

Tuesday  
25 January 2011

Volume 522  
No. 105



**HOUSE OF COMMONS  
OFFICIAL REPORT**

**PARLIAMENTARY  
DEBATES**

**(HANSARD)**

**Tuesday 25 January 2011**

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# House of Commons

*Tuesday 25 January 2011*

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

## PRAYERS

[MR SPEAKER *in the Chair*]

## Oral Answers to Questions

### HEALTH

*The Secretary of State was asked—*

#### GP Commissioning

1. **Mark Lancaster** (Milton Keynes North) (Con): What recent progress he has made in introducing GP commissioning consortia. [35632]

3. **Stephen Mosley** (City of Chester) (Con): What recent progress he has made in introducing GP commissioning consortia. [35634]

6. **Nick de Bois** (Enfield North) (Con): What recent progress he has made in introducing GP commissioning consortia. [35637]

8. **Mr Matthew Offord** (Hendon) (Con): What recent progress he has made in introducing GP commissioning consortia. [35639]

11. **Christopher Pincher** (Tamworth) (Con): What recent progress he has made in introducing GP commissioning consortia. [35642]

**The Secretary of State for Health (Mr Andrew Lansley):** Last week, I announced the second wave of GP-led pathfinder consortia. There are now 141 groups of GP practices piloting the future GP commissioning arrangements. Those groups are made up of more than 4,000 GP practices, with over half the population starting to benefit from services that better meet their needs and improve outcomes for patients. The Health and Social Care Bill, which had its First Reading last week, sets out the legislative framework that supports our reforms.

**Mark Lancaster:** Consortia in Milton Keynes have been given £1 per patient as a transition fund. That money is most welcome. It will rise to £2 per head next year. The problem, however, is that the fund is proving hard to access because of the bureaucratic nature of the local primary care trust. Will the Secretary of State look into that and ensure that the money is accessible?

**Mr Lansley:** I entirely understand my hon. Friend's point. The PCT's role is to support the development of consortia, not inhibit it. The operating framework that was published last month sets out the range of support

that PCTs should be offering emerging consortia. Milton Keynes PCT has confirmed that it will actively support Premier MK, one of two consortia in the area, with its application to become a pathfinder, and that it is actively working with another consortium in the Milton Keynes area.

**Stephen Mosley:** Pathfinder consortia will play a crucial role in improving the NHS, so it is imperative that any problems are sorted out as quickly as possible. How does my right hon. Friend propose to help any pathfinder consortium that finds itself in the unfortunate position of failing to deliver the results expected of it?

**Mr Lansley:** My hon. Friend makes an important point. He will recall that before the election, the Select Committee on Health severely criticised the way in which primary care trusts were going about commissioning. We are looking to consortia because they are clinically led and responsive to patients in designing far better clinical services, and they will have considerable support in doing so. Over the next two years, we will enable them to develop support arrangements, whether through existing primary care trust teams, local authorities, the NHS commissioning board, or a range of voluntary and independent sector organisations.

**Nick de Bois:** Will the Secretary of State outline the role that charities and voluntary organisations will play under GP commissioning to ensure that the needs and views of patients are at the heart of services?

**Mr Lansley:** To give my hon. Friend one example, last Friday I spoke to the Motor Neurone Disease Association, which has developed a commissioning support organisation with the Multiple Sclerosis Society and Parkinson's UK. The voluntary sector can therefore be involved directly in helping GP consortia to commission for those critical diseases more effectively. My hon. Friend might have seen what Sir Stephen Bubb, the chief executive of the Association of Chief Executives of Voluntary Organisations, said last week:

"These reforms could herald a new and dynamic relationship between local GPs and charities that both deliver good services and act as a powerful voice for patients."

**Mr Offord:** My constituents in Hendon are eager to see the improvements in health services that I believe GP commissioning will bring about. Will my right hon. Friend give examples of where GPs have had the freedoms and responsibilities that we can expect in Hendon?

**Mr Lansley:** My hon. Friend might like to speak to general practitioners in Redbridge in London who, as a pathfinder consortium, have been pioneering GP-led commissioning for 18 months. They have redesigned care for patients with diabetes and coronary artery disease, and are shifting care in ophthalmology and dermatology to primary care settings. They are demonstrating how this form of locally and clinically-led commissioning is more responsive to patients and more effective.

**Christopher Pincher:** As we shift from PCTs commissioning services to GP consortia doing so, can my right hon. Friend confirm that the important work done by pharmacies, such as providing anti-smoking clinics and the supervised consumption of drug substitutes, will not be left out in the cold?

**Mr Lansley:** My hon. Friend enables me to say that I and my colleagues entirely understand and endorse the stronger role that pharmacies can play, including by assisting with the provision of services such as minor ailments services and medicines use reviews, which will be commissioned through arrangements led by the NHS commissioning board. In addition, the services that he describes, such as stop smoking services, will be commissioned as part of the public health efforts, which will be led by local authorities through their local health improvement plans.

**Emma Reynolds (Wolverhampton North East) (Lab):** Will the Secretary of State comment on the apparent conflict between, on the one hand, a general practitioner being an advocate for their patient and taking purely clinical decisions and, on the other hand, GPs having to allocate resources in the new system? Will that conflict not lead to a breakdown of trust in the relationship between the GP and their patients?

**Mr Lansley:** I am afraid the hon. Lady sees a conflict where, to GPs, there is none. It is their responsibility—*[Interruption.]* No, their first duty is always to their patients, whose best interests they must secure. When she has an opportunity to look at the Health and Social Care Bill, which we published last week, she will see that it makes very clear the duty to improve quality and continuously to improve standards. We all know that we have to achieve that with finite resources, but we will do that much better when we let clinical leaders influence directly how those resources are used rather than letting a management bureaucracy tell them how to do it.

**Debbie Abrahams (Oldham East and Saddleworth) (Lab):** Can the Secretary of State explain why, at a time when front-line NHS staff in my constituency and elsewhere across the country are in fear of their jobs, it is proposed that the NHS commissioning board will be able to make bonus payments to a GP consortium if, to quote the Bill,

“it considers that the consortium has performed well”,

and that a GP consortium may

“distribute any payments received by it...among its members”?

Is that not the worst kind of excess? We do not want to see it in our banking system, and we certainly do not want to see it in our NHS.

**Mr Lansley:** I am glad to have the opportunity to welcome the hon. Lady to the Opposition Benches and wish her well in representing Oldham East and Saddleworth. I am sorry that she did not take the opportunity to welcome in particular the Government's commitment to the new women and children's unit at the Royal Oldham hospital.

For years, general practices have been remunerated partly through a quality and outcomes framework. The principle is that if they deliver better outcomes for patients, they should have a corresponding benefit from doing so. In the same way, if the commissioning consortia deliver improving outcomes for patients, that should be recognised in their overall reward.

**John Healey (Wentworth and Dearne) (Lab):** The Secretary of State talks a lot about GPs using £80 billion of public money to commission services, but if they are to carry on being family doctors, the planning, negotiating,

managing and monitoring of hundreds of commissioning contracts will be done not by GPs but in their name, either by the people who do it now in primary care trusts or by the big health companies that are already hard-selling the service to new GP consortia. Is he not deliberately disguising the true purpose of his changes, which is to open up all parts of the NHS to big private health care companies?

**Mr Lansley:** On the contrary, the purposes of the Bill are very clear to see—for example, the duty to improve quality and raise standards throughout the health service. I hope that the shadow Secretary of State will acknowledge that putting clinical leadership at the heart of the system is essential. I entirely understand that leadership is not the same thing as management, as do general practitioners. The Prime Minister and I will meet the first wave of pathfinder consortia tomorrow, and we will support them in taking clinical leadership in designing services for patients and bringing to bear the best management support in doing so.

