMEs and Low Carbon Efficiency).

The Royal Mint Advisory Committee has no independent procurement function.

Equality Impact Assessments

John McDonnell: To ask the Chancellor of the Exchequer with reference to his Department's paper Overview of the Impact of Spending Review 2010 on Equalities, which Departments were (a) included and (b) not included in the qualitative assessment referred to in paragraph 1.15 of the paper; and if he will place in the Library a copy of the source data on equality impact submitted by each Department referred to in paragraph 1.12. [29197]

Justine Greening: The information requested is as follows:

(a) The following Departments were included in the qualitative assessment of the equalities impact of the spending review which was published on 20 October:

- Department for Education
- Department of Health
- Department of Culture Media and Sport
- Communities and Local Government
- Department for Transport
- Business, Innovation and Skills
- Department for Work and Pensions
- Department of Environment, Food and Rural Affairs
- Ministry of Justice
- Home Office
- Government Equalities Office.

(b) The following Departments were not included in the assessment:

- Cabinet Office
- Department for International Development
- Foreign and Commonwealth Office
- HM Revenue and Customs
- HM Treasury
- Home Office
- Law Officer's Department
- Ministry of Defence
- Security and Intelligence Agencies.

A summary of the data submitted by each Department can be found in the publication 'Overview of the Impact of the Spending Review on Equalities' which was published alongside the spending review announcement. As these data relate to ongoing policy development, it would not be appropriate to place a copy in the Library at this stage.

Full impact assessments will be considered and published by the relevant Departments as the full details of these policies are finalised.

Equitable Life Assurance Society: Compensation

Fabian Hamilton: To ask the Chancellor of the Exchequer (1) when he expects compensation payments under the Equitable Life (Payments) Act 2010 to eligible with-profits annuitants to be made; [34747]

(2) when he expects compensation payments to eligible Equitable Life with-profits annuitants to commence. [35072]

Mr Hoban: The Government have announced their ambition to commence payments to all eligible policyholders in the middle of this year.

Fabian Hamilton: To ask the Chancellor of the Exchequer what estimate he has made of the cost of paying compensation to those Equitable Life with-profits annuitants who started their annuities before 1 September 1992. [35070]

Mr Hoban: With profits annuitants (WPAs) whose policies commenced before 1 September 1992 did so before any maladministration could have affected their investment decisions. Accordingly, they did not suffer a loss in respect of which any compensation would be appropriate.

The reduction in the levels of annuity payments that they have experienced is largely due to a combination of poor investment market performance, and the fact that early annuity payments were artificially high due to the structure of the product and over-bonusing.

Fabian Hamilton: To ask the Chancellor of the Exchequer whether Equitable Life with-profits annuitants who are ineligible for full compensation will be able to claim some compensation if part of their annuities started after 1 September 1992. [35071]

Mr Hoban: With profit annuitants (WPAs) whose policies commenced before 1 September 1992 did so before any maladministration could have affected their investment decisions. Accordingly, they did not suffer a loss in respect of which any compensation would be appropriate.

In order to be eligible, a policyholder must have had a policy which was invested in Equitable Life's with profits fund and must have paid a premium into that policy during the period between 1 September 1992 and 31 December 2000.

Excise Duties: Alcoholic Drinks

Andrew Griffiths: To ask the Chancellor of the Exchequer (1) what consultation the Government plans to undertake on potential changes to the classification of duty on ready-to-drink beverages; [35769]

(2) whether his Department has undertaken an impact assessment in respect of any proposed change to the classification of duty on ready-to-drink beverages. [35770]

Justine Greening: The June Budget announced a review of the taxation of alcohol, which included ready-to-drink beverages, and the Treasury held an informal consultation over the summer. Evidence and submissions were received

from industry, health groups and academics. The Government reported on the review in November, and the results are available online at:

http://www.hm-treasury.gov.uk/alcohol_taxation.htm

Excise Duties: Fuels

Ann McKeichin: To ask the Chancellor of the Exchequer what assessment he has made of progress on the introduction of a pilot scheme to discount fuel duty on petrol and diesel in the Inner and Outer Hebrides, the Northern Isles and the Isles of Scilly; and if he will consider extending the scheme to other rural communities in Scotland following the increase in the level of value added tax and fuel duty. [35446]

Justine Greening: I refer the hon. Member to the answer given to the hon. Member for Na h-Eileanan an Iar (Mr MacNeil) on 21 December 2010, *Official Report*, column 1143W. The Government are considering the exact scope of the pilot and at present has announced its intention to include the Inner and Outer Hebrides, the Northern Isles, and the Isles of Scilly.

Ian Murray: To ask the Chancellor of the Exchequer what recent assessment he has made of the merits of introducing a fuel duty escalator for the road haulage industry; and what representations he has received on this matter. [35494]

Mr Bain: To ask the Chancellor of the Exchequer (1) what his policy is on relief for fuel costs for haulage companies registered in the UK; [35906]

(2) what assessment he has made of the potential barriers to the introduction of any relief for fuel costs to be provided to haulage companies registered in the UK. [35972]

Justine Greening: The Chancellor keeps all taxes under review along Budget timelines and routinely receives representations from stakeholders on a range of tax issues.

Hauliers may reclaim VAT and deduct other business costs including fuel costs under existing business tax arrangements.

Financial Inclusion Fund

Mr Gyimah: To ask the Chancellor of the Exchequer what plans he has for the future of the Financial Inclusion Fund. [35348]

Karl Turner: To ask the Chancellor of the Exchequer what plans he has for funding the Financial Inclusion Fund after April 2011. [35851]

Mr Hoban: The Financial Inclusion Fund will close at the end of March this year.

The Government will work closely with industry and other stakeholders to ensure that tackling financial exclusion remains a high priority.

Financial Services: Crime

Nic Dakin: To ask the Chancellor of the Exchequer when he expects to announce the outcome of decisions on the structure of an economic crime agency. [34876]

James Brokenshire: I have been asked to reply.

The Government will be consulting on proposals for the Economic Crime Agency in the spring of 2011. Following that consultation we will consider the responses carefully before making any final decisions.

Forestry Commission: Land

Mr Bain: To ask the Chancellor of the Exchequer (1) what estimate he has made of the likely level of net accruals to the Exchequer arising from the sale of Forestry Commission land accounting for (a) income tax, (b) capital gains tax and (c) inheritance tax forgone through such sales during the comprehensive spending review period; [34743]

(2) if he will estimate the cost to the Exchequer of tax relief on the purchase and ownership of woodland and forests in each of the (a) last and (b) next four financial years. [34744]

Mr Gauke: An estimate of accrued income tax, capital gains tax and inheritance tax foregone from the sale of Forestry Commission land is not available.

The main inheritance tax reliefs for woodland and forests are business property relief and woodlands relief. Business property relief has been estimated to cost £205 million in 2010-11, but this is a wide ranging relief and the cost in relation to woodland and forests is not available. The cost of woodlands relief in 2010-11 has been estimated to be negligible (less than £5 million). Published estimates of the costs of business property relief and woodlands relief can be found in HMRC's published Ready Reckoner tables at:

http://www.hmrc.gov.uk/stats/tax_expenditures/table1-5.pdf and

http://www.hmrc.gov.uk/stats/tax_expenditures/table-b1.pdf respectively. Estimates for later years are not available.

Estimates of the cost to the Exchequer of tax reliefs for other taxes are not available.

Fuels: Prices

Mr Bain: To ask the Chancellor of the Exchequer (1) what assessment he has made of the effects of changes in automotive fuel prices on (a) inflation and (b) growth in each of the next four financial years; [34740]

(2) what assessment he has made of the effects of levels of fuel duty on (a) output and (b) growth in the road haulage industry in each of the next four financial years. [34801]

Justine Greening: I refer the hon. Member to the answer given on 17 November 2010, *Official Report*, column 576W. Through the measures set out in Budget 2010 the Government are tackling the fiscal deficit to secure growth and provide the confidence all businesses need to invest. The haulage industry will be affected by a range of Budget measures such as fuel duty and corporation tax changes.

Inflation

Jonathan Edwards: To ask the Chancellor of the Exchequer what assessment he has made of the effects of inflation on the reduction of the budget deficit. [35320]

Justine Greening: The Office for Budget Responsibility (OBR) produced its latest forecast for inflation and the public finances in its November Economic and Fiscal Outlook 2010, available here:

<http://budgetresponsibility.independent.gov.uk/econ-fiscal-outlook.html>

The OBR will publish an updated assessment of inflation and the public finances at the Budget on 23 March 2011.

PAYE

Mr Liddell-Grainger: To ask the Chancellor of the Exchequer how many national insurance (NI) contributions deducted from pay and recorded on form P14 were not credited to NI accounts in each year since 5 April 2004; and what the monetary value is of the contributions yet to be credited. [34576]

Mr Gauke: The number of unmatched P14s and the associated monetary values of the contributions received for the tax years requested are as follows:

Tax year	P14s not matched	Monetary value of contributions (£)
2004-05	1,839,143	263,101,931.24
2005-06	2,016,761	289,212,918.76
2006-07	1,974,081	278,618,228.99
2007-08	1,947,065	258,603,899.93
2008-09	1,542,773	194,623,653.05
2009-10	1—	1—

¹ Figures not yet available.

PAYE: United States Internal Revenue Service

Mr Liddell-Grainger: To ask the Chancellor of the Exchequer how many meetings his Department has had with the United States Internal Revenue Service on the operation of PAYE in the last 12 months; and what the outcome of such meetings was. [34575]

Mr Gauke: Treasury Ministers and officials have meetings with a wide variety of organisations as part of the process of policy development and delivery. It is not the Government's practice to provide details of all such meetings.

Public Expenditure: Northern Ireland

Naomi Long: To ask the Chancellor of the Exchequer what assessment he has made of the potential effects of the removal of end-year flexibility on the block grant for Northern Ireland. [35568]

Danny Alexander: The Government are abolishing the end-year flexibility system, including all accumulated stocks, at the end of 2010-11 and replacing it with a new system from 2011-12 which will retain an incentive to avoid wasteful end-year spending and strengthen spending control. Further detail will be set out later this financial year.

The Government are standing by their existing commitment to the Northern Ireland Executive to draw down end-year flexibility (EYF) in the current year and their commitment to carry forward underspends for the

Department of Justice under the terms of the £800 million funding package which accompanied the devolution of Policing and Justice.

Public Finance

Chris Ruane: To ask the Chancellor of the Exchequer what estimate he has made of the average maturity of UK sovereign debt; and what information for benchmarking purposes his Department holds on the average maturity of sovereign debt of each EU member state. [35208]

Mr Hoban: As at 30 September 2010, the market value weighted average maturity of the UK's sovereign debt was 13.47 years. The Treasury does not routinely collect data on the average maturity of other sovereign issuers' debt portfolios. On occasion, the Treasury has made comparison with other countries using data from the OECD publication "Central Government Debt: Statistical Yearbook", available at:

<http://www.oecd-ilibrary.org/statistics>

The Treasury does not currently hold up-to-date information on the average maturity of other countries' sovereign debt.