**John Healey:** Why will the right hon. Gentleman not be straight with the public? I have with me the White Paper—57 pages and only three references to the market, all of them to the social market. He talks about GP commissioning, but not about the hard-line political ideology that underlines these changes. The Bill puts no limit on the use of NHS beds and staff to treat private patients, it puts no limits on big private health care companies undercutting and undermining local hospitals, and it puts at the heart of the new system an economic regulator charged not with improving services but with guaranteeing and enforcing competition. Is this NHS reorganisation not like an iceberg, with the substantial ideological bulk being kept out of the public's sight?

**Mr Lansley:** The shadow Secretary of State cannot actually criticise what we put forward in the White Paper or the Bill and is resorting to inventing something else and attacking that. Let me tell him that the one thing we will not do with the private sector is rig the market so that private companies get contracts and guaranteed money whether or not they treat patients. We are not going to give them 11% more money than the NHS would get for doing the same work. We will give NHS organisations a proper chance to deliver services for patients.

**Liz Kendall (Leicester West) (Lab):** Whatever the Secretary of State claims about his reorganisation, a King's Fund survey showed that more than three quarters of doctors do not believe that it will improve patient care, and even his Department's impact assessment on the Health and Social Care Bill says that the reorganisation risks distracting staff and making them less focused on patient care.

Will the Health Secretary now confirm that the number of patients waiting more than six weeks for their cancer test has already doubled under this Government, and that routine operations are being cancelled? Will he finally listen to the Royal College of Nursing and the British Medical Association, which have told him that his plans are

“extremely risky and potentially disastrous”

for the NHS and patient care?

**Mr Lansley:** I find it astonishing that the hon. Lady should attack the NHS because some elective operations have been cancelled. We have been through a flu outbreak and very severe weather, and that is what happens as a consequence. She should not try to make a political point out of it.

It is also astonishing that the hon. Lady gets up and says that she does not agree with our policy. On 3 December, she is quoted in *GP* news as saying that

“it is ‘absolutely right’ that GPs are ‘better involved’ in commissioning services.”

She supported it. The truth is that before the election the Labour Government instituted practice-based commissioning, introduced foundation trusts, started payment by results and said that patient choice was right. The shadow Secretary of State said just last week that

“these plans”—

our plans—

“are consistent, coherent and comprehensive”,

and indeed they are.

**Tim Farron** (Westmorland and Lonsdale) (LD): Cumbria’s current health commissioners—the PCT—chose to scrap the heart unit at Westmorland general hospital, despite medical, clinical and public opposition. Will the Secretary of State confirm that new GP fundholding arrangements allows the possibility of returning services that are clinically supportable, such as a heart unit at Westmorland general?

**Mr Lansley:** I know, not least from visiting that hospital, how strongly people in my hon. Friend’s area feel about their access to services locally. I am pleased to say that he will see in the Bill that one of the duties of the NHS commissioning board is to reduce inequalities in access to health services, and GPs can do precisely that.

**Mr Stephen Hepburn** (Jarrow) (Lab): The Secretary of State knows fine well that the British public knew nothing at the general election of his plans dramatically to dismantle and privatise the NHS. Will he give them a say now and have a referendum on the issue?

**Mr Lansley:** Since we have no plan either to dismantle or to privatise the NHS, it is no surprise that people were not told of any such plan. Before the election and in the Conservative manifesto, people were told of our determination to cut bureaucracy and get money to front-line care. They were told of the determination of both parties in the coalition to get decision making close to the front line, to enhance accountability, including democratic accountability, and to give greater responsibility to clinicians to lead the development of services.

### Cancer Survival Rates

2. **Charlie Elphicke** (Dover) (Con): What steps he plans to take to increase cancer survival rates. [35633]

10. **Graham Evans** (Weaver Vale) (Con): What assessment he has made of the effects on survival rates of his Department’s cancer strategy. [35641]

**The Minister of State, Department of Health (Paul Burstow):** We published “Improving Outcomes: A Strategy for Cancer” on 12 January, which sets out a range of actions to improve cancer outcomes, including diagnosing cancer earlier, helping people to live healthier lives to reduce preventable cancers, screening more people, introducing new screening programmes, and ensuring that all patients have access to the best possible treatment, care and support. Through those approaches, we aim to save at least an additional 5,000 lives every year by 2014-15.

**Charlie Elphicke:** May I raise the case of my constituent, Suzanne Lloyd, who was diagnosed with breast cancer a decade ago? She was told that she had two years to live, but has successfully battled cancer for the last decade. The problem is that she has also been battling health chiefs to give her the drugs that she needs to extend her life. Will the Minister tell the House about measures to increase longevity through greater drug access?

**Paul Burstow:** Just last year the national clinical director published a report on the extent and causes of international variations in drug usage, which revealed that the UK tends to lag behind other countries in its use of newer cancer drugs. That is one reason why we have introduced the interim cancer drugs fund of £50 million in this current year and will introduce the full fund of £200 million from this April. That will help my hon. Friend’s constituent.

**Graham Evans:** What steps is my hon. Friend taking to ensure that all GP consortia will have access to the expertise they need to commission cancer services effectively?

**Paul Burstow:** The national cancer director will work with pathfinder GP consortia on commissioning cancer services, and that work will be fed into a cancer commissioning support pack that will be developed to support GP commissioners in discharging their functions effectively. Cancer networks will also be well placed to support GP consortia in that activity.

**Mr David Blunkett** (Sheffield, Brightside and Hillsborough) (Lab): We all agree that properly evaluated, appropriately prescribed drugs make a big difference to survival, which is why patients welcome what was described as the additional special fund, of which Ministers made mention this afternoon, of £200 million for the coming two years. Why is it, therefore, that the budget for Sheffield has been top-sliced for next year to the tune of £1.5 million to pay towards this £200 million, which was supposed to be additional—to add to and not subtract from—what was available through GP commissioning?

**Paul Burstow:** The NHS has real-terms increases in its resources, and those resources are going into the programme that we outlined in our outcome strategy. Three quarters of a billion pounds will be going into that programme to deliver improvements in cancer services and the £200 million, being extra, will go into improving cancer services. That is the commitment that the Government have made and that is the investment that we will make.

**Emily Thornberry** (Islington South and Finsbury) (Lab): Is the Minister listening when Macmillan warns that the proposed changes to the NHS risk us losing expertise in the cancer networks? If that happens, Macmillan says that

“cancer treatment will get worse...some treatments could even collapse in parts of the country...more patients could die earlier”.

As the Minister in charge of cancer services, should not he be on the side of cancer patients, not backing his boss's reckless reforms?

**Paul Burstow:** The last comment was pretty cheap, and no Government Member has suggested that the future of the cancer networks is in doubt. Indeed, in the coming financial year, the funding is secure. As we move to the new arrangements, it will be for the NHS commissioning board to decide the appropriate arrangements for commissioning in the future. We are clear that the expertise of those groups could, should and will continue to be used to support commissioning in the future.

### Social and Health Care

4. **Annette Brooke** (Mid Dorset and North Poole) (LD): What steps he is taking to improve co-ordination of social care and health care for the benefit of patients. [35635]

**The Minister of State, Department of Health (Paul Burstow):** We have set out in the White Paper "Equity and Excellence: Liberating the NHS" and the Health and Social Care Bill how we will deliver the coalition programme for Government commitment to promote greater integrated working. This includes local authorities taking the lead role in the future in joining up local NHS services, social care and health improvement via council-led health and well-being boards.

**Annette Brooke:** Can my hon. Friend assure me that there will be a joined-up approach when addressing patients' interests and complaints when they straddle social care? Perhaps a single point of contact for a complaint would be a good step forward from what we have now.

**Paul Burstow:** My hon. Friend is right to draw attention to the need to integrate not only the way in which we deliver and plan services, but the way in which we manage complaints. That is why the Government have included in the Bill our proposals for the establishment of local healthwatch and healthwatch England. Local healthwatch will have the ability to deal with complaints and also have the capacity to refer concerns about services to the Care Quality Commission so that it can take the necessary steps to investigate. In that way, we will deliver a more integrated system for dealing with such complaints.

**Mr Barry Sheerman** (Huddersfield) (Lab/Co-op): Is the Minister aware that most of us are in favour of much better co-ordination of these services, but we worry about the backdrop of the reforms? In Yorkshire, some doctors are saying, "Come on, guys, this is a bonanza and we will all be California-style millionaires under these reforms." What sort of a backdrop is that for health care reforms and better co-ordination of services?

**Paul Burstow:** The backdrop that the hon. Gentleman has just painted is a rather thin one. In fact, it does not exist at all. The Government set out in the Bill we published last week that there will be clear responsibilities on GP commissioning consortia, working in partnership

with their colleagues in local government, to commission services in ways that will improve quality of life for people in his constituency, my constituency and the constituencies of all hon. Members.

**Mr Stephen Dorrell** (Charnwood) (Con): Does my hon. Friend agree that improved co-ordination between health and social care is fundamental to the delivery of the efficiency challenge faced by the health service and social services? Does he further agree that the £1 billion provided by the health service to reinforce that relationship is an important step taken by the Government to reinforce that interface? Can he assure the House that, as we move into the new world, the existing arrangements for good practice across that interface will be preserved?

**Mr Speaker:** Order. I know that three questions will attract one answer from the Minister.

**Paul Burstow:** The answer to all those questions is yes. The right hon. Gentleman is right to draw attention to the additional money going into social care via the NHS. It is intended to kick-start the collaborative working that was often so absent under the previous Administration.

**Dame Anne Begg** (Aberdeen South) (Lab): The care that someone gets can be defined as either "social care" or "health care", and that can determine the benefits to which an individual is entitled. With that in mind, what conversations has the Minister had with the Minister with responsibility for disabled people about the Government's proposal to withdraw mobility disability living allowance from those staying in residential care?

**Paul Burstow:** I and the Minister responsible for disability issues in the Department for Work and Pensions meet regularly. In fact, a further meeting on this and other matters is coming up shortly.

### Alcohol Misuse (Young People)

5. **Fiona Bruce** (Congleton) (Con): What recent steps he has taken to reduce levels of alcohol misuse among young people. [35636]

**The Parliamentary Under-Secretary of State for Health (Anne Milton):** The public health White Paper, "Healthy Lives, Healthy People", sets out how society can harness the efforts of individuals, families, local and national Government, and the private, voluntary and community sectors to take better care of our children's health and development.

**Fiona Bruce:** I thank the Minister for that reply. Hon. Members will be aware of the recent publicity given to vodka eye-balling, which is a dangerous practice. Members of the ArcAngel volunteer team in my constituency are going into schools seeking to alert young people to this and other dangers of binge drinking and excessive alcohol abuse. What support can the Minister offer to ensure that we can eradicate, in particular, the dangerous practice of vodka eye-balling?

**Anne Milton:** I thank my hon. Friend for her question, particularly in highlighting this extraordinary practice. I have to say, it was news to me. I congratulate the efforts of that local organisation on highlighting this

sort of issue with school children. There is no doubt that vodka eye-balling can cause damage to the surface of the eye, ulceration and scarring. Although it has got some publicity, however, a lot of young people are likely to be drunk in the first place when they do it, so the effects are probably overestimated.

**Mr Kevin Barron** (Rother Valley) (Lab): Did the Minister hear the report on Radio 4 this morning that in the past decade there has been a 50% increase in the number of young people in their 30s being admitted to hospital with alcohol-related liver disease? Does she think that we ought to be looking at how alcohol is promoted and advertised around young people?

**Anne Milton:** I thank the right hon. Gentleman for his question. I heard the report, and I think that it made particular reference to the worrying trend among young women as well. There is no doubt that our public health White Paper is timely. We need to do something about this. It is important to remember that no one tool will fix this problem; we need to take a wide variety of measures and alter, in particular, young people's relationship with alcohol. However, we will not do that until we get a proper strategy out there.

**Simon Hughes** (Bermondsey and Old Southwark) (LD): Do Ministers clearly understand that the price of alcohol is a relevant consideration? Will they look at whether we can get relatively cheaper prices for soft and sports drinks? They are a viable alternative for many young people, but the price is often double that for alcohol.

**Anne Milton:** I thank the right hon. Gentleman for his question. There is no doubt that price is one of the tools to which I referred. However, we need to take a huge number of actions. Reforming the Licensing Act 2003 via the Police Reform and Social Responsibility Bill will bring in a number of measures—for instance, doubling the fines for under-age alcohol sales to £20,000 and giving councils and the police the power to shut permanently shops or bars that persistently sell alcohol to children. That is one other way. Also, the Bill will make local health bosses responsible authorities for licensing decisions. That is an important shift and demonstrates the fact that this is everybody's problem—no one public body can cure this on its own.

### NHS Reorganisation

7. **Alison McGovern** (Wirral South) (Lab): What recent representations he has received on his plans for the internal reorganisation of the NHS; and if he will make a statement. [35638]

17. **Bridget Phillipson** (Houghton and Sunderland South) (Lab): What recent representations he has received on his plans for the internal reorganisation of the NHS; and if he will make a statement. [35648]

**The Minister of State, Department of Health (Mr Simon Burns):** The Government received more than 6,000 responses to the NHS White Paper consultations. As a result, we have strengthened both our approach to

implementation and our proposals in the Health and Social Care Bill, which was introduced in Parliament last week.

**Alison McGovern:** The Government have embarked on a reorganisation of our health service that involves altering the commissioning process, handing responsibility to those with less experience of contracting, and at the same time unleashing the market, allowing a whole load of new providers in. What risks does the Minister see might be associated with that approach?

**Mr Burns:** The risk is that if we do not go ahead with these reforms, which are crucial to raising standards and improving outcomes, patient care, survival rates and treatment, we will be doing a grave disservice to the people of this country.

**Bridget Phillipson:** Last week, north-east regional board members of the British Medical Association made it abundantly clear to me and other north-east colleagues that they have serious concerns about the Government's plans and that they risk patient care. How is it that the Minister is right and they are wrong?

**Mr Burns:** Because I am afraid that the hon. Lady has not read the whole document, in this case from the BMA, or those from other organisations. What many say, including the BMA, on many of the proposals is that they are supportive of them, but naturally the hon. Lady and others cherry-pick those parts that suit their arguments.

**Patrick Mercer** (Newark) (Con): The Minister will be only too aware of the worries of my constituents in Newark about the future of the hospital. Will he assure me that the internal reorganisation of the NHS will run in parallel with and improve the delivery of the Newark health care review, rather than the contrary?

**Mr Burns:** Yes, and let me reassure my hon. Friend—because last summer I had the pleasure of joining him to visit what is an excellent hospital for the people of Newark—that under our reforms, given the commissioning powers of the GP consortia in the area, they will be able to help strengthen and tailor the health care that the hospital delivers, ensuring that it meets the needs of the people of Newark.

**Mr Edward Timpson** (Crewe and Nantwich) (Con): How does my hon. Friend envisage the commissioning of ambulance services under the new GP commissioning regime?

**Mr Burns:** Ambulance services will be commissioned through the GP consortia at the local level. What I envisage—this is not prescriptive from the Department of Health, but what I think will develop—is that, just as ambulance services are currently commissioned for geographical areas in England through one PCT, the consortia will appoint lead consortia to commission the services for that area.