Alex Cunningham: To ask the Chancellor of the Exchequer what estimate his Department has made of the likely level of the cyclically-adjusted budget deficit in cash terms in (a) 2014-15 and (b) 2015-16. [35881]

Justine Greening: The latest forecast for cyclically adjusted public sector net borrowing as a percentage of GDP can be found in table 4.23 of the OBR's Economic and Fiscal Outlook (EFO). The latest forecast for non-seasonally adjusted money GDP can be found in table 4.2 of the EFO.

http://budgetresponsibility.independent.gov.uk/d/econ_fiscal_outlook_291110.pdf

Public Sector: Employment

Mike Weatherley: To ask the Chancellor of the Exchequer if he will estimate the change in public sector employment in Brighton and Hove in (a) 2010 and (b) 2011. [34857]

Danny Alexander: The Office for Budget Responsibility (OBR) published, as part of the 'Economic and Fiscal Outlook' on 29 November 2010, projections for general government employment to 2015-16, which can be found on the following webpage:

http://budgetresponsibility.independent.gov.uk/d/econ_fiscal_outlook_291110.pdf

The OBR has not published forecasts on a sub-national level.

Revenue and Customs: Closures

Mr Liddell-Grainger: To ask the Chancellor of the Exchequer how many local tax offices closed in each year since 2005. [34421]

Mr Gauke: The number of HM Revenue and Customs (HMRC) offices closed in each year since 2005 are given in the following table. Most of HMRC's business is organised on national lines and it does not use the

classification of 'local tax office'. Therefore the numbers provided are the total number of HMRC offices closed in each year.

	Total number of HMRC offices closed
April 2005 to March 2006	23
April 2006 to March 2007	23
April 2007 to March 2008	26
April 2008 to March 2009	18
April 2009 to March 2010	81

Revenue and Customs: Correspondence

Mr Liddell-Grainger: To ask the Chancellor of the Exchequer (1) what proportion of notifications of change of address received by HM Revenue and Customs were acted upon in each of the last five years; [34552]

(2) what proportion of mail sent by HM Revenue and Customs (HMRC) was returned undelivered in each of the last five years; and what estimate he has made of the cost to HMRC of undelivered mail in each such year. [34560]

Mr Gauke: The information requested is available only at disproportionate cost, as HMRC does not hold this data.

Statutory Concessions

Mr Mark Williams: To ask the Chancellor of the Exchequer whether he assessed the potential effects on caravan sites of the withdrawal of statutory concessions. [34210]

Mr Gauke: HM Revenue and Customs (HMRC) is withdrawing three extra statutory concessions (ESC) which relate to caravan sites, all with effect from 1 January 2012, because they exceed the scope of HMRC's administrative discretion. These cover the VAT treatment of connection to the gas or electricity mains supply, the recharge of non-domestic (business) rates and the recharge of water and sewerage rates. All of these concessions must be withdrawn because there are no legal vires in EU law which would permit them to be introduced in UK legislation.

Although some initial estimates have been made, we anticipate representations from those affected by the withdrawal. Impact assessments will be prepared once these representations have been considered.

Tax Avoidance: Parliamentary Scrutiny

Mr Sanders: To ask the Chancellor of the Exchequer if he will make if his policy to refer all tax disputes concerning liabilities greater than £500 million for parliamentary scrutiny prior to action by HM Revenue and Customs. [34973]

Mr Gauke: The Government have no plans to refer tax disputes for parliamentary scrutiny.

There is already a statutory framework for settling all tax disputes. HMRC are authorised to settle disputes with taxpayers. However, where a settlement cannot be reached in that way the case is referred to the tax tribunal.

Tax Yields

Mr Byrne: To ask the Chancellor of the Exchequer (1) if he will place in the Library the data for the chart on housing and financial sector receipts on page 187 of the 2009 Pre-Budget Report in respect of each year set out in that chart; [33323]

(2) if he will place in the Library a breakdown in cash terms of receipts to the Exchequer for the chart on housing and financial sector receipts on page 187 of the 2009 pre-Budget report in respect of each year set out in that chart. [33324]

Mr Gauke: The data for “Chart a: Housing and financial sector receipts”, on page 187 of the 2009 pre-Budget report is shown as follows.

<i>Housing and financial sector receipts</i>		
	<i>Percentage of GDP</i>	<i>£ billion</i>
1999-2000	3.2	30.4
2000-01	3.7	37.0
2001-02	3.3	34.4
2002-03	3.1	33.4
2003-04	3.1	35.4
2004-05	3.3	40.6
2005-06	3.8	48.1
2006-07	4.2	56.1
2007-08	4.2	59.8
2008-09	3.4	48.7
2009-10	2.6	36.9
2010-11	2.9	43.1
2011-12	3.2	49.2
2012-13	3.4	55.1
2013-14	3.5	60.4
2014-15	3.6	65.8

The data for the chart is shown both as a percentage of GDP and in cash terms.

Taxation

Jack Dromey: To ask the Chancellor of the Exchequer what assessment he has made of the effects on (a) men and (b) women of proposals to (i) increase the rate of value added tax, (ii) increase capital gains tax, (iii) use the consumer price index for calculating benefits and tax credits, (iv) abolish the Child Trust Fund, (v) reduce the Health in Pregnancy grant, (vi) reduce the Sure Start maternity grant and (vii) change public sector pensions. [6918]

Mr Gauke: The Treasury takes its equalities responsibilities very seriously. At the Budget, the Government published more information than ever before about the impact of the Budget in Annex A which showed the impact of tax and welfare changes on households.

At the spending review, the Treasury published the document “Overview of Equalities Impacts of the Spending Review” alongside the announcement. This set out a qualitative analysis of the likely impacts of the spending review on groups protected by equalities legislation, including women.