**Ms Diane Abbott** (Hackney North and Stoke Newington) (Lab): Does the Minister agree with the representations of the Select Committee on Health, chaired by the hon. Member for Charnwood (Mr Dorrell), when it said that it was “surprised by the change of approach between the Coalition Programme”

in May

“and the White Paper”

in July? The Committee continued:

“The White Paper proposes a disruptive reorganisation of the institutional structure of the NHS which was subject to little prior discussion and not foreshadowed in the Coalition Programme.”

If he cannot convince his hon. Friend the Member for Charnwood, how is he going to convince the rest of us?

**Mr Burns:** Let me begin by congratulating my, in fact, right hon. Friend the Member for Charnwood on the report that his Committee produced. The Government will give a full response to it in due course, as is usual. What I would tell the hon. Lady is that what happened in the Bill and the White Paper was what we and our coalition colleagues, the Liberal Democrats, had outlined in our election manifestos, which—*[Interruption.]* Hon. Members may say that, but I suggest that they look at pages 45 to 47 of the Conservative manifesto, which probably very few of them have bothered to do. GP commissioning, along with “any willing provider” et al, are there, and if one looks at the Liberal Democrat one—*[Interruption.]*

**Mr Speaker:** Order. The Minister’s answer must be heard.

**Mr Burns:** I am extremely grateful, Mr Speaker.

If we look at the Liberal Democrat manifesto, we can see that it also contains proposals for the abolition of strategic health authorities. The hon. Member for Hackney North and Stoke Newington (Ms Abbott) has alluded to the abolition of PCTs, and the reason for their abolition is that, when we have given the commissioning to GP consortia and the public health responsibilities to local authorities, there will be no job for the PCTs to do. Why keep them? There will be £5 billion savings during this Parliament that can be reinvested in front-line services.

### Video Link Consultations (Prisons)

9. **Philip Davies** (Shipley) (Con): What assessment he has made of the effectiveness of video link medical consultations in prisons. [35640]

**The Minister of State, Department of Health (Paul Burstow):** The Department has made no assessment. PCTs and prison partnerships may consider using telemedicine as an alternative to hospital appointments for offenders, after considering any security issues and the benefits for improved health care. Decisions about treatments for offenders, including video link consultations, are made by local commissioners.

**Philip Davies:** Red Embedded Design, an SME technology company in my constituency, is working in partnership with Airedale NHS Foundation Trust to enable video link medical consultations to take place in prisons. May I suggest that the Minister look closely at this scheme, which has been rolled out in a number of prisons? He will see the cost benefits and the lack of risk of absconding involved. Will he encourage other PCTs around the country to introduce the system in their prisons?

**Paul Burstow:** As part of a wider programme, a demonstrator project looking at telemedicine and telecare, we are looking at a possible roll-out of such approaches. In regard to the specific case of the Airedale NHS Foundation Trust, I would be only too happy to look further at the details and the benefits that have arisen.

**Mr Denis MacShane** (Rotherham) (Lab): Telemedicine is obviously a help, but nothing beats talking to a real human being about our medical problems. Would the ministerial team consider copying the Conservative-Liberal Government in Sweden, who have banned from all public agencies, including health agencies, automatic answering machines—the kind that tell us to “Press 1”, “Press 2” or “Press 3”? Instead, people calling those agencies have to speak to a real live Swede in Sweden. Would not that be a good step forward for our health service?

**Paul Burstow:** The right hon. Gentleman has found a cunning way of getting in a point that does not directly relate to the question. He makes a very fair point, however. It is important that people should feel confident that, when they pick up the phone and make a call, they can speak to a person. Telemedicine can provide that route as well, through allowing people to get a diagnosis and treatment, as well as access to the appropriate support at the right time.

### BCG Vaccine

12. **Nic Dakin** (Scunthorpe) (Lab): If he will take steps to increase the availability of the BCG vaccine for children. [35643]

**The Parliamentary Under-Secretary of State for Health (Anne Milton):** I should point out to the hon. Gentleman that there are no problems with the availability of the BCG vaccine. I am also aware that he takes a personal interest in this subject because of his local experience. I am confident that those most at risk of contracting tuberculosis are being offered the BCG vaccination as part of a targeted national programme.

**Nic Dakin:** Does the Minister not think that it is time to widen that targeted national programme? Tuberculosis is an airborne infection, and it covers a broader area than the areas that are being focused on at the moment. Would not the widening of the programme improve protection?

**Anne Milton:** Yes, I would just like to point out to the hon. Gentleman that TB has changed from being a disease of the whole population to one that affects high-risk groups. In fact, the Joint Committee on Immunisation and Vaccination looked at this in 2005 and reaffirmed it in 2009. We are confident that this targeted approach is the best way of addressing the problem.

### NHS Waiting Times

13. **Mr Ben Bradshaw** (Exeter) (Lab): What assessment he has made of the likely effects on waiting times of his proposed reorganisation of the NHS. [35644]



**The Minister of State, Department of Health (Mr Simon Burns):** The proposed changes will focus the NHS on quality and the results that matter to patients—such as how successful their treatment was—and not just on bureaucratic processes such as waiting time targets. Waiting times are important to patients, along with the quality of their experience and outcomes, which will drive improvements in the future.

**Mr Bradshaw:** Well, what a revelation! I think that the Minister will find that the public do care about waiting times. Will he confirm that waiting times are already going up, that more people are already waiting more than 18 weeks—the maximum that we achieved when we were in government—and that the performance of accident and emergency departments has deteriorated since he watered down our A and E targets?

**Mr Burns:** I think that the right hon. Gentleman either did not hear my earlier remarks or had penned his question prior to hearing them. What I said was that waiting times are important to patients—and if he looks at the record tomorrow, he will see that. May I also explain to him that the average median time for the latest month available—November—shows patients completing a referral to treatment pathway in about 8.3 weeks? The right hon. Gentleman's comments on A and E are just factually wrong and somewhat cheap.

**Mr John Baron (Basildon and Billericay) (Con):** There are concerns that some of the expertise of cancer networks might be lost because of the funding gap between the end of the Government's funding for the networks and the transition to full GP commissioning. Will the Government consider bridging this gap, at least until GP consortia are fully up and running—and therefore better able to make informed decisions about the commissioning of cancer network services?

**Mr Burns:** I am grateful to my hon. Friend in view of the considerable interest he takes and work he does in this field of health care. Let me reassure him that we have guaranteed the funding for next year, so it can work itself out to a successful conclusion thereafter through the cancer networks in the commissioning plans.

**Derek Twigg (Halton) (Lab):** Under Labour, hospital waiting times were at a record low and satisfaction with the NHS in its current form was at a record high. Over the last few months, however—no matter how much the Secretary of State does not like it—we have seen more and more operations cancelled or postponed at our hospitals. A number of nurses in my constituency have written to tell me that they are short staffed. One of them pointed out that “those who have left are not being replaced”.

Is that not the true picture of what is going on in the NHS at the moment? If the Minister is confident in his Secretary of State's plans for the NHS, will he guarantee that under those plans, hospital waiting times will not rise—or is he going to duck the question like the Prime Minister did last week?

**Mr Burns:** Under these reforms, by concentrating on raising quality and outcomes, we will give improved quality health care for patients. What I can guarantee is

that under these reforms, when implemented, people will not only get improved quality treatment but will see times based on clinical decisions rather than being distorted by political processes.

### Elective Treatments

14. **Fiona Mactaggart (Slough) (Lab):** What recent discussions he has had with primary care trusts on their policies on halting elective treatments in cases where such treatment has been demonstrated to be effective. [35645]

**The Minister of State, Department of Health (Mr Simon Burns):** Strategic health authorities have recently been reminded of the statutory commissioning responsibilities of their primary care trusts in this area, and the need to base commissioning decisions on clinical evidence and discussions with local GP commissioners, secondary care clinicians and providers.

**Fiona Mactaggart:** What is the Minister's response to the trusts that have been saving money by halting procedures such as hip and knee replacements, hernias and hysterectomies, which have proved to be clinically effective? My constituent, John Deas, has just lost the care of the nurse practitioner who has managed his prostate cancer over some years and has been referred to a GP who will not see him. As the president of the Royal College of Surgeons said that the immediate need to

“save money by going for the soft targets of elective surgery will leave a lot of people with unpleasant symptoms and build up future health problems. Medically that makes no sense.”

Does it make any sense governmentally?

**Mr Burns:** I am sorry to hear about the example that the hon. Lady mentioned; if she would like to write to me with the details, I would be more than happy to look into it. PCTs have a continuing responsibility to provide clinical treatment for their patients. Obviously, once the PCTs cease to exist, that will happen through the GP consortia and the national commissioning board. There is also a legal right in the NHS constitution for patients to be treated when they need to be.

**Mr Stewart Jackson (Peterborough) (Con):** A number of patient groups across the country are concerned about the future of in vitro fertilisation treatments, particularly when many PCTs downgraded it and put it on a par with things like tattoo removal and cosmetic surgery. Will the Minister confirm that, in future, IVF treatments will fall under the remit of the NHS commissioning board?

**Mr Burns:** Let me reassure my hon. Friend on IVF. PCT commissioners should have regard to the National Institute for Health and Clinical Excellence guidelines for fertility treatment, including to the recommendation that up to three cycles of IVF treatment are offered to eligible couples. To reinforce this, in November last year, the NHS operations board reminded PCTs, through the SHAs, of that responsibility. Indeed, Mr David Flory of the Department of Health has in the last month or so written to PCTs to remind them of their responsibilities.

### Medical Aids

15. **Andrew Selous** (South West Bedfordshire) (Con): What recent estimate he has made of the monetary value of medical aids issued to patients by hospitals and not returned in the latest period for which figures are available. [35646]

**The Parliamentary Under-Secretary of State for Health (Anne Milton)**: As my hon. Friend knows, NHS patients are provided with NHS aids free of charge and requested to return them when they are no longer required. Obviously the cost of recovery must be weighed against the cost of the items being lent, but it is the responsibility of the local NHS to monitor the position and arrange for the recovery of medical aids when that is safe and cost-effective.

**Andrew Selous**: For many years the experience of my constituents, and indeed my own family, has been that hospitals often provide patients with, for example, crutches, without ever asking for them back. I accept that this is a matter for the management of local hospitals, but does my hon. Friend agree that the Department has an interest in ensuring value for taxpayers' money, and that the medical aids involved could be used by other patients who need them?

**Anne Milton**: I agree. One always hopes that people will act responsibly, and that they or their families will return medical aids. My hon. Friend may know that Bedford hospital has organised a scheme for the collection of aids, and that a number of voluntary organisations are also involved. However, the cost of collection and decontamination or cleansing is sometimes greater than the cost of the equipment itself. Crutches, for instance, cost between £11 and £20. Such is life today.

### Topical Questions

T1. [35657] **David Rutley** (Macclesfield) (Con): If he will make a statement on his departmental responsibilities.

**The Secretary of State for Health (Mr Andrew Lansley)**: My responsibility is to lead the national health service in delivering improved health outcomes in England, to lead a public health service which improves the health of the nation and reduces health inequalities, and to lead the reform of adult social care which supports and protects vulnerable people.

**David Rutley**: Cheshire East council is working closely with local health care partners in my constituency to tackle the growing challenge of alcohol abuse, which not only causes serious illness and injury but costs our local primary care trust £34 million a year. Does my right hon. Friend agree that that is the right way in which to tackle this growing problem, and will a member of his ministerial team meet me, along with representatives of the council, to help secure the best possible outcomes in Macclesfield?

**Mr Lansley**: Of course we will support the efforts of my hon. Friend and his local council to tackle alcohol abuse. He will have heard what was said earlier by the Under-Secretary of State for Health, my hon. Friend the Member for Guildford (Anne Milton), which I entirely endorse.

Local authorities and their communities should have a greater say in what happens in their areas. We will enable them to do so, through the Health and Social Care Bill, the establishment of local health improvement plans, and—as my hon. Friend the Under-Secretary said—the alcohol strategy that we will introduce following the public health White Paper later in the year.

T3. [35659] **Ian Lavery** (Wansbeck) (Lab): Does the Secretary of State envisage a time when GP consortia may be purchased by foreign companies, and operated and administered thousands of miles away across the globe?

**Mr Lansley**: No, I do not. I am glad that the hon. Gentleman has asked that question, because I think that there is a world of difference between the question of the exercising of clinical leadership by general practices as members of a consortium in an area and the question of from whom they derive management support. I believe that many will derive it from existing PCT teams, the voluntary sector and local authorities. Sometimes the independent sector will be involved, but it is a question of the consortium choosing where to go rather than being taken over.

T2. [35658] **Margot James** (Stourbridge) (Con): Some care homes that have received critical reports from the Care Quality Commission are reopening under the same management but with different names. The CQC's practice is to remove earlier poor reports from its website, leaving potential customers in the dark about the poor record of those homes. Will the Minister remind the CQC of its responsibility to highlight poor practice in care homes, and request that it change its practice?

**The Minister of State, Department of Health (Paul Burstow)**: I will certainly ensure that the CQC understands that that is a matter of concern. When it discharges home owners and deregisters them, after receiving an application for a fresh registration, it conducts a thorough appraisal and assessment of their fitness to provide the service. The new owner of a home may well have done a great deal of work in improving the quality of training given to staff, but I agree that it ought to be possible for people to look at the CQC's website and see reports on the quality of the previous provider so that they can assess that as well.

T5. [35661] **Paul Blomfield** (Sheffield Central) (Lab): A year ago, writing in *The Sun*, the Prime Minister made a firm and passionate pledge to increase the number of midwives by 3,000. Last week, the chief executive of the NHS told the Public Accounts Committee that the NHS is now short by 4,500 midwives. Will the Secretary of State tell the House when he intends to implement plans to honour the Prime Minister's pledge—or can we take it that it is just another Conservative broken promise on the NHS?

**Mr Lansley**: Well, I do not wish to embarrass the chief executive of the NHS, but actually, he told me he made an error—he was referring to health visitors, not midwives, when he was talking to the Public Accounts Committee. We are short of health visitors precisely because, through the life of the last Government, the number was continuously going down, and we are

going to recruit more. Actually, we share the last Labour Government's commitment to increase the number of midwives, not least because of the increase in the number of births, and to do so in pace with that. As a consequence, in conversations that the Under-Secretary of State for Health, my hon. Friend the Member for Guildford (Anne Milton), and I have had with the Royal College of Midwives, we have made it clear that we will do all we possibly can. We already have more midwives in training than at any other time in our history.

T4. [35660] **John Stevenson** (Carlisle) (Con): As Ministers are aware, GPs in north Cumbria are supportive of GP commissioning and are already working hard for its success. However, given the rural nature of the area, what support will be given to the local hospitals to ensure that they can provide secondary health care within the new regime, when they have to accommodate the additional costs of providing health care in a rural environment?

**Mr Lansley:** Yes, I entirely endorse what my hon. Friend says about GPs in Cumbria. They are indeed very forward-looking and show that, even under the last Government, practice-based commissioning was demonstrating its benefits, and we are building on that. I mentioned earlier the duty in the Health and Social Care Bill on the NHS commissioning board to reduce inequalities in access to health care. That will be important for rural areas. The pricing arrangements, led by the commissioning board and Monitor, must also take into account varying costs associated with the delivery of care in different localities.

T8. [35664] **Mr Tom Harris** (Glasgow South) (Lab): If the Government will not even trust GPs with the responsibility of ordering flu vaccine, how on earth can they trust them with commissioning the care and treatment of cancer victims?