For each of the policies listed, the Treasury has made the following assessment of the proportionate impact on (a) men and (b) women:

(i) *Increase the rate of value added tax*

The effect of the VAT change on men and women was considered and it was concluded that no effect on gender equality was expected as a result of this measure (because spending is best measured at a household level).

Accordingly no specific results were included in the published impact assessment, although that document notes that gender equality was one of the types of testing undertaken.

(ii) *Increase capital gains tax*

No estimate has been made of the proportionate impact on men or women of proposals to increase capital gains tax.

(iii) *Use the consumer price index for calculating benefits and tax credits*

It is not possible to calculate robust estimates of the proportionate impact on men and women arising from the switch to CPI indexation for public sector pensions and benefits.

This is because any such estimates would be based on assumptions about future rates of inflation, which would become more uncertain in later years. There is also uncertainty about behavioural or macro-economic effects which would affect the accuracy of any estimates for later years.

(iv) *Abolish the child trust fund*

No specific gender impact of the ending of eligibility to the Child Trust Fund has been identified. The Child Trust Fund was intended to be for the benefit of the child, and children of both genders were eligible in exactly the same way. As such there will be no specific gender impact.

A gender impact assessment was published alongside the Savings Accounts and Health in Pregnancy Grant Bill (now the Savings Accounts and Health in Pregnancy Grant Act 2010). This is available at:

http://www.hm-treasury.gov.uk/d/leg_savings_heathpreg_equality_ia.pdf

(v) *Reduce the health in pregnancy grant*

A gender impact assessment was published alongside the Savings Accounts and Health in Pregnancy Grant Bill (now the Savings Accounts and Health in Pregnancy Grant Act 2010). This is available at:

http://www.hm-treasury.gov.uk/d/leg_savings_heathpreg_equality_ia.pdf

(vi) *Reduce the Sure Start maternity grant*

The effect of the restriction of SSMG to first children on gender was considered by DWP as part of its equality impact assessment, which will be published in due course. DWP do not have individual level data to assess this impact. However, DWP expects that the majority of recipients of the SSMG are female and therefore likely to be particularly affected by this measure.

(vii) *Change public sector pensions*

The value of a pension depends on unique individual factors such as work history, salary and personal financial decisions. Therefore it would not be possible to give an assessment of the proportionate financial impact of the switch to CPI indexation by gender without making large and sweeping assumptions about a complex set of inter-relating factors.

Yvette Cooper: To ask the Chancellor of the Exchequer what estimate he has made of the average (*a*) cost and (*b*) benefit to (i) men and (ii) women by 2014-15 attributable to the (A) increase in capital gains tax, (B) increase in the rate of value added tax, (C) one-year freeze on council tax, (D) changes to disability living allowance, (E) changes to tax credits, (F) freeze on child benefit, (G) changes to housing benefit, (H) changes to lone parent conditionality and (I) uprating of (1) public sector pensions, (2) additional state pension, (3) child tax credits, (4) working tax credits, (5) jobseeker's allowance, (6) disability living allowance, (7) employment and support allowance, (8) income support and (9) carers' allowance in line with the consumer prices index announced in the June 2010 Budget. [12921]

Mr Gauke: The Treasury takes its equalities responsibilities very seriously. At the Budget, the Government published more information than ever before about the impact of the Budget in Annex A which showed the impact of tax and welfare changes on households.

At the spending review, the Treasury published the document 'Overview of Equalities Impacts of the Spending Review' alongside the announcement. This set out a qualitative analysis of the likely impacts of the spending review on groups protected by equalities legislation, including women.

The Treasury has made the following estimates of the average (*a*) cost and (*b*) benefit to men and women by 2014-15 for each of the following policies:

(A) Increase in capital gains tax

No estimate has been made of the average cost to men or women by 2014-15 attributable to the increase in capital gains tax.

(B) Increase in the rate of value added tax

The effect of the VAT change on men and women was considered and it was concluded that no effect on gender equality was expected as a result of this measure (because spending is best measured at a household level).

Accordingly no specific results were included in the published impact assessment, although that document notes that gender equality was one of the types of testing undertaken.

(C) One-year freeze on council tax

There are no robust estimates of the benefits of the council tax freeze in England due to the fact council taxpayers are liable to pay council tax regardless of their gender.

(D) Changes to disability living allowance

The June 2010 Budget announced that the Government will introduce the use of objective medical assessments for all DLA claimants from 2013-4. There is no particular reason to think that a fair medical assessment will have a particular impact on men or women.

A full equality impact assessment will be carried out and published by the DWP once the terms of this policy have been developed.

(E) Changes to tax credits

This information is not available. Tax credits are paid on a household basis. In order to understand the impact of changes to tax credits on men and women it is necessary to know how families share their income between themselves and their children (if any).

(F) Freeze on child benefit

Child benefit is paid for the benefit of the child, not the claimant. It is not possible to produce a robust estimate of the average cost to men and women of such changes that would be sufficiently reliable to be useful for policy making.

(G) Changes to housing benefit

Setting local housing allowance at the 30th percentile of local rents

The Treasury has not made an estimate of the average costs or benefits to men and women. The DWP has now published a final equality impact assessment covering this measure:

<http://www.dwp.gov.uk/docs/lha-eia-nov10.pdf>

Uprating of non-dependent deductions

A general equality impact assessment covering the overall uprating exercise will be published in early 2011, and DWP are preparing a separate assessment for the uprating of non-dependant deductions.

Using the consumer price index for local housing allowance and staged reductions for jobseeker's allowance claimants

An equality impact assessment will be published when relevant legislation is brought forward in early 2011.