**Mr Lansley:** Of course, it was the last Government who agreed the arrangements with GPs. It was the last Government who, in 2007, undertook a flu review when central procurement of flu vaccine was recommended, but did nothing about it. The public health responsibility is distinct from the commissioning responsibility for health care of patients. We will look at, and we have still to make a decision about, how we procure flu vaccine in future years. We may do it through central procurement or through continuing GP procurement; but either way, we will make sure that we improve on the system we inherited.

T6. [35662] **David T. C. Davies** (Monmouth) (Con): Can the Minister tell us how much money is spent each year on disposable surgical instruments, and whether any thought has been given to greater use of properly sterilised reusable instruments?

**The Minister of State, Department of Health (Mr Simon Burns):** The straightforward answer to my hon. Friend's question is, £18 million per annum. The decision to use single-use instruments as opposed to reusable ones is based on many complex clinical factors. For this reason, these decisions are left for the determination of local trusts on the basis of safety, quality and value for money.

T9. [35665] **Grahame M. Morris** (Easington) (Lab): May I ask the Secretary of State directly about leaked documents seen by *The Northern Echo*? They show that a £53 million NHS contract to provide health care services to the prison service in the north-east was awarded to a private company, Care UK, even though the NHS provider was marked higher on quality, delivery and risk. Care UK beat the NHS provider only on price. Is this confirmation of the Minister of State's remarks on *Newsnight*, that this Bill will create a full market and full competition?

**Mr Lansley:** The hon. Gentleman is asking about arrangements that we have inherited from his Government; they are from before the election and are nothing to do with the White Paper or the Bill. The contract to which he refers was let by the North East Offender Health Commissioning Unit. This was its procurement decision and it states that a competitive, robust and transparent process was followed. This was not a decision taken or influenced by the Department of Health.

T7. [35663] **Karen Lumley** (Redditch) (Con): In support of national obesity fortnight, which is currently running, I wish to raise awareness of this serious condition, which causes numerous deaths and other serious health conditions. Redditch has high levels of obesity compared with the average in England. NHS Worcestershire is doing a fantastic job, but what more can the Government do to ensure that the NHS will not be overly burdened with increasing obesity problems?

**The Parliamentary Under-Secretary of State for Health (Anne Milton):** I thank my hon. Friend for raising this issue, and I know that her local council is running a number of schemes. As she knows, we have published a White Paper on public health, "Healthy Lives, Healthy People". In the spring, we will publish a document on reducing obesity, and we will set out how this will be tackled in the new public health systems and in the NHS. It is important to remember that at this time of year a number of people go on diets and try to lose weight and get fit, and I urge them all to carry on, including Members of this House.

**Alun Michael** (Cardiff South and Penarth) (Lab/Co-op): Does the Minister accept that during times of illness people often experience associated problems, for example, difficulties with employment and housing, and personal problems, with which they can be helped by the information available through StartHere? Will he ensure that his Department and others treat StartHere as essential to the provision of high-level public service?

**Mr Burns:** I am very grateful to the right hon. Gentleman for that question because, as he is aware from meetings that we have had, we have been supporting StartHere through NHS Choices. We are now reviewing the benefits of this joint working, and that will help us to understand potential contributions to savings to improve the information flow to those who may be excluded from the use of the internet. He may be interested to learn that I have today written to Ms Hamilton-Fairley, outlining where we are at the moment. I am anxious to resolve this as soon as possible, once the review has been completed.

T10. [35666] **Mr Steve Brine** (Winchester) (Con): What does the Minister think is the likelihood of the pathfinder consortia examining commissioning arrangements for neurological conditions? This is particularly important, because conditions such as Parkinson's are not familiar to many general practitioners, and commissioning arrangements for these complex conditions are tricky, so they need specialist knowledge. They need to be getting expert support and advice, including from patients and third sector groups.

**Paul Burstow:** The hon. Gentleman makes some important points about how the new system provides the opportunity to access a range of new resources to develop the way in which commissioning is provided for people with neurological conditions. Not the least of these are the way in which the Neurological Alliance is working to provide a new structure for its way of operating at the local level to offer commissioning support and, from the Department, how the neurological commissioning support group will be able to work with early implementers of the health and well-being boards and pathfinder GP consortia to provide them with the necessary support to develop their capability in this area.

**Luciana Berger** (Liverpool, Wavertree) (Lab/Co-op): The Minister of State referred earlier to Labour Members cherry-picking quotes, but I do not believe that Laurence Buckman, chair of the British Medical Association's GP committee, was mincing his words when today he described the Government's reorganisation plans as "fatally flawed", warning that they

"would see the poor, elderly, infirm and terminally ill in large parts of the country losing out".

Why does the Secretary of State believe that he knows better than Dr Buckman?

**Mr Lansley:** I do not recall the BMA ever agreeing with the previous Government. Let me provide one quote to the hon. Lady:

"The general aims of reform are sound—greater role for clinicians in commissioning care, more involvement of patients, less bureaucracy and greater priority on improving health outcomes—and are common ground between patients, health professions and political parties."

The shadow Secretary of State said that last week.

**Duncan Hames** (Chippenham) (LD): The NHS Litigation Authority has presented NHS Wiltshire with a bill for more than £3.5 million in clinical negligence scheme payments this year. Nationally, among closed claims, legal fees made up more than a third of costs last year. How does the Minister propose to switch this expenditure away from lawyers and towards front-line health services?

**Mr Lansley:** I wish, first, to say two things, but there may be further to add. First, my right hon. and learned Friend the Secretary of State for Justice is working on the implementation of the Jackson review. That, in itself, will help considerably in reducing the extent to which these costs are consumed in legal fees, rather than proper compensation for clinical negligence. As we made clear in response to Lord Young's report, we will also pursue the question of whether we can have a fact-finding phase following up a claim against the national health

service, so as to mitigate what is otherwise considerable additional cost on conditional fee arrangements and getting expert witnesses.

**Mr Dennis Skinner** (Bolsover) (Lab): Why is it that the Secretary of State does not compliment the Labour Government on providing £110 billion, starting with £33 billion in 1997? Is it not a fact that waiting times have fallen as a result of the nurses, the doctors and that money? Is he frightened to utter the words because in 2001 every single Tory MP marched through the Lobby not to give the money to the national health service?

**Mr Lansley:** Let me remind the hon. Gentleman that at the general election we just fought we were the party that was committed to increased resources for the national health service. We are the coalition Government who, over this Parliament, will increase resources for the national health service by £10.7 billion, even in the face of the deficit we inherited from Labour. The hon. Gentleman's party's response was to tell us that we should cut the NHS, and we are not going to do it.

**David Tredinnick** (Bosworth) (Con): Will my right hon. Friend the Secretary of State please explain why it is taking so long for him to come to the House about the regulation of herbal medicine? He has to do that before April to comply with European legislation. What is the hold-up?

**Anne Milton:** I thank my hon. Friend for his question and I know that he has a keen interest in this subject. I share his frustration that the previous Government spent a long time not doing anything about it. The Medicines and Healthcare products Regulatory Agency has identified the possibility of creating a national regulatory scheme, allowing authorised herbal practitioners to continue to commission unlicensed manufactured herbal medicines after 30 April. We are in discussions with the devolved Administrations, the Health Professions Council and the Complementary and Natural Healthcare Council about the feasibility of a statutory register. As I say, I share my hon. Friend's frustration but we will make proposals shortly.

**Dr William McCrea** (South Antrim) (DUP): Specialists in the field state that the figures that point to a more than 50% rise in young drinkers ending up in hospital are a gross underestimate of the serious problem. What further steps can the Department and the Government take to address this important problem?