Social sector size restriction

An equality impact assessment will be published when relevant legislation is brought forward in early 2011.

Additional bedroom for carers

The DWP published a final equality impact assessment covering this measure:

<http://www.dwp.gov.uk/docs/lha-eia-nov10.pdf>

Local housing allowance cap

The DWP published a final equality impact assessment covering this measure:

<http://www.dwp.gov.uk/docs/lha-eia-nov10.pdf>

Additional discretionary housing payments (DHPs)

This measure is designed to provide targeted support to housing benefit claimants affected by the reforms. DHPs are made entirely at the local authority's discretion, however DWP has issued good practice guidance to local authorities on DHPs.

(H) Changes to lone parent conditionally

The DWP will publish an impact assessment in due course.

(I) Uprating in line with consumer prices index announced in the June 2010 Budget

It is not possible to calculate robust estimates of the average cost to men and women arising from the switch to CPI indexation for public sector pensions and benefits.

This is because any such estimates would be based on assumptions about future rates of inflation, which would become more uncertain in later years. There is also uncertainty about behavioural or macro-economic effects which would affect the accuracy of any estimates for later years.

Caroline Lucas: To ask the Chancellor of the Exchequer what estimate he made of the revenue forgone by the Exchequer from (*a*) corporation tax, (*b*) income tax, (*c*) National Insurance contributions, (*d*) value added tax and (*e*) other taxes as a result of companies being struck from the Register of Companies in (i) 2007-08, (ii) 2008-09 and (iii) 2009-10. [32826]

Mr Gauke: HM Revenue and Customs does not retain the statistical data that would allow such estimates to be made.

Kerry McCarthy: To ask the Chancellor of the Exchequer what tax relief measures are available in respect of woodland ownership; and what plans he has for the future of such measures. [34389]

Mr Gauke: Where inheritance tax would otherwise be due, a specific rule for woodlands allows for the tax to be deferred until the timber is harvested. The deferral only applies to the value of the timber not the land. In addition, a commercial business that is carried on which includes the ownership of woodland may qualify for the general exemption from inheritance tax that is available for business property.

Any profits or gains arising from the occupation of commercial woodland are wholly outside the scope of income tax or corporation tax.

All tax policies are kept under review.

Given the current economic climate, Government policy must reflect the need to reduce the budget deficit. In this context and as stated in the coalition agreement, the Government have agreed that making changes to the personal allowance for income tax should take priority over other tax cuts. Any changes to tax relief measures in respect of woodland ownership will have to be considered with due regard to the Government's priorities of reducing the fiscal deficit and ensuring economic recovery.

VAT

Damian Hinds: To ask the Chancellor of the Exchequer how many and what proportion of applications for value added tax registration resulted in a request to the applicant to provide signed and dated (a) supply contracts, (b) purchase invoices and (c) samples of advertising prior to the provision of a value added tax number; and what proportion of such requests resulted in the application being refused due to (i) suspected fraud and (ii) any other reason in financial year 2009-10. [34384]

Mr Gauke: HMRC received 207,899 applications to register for VAT in 2009-10.

Further information to support the application is requested in up to one third of cases.

These requests may include supply contracts, purchase invoices and samples of advertising but HMRC does not maintain a central record of the type of information requested, in respect of relevant registrations.

The information requested on refused applications is not available.

Mr Douglas Alexander: To ask the Chancellor of the Exchequer what estimate he has made of the change to the average net income of retired households in each income decile attributable to the proposed increase in the rate of value added tax in (a) 2010-11, (b) 2011-12, (c) 2012-13, (d) 2013-14 and (e) 2014-15. [28884]

Mr Gauke: Value added tax is an indirect tax. Although prices on certain goods and services will increase as a result of the rate increase, incomes will be unaffected.

Graeme Morrice: To ask the Chancellor of the Exchequer what estimate his Department has made of the likely effect of the proposed change in the rate of value added tax on (a) levels of unemployment in and (b) the financial effect on the construction sector in (i) the UK and (ii) Scotland. [32888]

Mr Gauke [*holding answer 10 January 2011*]: The answer to this question falls within the responsibilities of the Office for Budget Responsibility (OBR), and I have asked the OBR to reply.

Letter from Robert Chote, dated 13th January 2011:

As Chair of the Budget Responsibility Committee of the Office for Budget Responsibility, I have been asked to reply to your recent question.

The OBR's November forecast incorporated the estimated impact of policy measures announced at or before the June Budget, including the increase in the standard rate of VAT from 17.5 per cent to 20 per cent that took effect from 4 January 2011.

We have not assessed the impact of the change in VAT on levels of unemployment or the construction sector. However, the OBR applied a range of fiscal multipliers to help inform its judgement on the impact of VAT on aggregate demand in the economy. These multipliers are set out in Table C8 of the interim OBR's June Budget document. A figure of 0.6, for example, means that a measure which has a direct effect of raising revenue by 1 per cent of GDP is estimated to reduce aggregate demand in the economy by 0.6 per cent in the short run.

The interim OBR's June 2010 Budget forecast and the OBR's November forecast assumed that the increase in the standard rate of VAT from 17.5 per cent to 20 per cent would reduce the level of real GDP in 2011/12 by around 0.3 per cent.

Damian Hinds: To ask the Chancellor of the Exchequer how many and what proportion of applications for value added tax registration resulted in a request to the applicant to provide a signed tenancy agreement or mortgage statement prior to the provision of a value added tax number; and what proportion of such requests resulted in the application being refused due to (a) suspected fraud and (b) any other reason in financial year 2009-10. [34385]

Mr Gauke: HMRC received 207,889 applications to register for VAT in 2009-10.