**Mr Lansley:** As the hon. Gentleman will recall from earlier exchanges, it is absolutely right that we must have a series of measures to tackle alcohol abuse. Price is part of it, as is the enforcement of legislation. Community alcohol partnerships have been very promising. We must have better alcohol education, and I spoke at the first annual conference of Drinkaware yesterday, encouraging it in the work that it does. We must understand that we have to change people's behaviour and that the damage that can be done is intense. As a consequence of chronic alcohol abuse, large numbers of people are coming in and out of intensive care units, presenting an enormous burden to the health service as well as doing great damage to themselves.

**Gordon Birtwistle** (Burnley) (LD): The College of Emergency Medicine recently stated that if a hospital A and E unit is to be downgraded to an urgent care centre, the nearest A and E unit should be no more than 12 miles away. Will the Secretary of State revisit the cases of A and E units that were recently downgraded by the previous Government to urgent care centres when the nearest A and E unit is more than 12 miles away?

**Mr Lansley:** Yes. My hon. Friend makes a very important point. I promise I will discuss with John Heyworth of the College of Emergency Medicine precisely the point that my hon. Friend has raised. The College of Emergency Medicine says that it does not recognise what an urgent care centre is. From its point of view, hospitals should either have an emergency department or an A and E or they should not. If they do not, it is very important to be clear that they do not. I feel that we need to be much clearer about the nature of the service provided in A and E departments and the distinction between that and the service provided in minor injury or minor illness centres.

**David Wright** (Telford) (Lab): Do not the reorganisation plans for the NHS, coupled with cuts to local authority budgets, mean that public health projects in this country will effectively be binned?

**Mr Lansley:** No, they will not. We are making very clear our determination to ring-fence public health budgets so that prevention does not suffer, as it did under the hon. Gentleman's Government. In 2005-06, the first things to disappear as a consequence of financial pressures were the public health budgets and public health staffing. We will not allow that to happen.

**Zac Goldsmith** (Richmond Park) (Con): I welcome the Government's commitment to ending mixed-sex wards, but does the Secretary of State agree that it is both unnecessary and extreme to extend that policy to children's wards and to enforce it with the threat of fines?

**Mr Lansley:** I entirely understand my hon. Friend's point, and the rules we have set out for the NHS are very clear. We are also clear that we will ensure, through the NHS, that people have access to the privacy and dignity they have a right to expect, contrary to what the hon. Member for Leicester West (Liz Kendall) has said. She said that as long as they get the treatment through the NHS, it does not matter whether they are in mixed-sex accommodation, but that is not our policy. It does matter, and we will enforce it.

## Points of Order

3.35 pm

**Mr Ivan Lewis** (Bury South) (Lab): On a point of order, Mr Speaker. I seek your guidance. The Secretary of State for Culture, Olympics, Media and Sport has today made an announcement of grave importance for the future of media in this country. Despite a clear recommendation from Ofcom and the Secretary of State's admission that he has been unable to reach agreement with News Corp on adequate remedies, he has failed to do the right thing and refer the bid to the Competition Commission. This follows the shambles of the Business Secretary's prejudicial conduct and doubts about the impartiality of the Secretary of State and the Prime Minister. Surely the Secretary of State should come to the House and justify his actions.

**Mr Speaker:** I am grateful to the shadow Secretary of State for giving me notice of his intention to raise a point of order. As he knows, there is a written ministerial statement today on this subject. I have not received any notice of an oral statement at this stage. What he has said will have been heard on the Treasury Bench and I trust that when the Minister has anything more to say, he will do so to the House at the first opportunity.

**Grahame M. Morris** (Easington) (Lab): On a point of order, Mr Speaker, I wonder whether you would give the House your guidance. A few months ago, in topical Health questions, I asked the Secretary of State about a £53 million NHS contract that was awarded to a private health care company called Care UK. I have already written to the Cabinet Secretary about the apparent conflict of interest in relation to companies such as this and donations to the Conservative party, but I seek your advice on whether it would be more appropriate, in the interests of openness and for the benefit of people watching, if Ministers declared their interest when right hon. and hon. Members raised these issues in the Chamber.

**Mr Speaker:** There are very clear rules on these matters, which it is the responsibility of every Member of the House, including Ministers, to observe. I must say to the hon. Gentleman, in all gentleness but helpfully, I hope, that that is not a matter for the Chair. Some might think that he is continuing or starting a debate, which is not a matter for a point of order.

**Ian Paisley** (North Antrim) (DUP): On a point of order, Mr Speaker. Can you confirm that you have received a letter from the hon. Member for Belfast West (Mr Adams) indicating his resignation from the House? Can you indicate that he will not be allowed to breach any of the constitutional requirements that he, like any other Member, must receive office under the Crown before he can leave the House? If that is the case, can you indicate when you will reply to him instructing him of his obligations as a Member of the House?

**Mr Speaker:** Let me say to the hon. Gentleman, to whom I am grateful for his point of order, that correspondence with the Speaker is private and is not the subject of exchanges on the Floor of the House. What Members might or might not say about their correspondence is a matter for them, but I intend to keep my own counsel. There are procedures to be observed, and observed they must be.

**Kevin Brennan** (Cardiff West) (Lab): On a point of order, Mr Speaker. We have learned today that the economy shrank in the last quarter of 2010 and that, even taking the inclement weather into account, growth would have flatlined; that is on top of yesterday's remarks by Sir Richard Lambert of the CBI. Have you received any notification from the Chancellor of the Exchequer of his intention to come to the House to explain what steps he is going to take to deal with this emerging crisis?

**Mr Speaker:** No, and I think I can recognise an attempt to initiate a debate at this distance.

## **Firearms (Amendment) Bill**

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

3.39 pm

**Thomas Docherty** (Dunfermline and West Fife) (Lab):  
I beg to move,

That leave be given to bring in a Bill to introduce a minimum age for holding a shotgun licence of 14 years.

The Bill is purposely rather limited in its scope and objectives. It is not about banning recreational shooting or the proper use of shotguns for legitimate rural estate management. Rather, I am seeking to close a loophole in our current firearms legislation—legislation that the Home Affairs Committee, under the chairmanship of my right hon. Friend the Member for Leicester East (Keith Vaz), has identified as both complicated and confusing.

At present there is no minimum age for possessing a shotgun licence. This is at odds with the legislation covering other firearms, where there is a minimum age of 14. According to figures that I obtained from the Under-Secretary of State for the Home Department, the hon. Member for Old Bexley and Sidcup (James Brokenshire), almost 5,000 children in England and Wales possessed a licence to fire a shotgun. Of those 5,000 or so licences, 26 were issued to 10-year-olds, 72 to 11-year-olds, 134 to 12-year-olds and 231 to 13-year-olds. It is unfortunate that neither the Scottish Executive nor the Northern Ireland Executive keeps figures centrally for their devolved areas. However, I am sure we can assume that the figures are proportional to those elsewhere.

Currently, as the House knows, licences are issued by the chief constable of the police authority for the area in which an applicant resides, although for practical purposes the decision is often delegated to a more junior officer. For the purpose of this debate, it may be easier to refer to the chief constable. The applicant needs only to state their reason for wanting a shotgun licence, and needs to provide no evidence. If a chief constable wants to refuse a licence, the onus is on the chief constable to demonstrate their reasons against granting it. As the report from the Association of Chief Police Officers on the Cumbria shootings spelled out, an application for a licence can be refused only if the police can demonstrate that they believe that the person is a danger to the public, or that the applicant has “no good reason” to have a shotgun, or that the applicant is subject to certain statutory prohibitions.

So at present chief constables have very little, if any, scope to refuse an application from a 10 or 11-year-old. This is, I believe, a most unsatisfactory situation for our chief constables to find themselves in. As I said at the beginning, the Bill is limited. It does not necessarily preclude the young person from firing a shotgun, because the current legislation merely provides that a young person be supervised by an adult, whether or not that young person possesses a licence. However, the Bill will send a clear and straightforward message that our society is not comfortable with the principle of young children handling lethal weapons.