Further information to support the application is requested in up to one-third of cases.

These requests may include a signed tenancy agreement or mortgage statement but HMRC does not maintain a central record of the type of information requested, in respect of relevant registrations.

The information requested on refused applications as a result of the request to provide a signed tenancy agreement or mortgage statement is not available.

VAT: Charities

Helen Jones: To ask the Chancellor of the Exchequer if he will make it his policy to bring forward legislative proposals to allow charities to reclaim value added tax; and if he will make a statement. [34868]

Mr Gauke: Charities can, and do, reclaim VAT subject to the normal VAT rules. They also benefit from a number of VAT zero rates and exemptions, in addition to many other tax reliefs. As far as the VAT that charities cannot recover is concerned, the Government have no plans to introduce a general refund scheme.

The Government continue to look at ways of ensuring that VAT does not act as a barrier to the reform of public services where such options are open to us and affordable within agreed funding arrangements. For example, we are continuing to work closely with charities and other sectors to explore options for implementing the EU VAT exemption for cost sharing, and the recent announcement of a new VAT refund scheme for academy schools demonstrates the Government's willingness to create a level playing field for VAT where this can be done in a fair, targeted and affordable way.

However, a general VAT recovery scheme for all charities would not be affordable or well-targeted; nor would it be fair to reimburse those charities which are in competition with other service providers.

Helen Jones: To ask the Chancellor of the Exchequer what recent discussions he has had with charities about the effect of the increase in the rate of value added tax on the services they provide. [34869]

Mr Gauke: Treasury Ministers and officials receive representations from, and regularly meet with, charity representative bodies on a range of issues, including VAT.

VAT: Tourism

Susan Elan Jones: To ask the Chancellor of the Exchequer what assessment he has made of the effects on the tourism industry of the increase in the rate of value added tax. [34459]

Mr Gauke: No specific assessment has been made of the economic impact of the VAT rate increase on the tourism industry. The impact assessment published with the Budget in June 2010 provides information on the compliance costs to business overall of the VAT rate increase, but not at sector level.

Vodafone Group: Taxation

Mr Sanders: To ask the Chancellor of the Exchequer if he will make an assessment of the potential effects of the tax settlement between HM Revenue and Customs and Vodafone Group plc on the operation of anti-avoidance rules for controlled foreign companies. [34972]

Mr Gauke: The controlled foreign companies (CFC) rules have been subject to challenge in both the European and UK courts regarding their compatibility with EC law. In 2009 the Court of Appeal found in HMRC's favour in a case brought by Vodafone. This did not determine any liability, but it allowed HMRC to open discussion with Vodafone and other customers about how the rules actually applied in practice.

The Government are also consulting on reform of the CFC rules to ensure they are more closely targeted on artificially diverted UK profits.

Welfare Tax Credits

Mr Bain: To ask the Chancellor of the Exchequer what estimate he has made of the effects on income of households in each income decile of the proposed reduction in the (a) child care element of working tax credit and (b) family element of child tax credit (i) in cash terms and (ii) as a proportion of income in each of the next five financial years. [34802]

Mr Gauke: Given the interaction of tax credit measures with other benefits, it is the overall impact of measures that is important for a household. At the June Budget and the spending review, this Government have taken the unprecedented step of publishing detailed distributional analysis of the impacts of its decisions for the first time (see for instance charts B.4 and B.5 in Annex B of the 'Spending Review 2010' document).

This analysis shows that, when Budget and spending review measures are taken together, it is clear that the top decile contributes the most to the fiscal consolidation, both in absolute terms and as a percentage of net income.

Welfare Tax Credits: Armed Forces

Mr Douglas Alexander: To ask the Chancellor of the Exchequer what estimate he has made of the number of households of armed forces personnel in receipt of tax credits. [29028]

Mr Gauke: The information is not available.

ORAL ANSWERS

Monday 24 January 2011

	<i>Col. No.</i>		<i>Col. No.</i>
HOME DEPARTMENT	1	HOME DEPARTMENT—continued	
Alcohol (Licensing).....	1	Police (Bolton)	15
Child Protection.....	11	Police (Regulatory Burden).....	12
Crime Levels	9	Police (Rural Areas)	5
English Defence League.....	16	South Wales Police (CSR).....	13
Family Intervention Projects.....	14	Topical Questions	17
Immigration (Scotland).....	3	UK Border Agency (CSR)	15
Migration.....	7	Youth Services (CSR).....	4
Non-EU Student Immigration.....	7		

WRITTEN MINISTERIAL STATEMENTS

Monday 24 January 2011

	<i>Col. No.</i>	<i>Col. No.</i>
FOREIGN AND COMMONWEALTH OFFICE	1WS	
Southern Sudan Referendum	1WS	

WRITTEN ANSWERS

Monday 24 January 2011

	<i>Col. No.</i>		<i>Col. No.</i>
ATTORNEY-GENERAL	7W	CULTURE, MEDIA AND SPORT—continued	
Departmental Pay	7W	Broadband: West Lothian	11W
Rape: Offences Against The Administration of Justice	8W	Cricket: Television.....	12W
BUSINESS, INNOVATION AND SKILLS	106W	Departmental Working Conditions.....	12W
Debts: Advisory Services.....	106W	Digital Broadcasting: Radio.....	12W
Departmental Press Releases.....	106W	Digital Broadcasting: Television	12W
Employment Law.....	107W	HMS Victory 1744	13W
Employment Services: Females	107W	Libraries	13W
Higher Education: Finance	108W	S4C	14W
Higher Education: Standards.....	108W	Telecommunications	14W
Higher Education: Student Numbers.....	108W	Television	14W
Overseas Students: EU Nationals	109W	Theatres: Finance.....	15W
Postal Services: Finance	109W	Theatres: Public Expenditure	15W
Science: Equal Opportunities.....	110W	Tourism: Marketing	15W
Science: Higher Education	110W	YouView	16W
Students: Loans	110W	DEFENCE	19W
Teachers: Qualifications	111W	Afghanistan: Peacekeeping Operations.....	19W
CABINET OFFICE	49W	Air Force: Military Bases	20W
Company Liquidations	49W	Armed Forces: Compensation.....	20W
Employment	50W	Armed Forces: Pensions.....	20W
Voluntary Organisations	51W	Defence: Sales	21W
Working Hours	52W	Defence Vetting Agency: Foreign and Commonwealth Office	21W
COMMUNITIES AND LOCAL GOVERNMENT ..	35W	Departmental Manpower.....	22W
Billingsgate Market: Conditions of Employment...	35W	Nimrod Aircraft.....	22W
Bus Services: Concessions	36W	Peacekeeping Operations	22W
Empty Dwelling Management Orders.....	36W	DEPUTY PRIME MINISTER	92W
Empty Dwelling Management Orders: Brighton....	36W	Voting Rights: Prisoners	92W
Home Information Packs.....	37W	EDUCATION	23W
Local Government Finance	37W	Academies: Hendon	23W
Thames Tideway Tunnel	37W	Academies: Religion.....	23W
Travellers: Caravan Sites	37W	Curriculum: Languages.....	23W
CULTURE, MEDIA AND SPORT	10W	Education Maintenance Allowance.....	24W
Broadband	10W	Free School Meals: Durham	26W
Broadband Delivery UK.....	11W	Home Education: Durham	26W
Broadband: Finance	11W	Languages: English Baccalaureate	26W
		Numeracy	27W

	<i>Col. No.</i>		<i>Col. No.</i>
EDUCATION—continued		HEALTH—continued	
Offenses Against Children.....	27W	Public Health Service.....	78W
Pupils: Disadvantaged.....	28W	Slaughterhouses: Horses.....	78W
Religious Education.....	31W	Smoking: Health Services.....	79W
School Support Staff Negotiating Body: Impact Assessments.....	31W	Swine Flu: COE Countries.....	79W
Schools: Film.....	32W	Waiting Lists.....	80W
Schools: Hendon.....	32W	HOME DEPARTMENT	53W
Schools: Personnel.....	32W	Antisocial Behaviour Orders.....	54W
Schools: Sports.....	33W	British Citizenship.....	54W
Vocational Education: Special Educational Needs.....	33W	Coroners: Legal Costs.....	54W
Written Questions: Government Responses.....	34W	Crime.....	55W
ENERGY AND CLIMATE CHANGE	61W	Demonstrations: English Defence League.....	55W
Combined Heat and Energy: Hospitals.....	61W	Departmental Pay.....	55W
Combined Heat and Power.....	62W	Deportation of Convicted Foreign Nationals.....	53W
Departmental Pay.....	62W	Detainees: Sexuality.....	56W
Departmental Public Appointments.....	62W	Drugs: Crime.....	56W
Energy: EU Action.....	63W	Entry Clearances: Overseas Students.....	57W
Energy: Meters.....	64W	Freedom Bill.....	57W
Energy: Production.....	64W	Gang-related Youth Violence: London.....	53W
Energy: Profits.....	65W	Human Trafficking.....	57W
Energy Supply.....	63W	Illegal Immigrants.....	58W
Fuel Oil: Competition.....	65W	Institute for Public Policy Research.....	58W
Fuel Oil: Costs.....	66W	Kerb Crawling: Newham.....	59W
Fuel Oil: Regulation.....	66W	Members: Correspondence.....	59W
Heating: Rural Areas.....	67W	National DNA Database.....	59W
Methane: Natural Gas.....	67W	Nottingham PCSOs.....	53W
Renewable Energy: Finance.....	68W	Police: Demonstrations.....	59W
Sheffield Forgemasters.....	69W	Police: Pensions.....	60W
Solar Energy.....	69W	Police: Shropshire.....	60W
ENVIRONMENT, FOOD AND RURAL AFFAIRS	3W	UK Border Agency.....	53W
Air Pollution: Greater London.....	3W	Visas: Fingerprints.....	61W
Departmental Manpower.....	3W	Voluntary Organisations: Finance.....	61W
Departmental Pay.....	6W	INTERNATIONAL DEVELOPMENT	8W
Environment Agency: Manpower.....	6W	Burma: Malaria.....	8W
Fisheries: Quotas.....	6W	Departmental Pay.....	9W
Flood Control: North West.....	7W	Food Aid.....	9W
Redundancy.....	7W	Sudan: Asylum.....	9W
FOREIGN AND COMMONWEALTH OFFICE	16W	Sudan: Politics and Government.....	9W
Australia: Floods.....	16W	World Bank: Food Aid.....	10W
Burma: Politics and Government.....	16W	JUSTICE	38W
China: Human Rights.....	17W	Departmental Artworks.....	38W
Departmental Photography.....	17W	Departmental Offices.....	38W
Departmental Video Recordings.....	18W	Departmental Official Cars.....	38W
Europe 2020 Strategy.....	18W	Departmental Pay.....	39W
Lebanon: Politics and Government.....	18W	Departmental Pay.....	39W
Members: Correspondence.....	18W	Departmental Photography.....	40W
North Korea: Nuclear Weapons.....	19W	Departmental Redundancy.....	40W
HEALTH	70W	Departmental Travel.....	40W
Alcoholic Drinks: Misuse.....	70W	Divorce.....	41W
Blood Diseases: Health Services.....	71W	Drugs: Reoffenders.....	41W
Cancer.....	72W	Film.....	42W
Care Homes: Finance.....	73W	Ford Prison.....	42W
Carers.....	73W	Members: Correspondence.....	43W
Departmental Pay.....	73W	Prisoners' Transfers;.....	43W
General Practitioners: Wolverhampton.....	74W	Prisons: Drugs.....	44W
Hospital Wards: Children.....	74W	Prisons: Employment.....	45W
Maternity Services.....	75W	Prosecutions: Cycling.....	46W
Mobility.....	75W	Rape.....	46W
NHS: Contracts.....	75W	Reoffenders: North Yorkshire.....	48W
NHS: Disclosure of Information.....	76W	Unpaid Fines: Wales.....	47W
NHS: Negligence.....	76W	Wills.....	48W
NHS: Standards.....	76W	NORTHERN IRELAND	1W
Out of Area Treatment.....	77W	Departmental Pay.....	1W
Pain: Medical Treatments.....	78W	PRIME MINISTER	35W
Prescriptions.....	78W	10 Downing Street: Official Hospitality.....	35W
		Members: Surveillance.....	35W

	<i>Col. No.</i>		<i>Col. No.</i>
SCOTLAND	1W	TREASURY—continued	
Departmental Communication	1W	Inflation	117W
Departmental Pay	1W	PAYE	118W
Departmental Public Appointments.....	1W	PAYE: United States Internal Revenue Service	118W
Employment Rights: Students.....	2W	Public Expenditure: Northern Ireland.....	118W
Entry Clearances: Overseas Students	2W	Public Finance	119W
Low Incomes	2W	Public Sector: Employment.....	119W
Refinery and Petro-Chemical Operations.....	3W	Revenue and Customs: Closures	119W
TRANSPORT	81W	Revenue and Customs: Correspondence	120W
Ambulance Services: Accidents.....	81W	Statutory Concessions.....	120W
Blue Badge Scheme: Older People.....	81W	Tax Avoidance: Parliamentary Scrutiny	120W
Cycling: Accidents	81W	Tax Yields	121W
Driving: Diabetes.....	82W	Taxation.....	121W
Driving Instruction: Training.....	82W	VAT	125W
Highways Agency: Telephone Services.....	82W	VAT: Charities	126W
HM Coastguard: Manpower.....	83W	VAT: Tourism.....	127W
HM Coastguard: Tugboats	83W	Vodafone Group: Taxation	127W
HS2 Tunnel	84W	Welfare Tax Credits.....	128W
Motor Vehicles: Excise Duties.....	84W	Welfare Tax Credits: Armed Forces.....	128W
Motorways: M1	84W	WALES	34W
Prince William: Marriage.....	85W	Departmental Pay	34W
Public Transport: Visual Impairment.....	85W	Departmental Public Appointments.....	34W
Railways: High Speed Trains.....	86W	Driving Standards Agency: Cardiff.....	34W
Railways: North West	86W	VAT	34W
Railways: Standards.....	86W	WORK AND PENSIONS	92W
Railways: Waste Disposal.....	86W	Departmental Working Conditions.....	92W
Road Traffic.....	87W	Disability Living Allowance	93W
Road Traffic Control.....	88W	Disability Living Allowance: Care Homes	94W
Road Traffic: Kent	88W	Disability Living Allowance: Scotland	94W
Roads: Closures	88W	Employment and Support Allowance	95W
Roads: Fees and Charges	89W	Employment and Support Allowance: Bexley	95W
Traffic Regulation	89W	Employment Schemes	96W
Transport: Finance.....	90W	Housing Benefit: Scotland	96W
UK Journeys.....	91W	Jobcentre Plus: Birkenhead	97W
West Coast Railway Line	91W	Jobcentre Plus: Standards	98W
TREASURY	111W	Jobseeker's Allowance.....	99W
Air Passenger Duty.....	111W	Jobseeker's Allowance: Young People	99W
Animal Diseases: Finance	111W	Motability	100W
Child Benefit: Separated People	112W	Poverty: Children	100W
Child Tax Credit and Child Benefit.....	112W	Poverty: EU Action.....	101W
Corporation Tax	112W	Reemploy: Redundancy	101W
Departmental Film	113W	Retirement: Scotland	101W
Departmental Procurement.....	113W	Social Security Benefits.....	102W
Equality Impact Assessments.....	114W	Social Security Benefits: Aberdeen.....	102W
Equitable Life Assurance Society: Compensation ..	115W	Social Security Benefits: Disability.....	102W
Excise Duties: Alcoholic Drinks.....	115W	Social Security Benefits: Expenditure.....	103W
Excise Duties: Fuels	116W	Social Security Benefits: Medical Examinations....	103W
Financial Inclusion Fund.....	116W	State Retirement Pensions: Up-rating.....	103W
Financial Services: Crime.....	116W	Unemployed People: Disability	104W
Forestry Commission: Land.....	117W	Unemployed People: Dyslexia.....	105W
Fuels: Prices	117W	Universal Credit.....	105W
		Work Programme.....	105W

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CONTENTS

Monday 24 January 2011

List of Government and Principal Officers of the House

Oral Answers to Questions [Col. 1] [see index inside back page]
Secretary of State for the Home Department

European Union Bill [Col. 25]
Programme motion (No. 2)—(Mr Lidington)—agreed to
Considered in Committee

Planning Blight [Col. 136]
Debate on motion for Adjournment

Written Ministerial Statements [Col. 1WS]

Written Answers to Questions [Col. 1W] [see index inside back page]