I am grateful to the House of Commons Library for providing information on the situation in other countries. For example, in Finland applicants have to be 18, but a 15-year-old can get a permit for hunting or shooting with consent from guardians. In Ireland, New Zealand and Lithuania 16 is the minimum age for possessing a shotgun licence. These are just a few examples to illustrate my case.

Even the United States, a country known for its liberal or even libertarian views on the control and use of firearms, has recognised there must be some limits and controls. More than half the states—32 now—have set a minimum age for the use of shotguns and other firearms. The majority of these states have set the minimum age at 18. Surely if the United States accepts the need for a minimum age, it is not unreasonable for the House to consider the case for restrictions.

I am grateful for the cross-party support that I have received for my Bill, and the fact that the Scottish Executive, although they obviously have no legislative competence on the matter, support the principle of a minimum age of 14.

In conclusion, the Bill seeks merely to tighten the existing legislation, to bring shotguns in line with other comparable legislation at home and overseas, and to ensure that access to dangerous—nay, lethal—weapons is restricted for the very youngest members of our society.

*Question put and agreed to.*

*Ordered,*

That Thomas Docherty, Mr Michael McCann, Mr Jamie Reed, Pete Wishart and Steve Rotheram present the Bill.

Thomas Docherty accordingly presented the Bill.

*Bill read the First time; to be read a Second time on Friday 20 January 2012 and to be printed ( Bill 135 ).*

## European Union Bill

[3RD 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*

[DAWN PRIMAROLO *in the Chair*]

### Clause 6

DECISIONS REQUIRING APPROVAL BY ACT AND BY REFERENDUM

3.45 pm

**The Minister for Europe (Mr David Lidington):** I beg to move amendment 57, page 4, line 36, at end insert—

‘(2A) A Minister of the Crown may not give a notification, under Article 4 of Protocol (No. 21) on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to TEU and TFEU, which relates to participation by the United Kingdom in a European Public Prosecutor’s Office or an extension of the powers of that Office unless—

- (a) the notification has been approved by Act of Parliament, and
- (b) the referendum condition is met.’.

**The Second Deputy Chairman of Ways and Means (Dawn Primarolo):** With this it will be convenient to discuss the following:

Amendment 54, page 4, line 36, at end insert—

‘(2A) A Minister of the Crown may not confirm the approval by the United Kingdom of a decision under the provision of Article 25 of TFEU that permits the adoption of provisions to strengthen or add to the rights listed in Article 20(2) of that Treaty (Rights of citizens of the European Union) unless—

- (a) the decision is approved by Act of Parliament, and
- (b) the referendum condition is met.’.

Government amendment 58.

Amendment 81, page 4, line 42, at end insert—

‘(aa) a decision under Article 43 of TFEU which would result in the removal of the existing powers of the United Kingdom in relation to nautical limits;’.

Amendment 36, page 5, line 5, at end insert—

‘(ba) a decision under the provision of Article 81(3) of TFEU (family law) that permits the application of the ordinary legislative procedure in place of a special legislative procedure;’.

Amendment 37, page 5, line 5, at end insert—

‘(bb) a decision under the provision of Article 82(2)(d) of TFEU (minimum rules on criminal procedure) that permits the identification of further specific aspects of criminal procedure to which directives adopted under the ordinary legislative procedure may relate;’.

Amendment 38, page 5, line 5, at end insert—

‘(bc) a decision under the provision of Article 83(1) of TFEU that permits the identification of further areas of crime to which directives adopted under the ordinary legislative procedure may relate;’.

Amendment 100, page 5, line 27, after ‘(enhanced co-operation)’, insert ‘except in the field of EU patents’.

Amendment 13, page 5, line 33, at end insert—

‘(ja) a decision which results in the participation of the United Kingdom in any enhanced co-operation procedure.’.

Amendment 8, page 5, line 35, at end insert—

‘(l) a decision to extend the use of the European Financial Stability Mechanism to member states other than the Republic of Ireland.’.

Amendment 79, page 5, line 35, at end insert—

‘(4A) In subsection (1) “decision” includes a further implementation of the decision under Article 122 of TFEU to extend the use of the European Financial Stability Mechanism to any member state other than the Republic of Ireland.’.

Amendment 40, page 14, line 9 [Schedule 1], at end insert— ‘Article 81(3) (family law).’.

Amendment 55, in clause 7, page 5, leave out lines 44 to 46.

**Mr Lidington:** We turn now to decisions on which a referendum would always be required. Decisions taken in accordance with the Treaty provisions listed in clause 6 would always require approval by Act of Parliament and a referendum. One group of decisions covered by clause 6 are the one-way, irreversible decisions that would transfer competence from the United Kingdom to the European Union, including a decision that the UK would participate in a European public prosecutor’s office, which can be set up to combat crimes affecting the EU’s financial interests. Should the UK ever take part in the European public prosecutor following such a referendum, the decision that this country should take part in any expansion of the powers of that prosecutor is also listed in clause 6 and would therefore also be subject to primary legislation and a referendum.

**Emma Reynolds (Wolverhampton North East) (Lab):** With regard to Government amendment 57, will the Minister make it clear to the Committee why the Government have singled out the European public prosecutor’s office in their opt-in to justice and home affairs and why they are not including other measures in that area on which they have a decision to opt in? The amendment is slightly untidy, so will he clarify that it will amend clause 6(2), as the European public prosecutor’s office is mentioned in clause 6(4)(c)?

**Mr Lidington:** The wider issue of justice and home affairs opt-ins is the subject of a number of amendments and new clauses that have been selected for debate tomorrow. If the hon. Lady will forgive me, I think that that will be the appropriate time to deal with it. We have decided to single out the European public prosecutor because that was a clear and explicit commitment in the coalition agreement and the coalition programme. The agreement stated:

“Britain will not participate in the establishment of any European Public Prosecutor.”

In accordance with that policy, we are putting a referendum lock on a decision by any future British Government to join the European public prosecutor and a further lock on the UK taking part in any expansion of that prosecutor’s powers.

I am grateful to my hon. Friends the Members for Daventry (Chris Heaton-Harris), for Wycombe (Steve Baker), for Cleethorpes (Martin Vickers), for Bury North (Mr Nuttall) and for Crawley (Henry Smith) for noticing a potential gap in the drafting of the Bill. As drafted, clause 6(4)(c) and (d) might not automatically trigger a referendum in the event that the UK chose to participate in the European public prosecutor after it had already



been established. That is because the measure under the United Kingdom's protocol on the area of freedom, security and justice, which would be used to allow us to take part in the European public prosecutor's office or in an expansion of the office's powers in those circumstances, does not have to cite the legal base of article 86 of the treaty on the functioning of the European Union.

Government amendments 57 and 58 respond to the concerns identified and expressed by my hon. Friends in their amendment in order to close that potential loophole. We did not intend to leave any doubt about the matter and, being keen to make that correction, I therefore urge the Committee to approve those Government amendments. These would ensure that a referendum would be required in all cases before the United Kingdom could join the European public prosecutor's office or an extension of its powers, whether the decision was taken before or after the prosecutor had been set up, or before or after the powers had been extended.

**Mr John Redwood** (Wokingham) (Con): I am very grateful for that concession, which improves the Bill. Now that the Minister is in this spirit of concession, does he not understand that most people think that criminal justice is central to their sovereignty in Parliament, and that the same provision should apply to all opt-ins under the criminal justice provisions? Why will he not concede that?

**Mr Lidington:** My right hon. Friend makes his point firmly, as I expect him to, but as I said earlier we will have the opportunity to debate justice and home affairs opt-ins in more detail during debates on the clauses that are set down for tomorrow. I look forward to hearing the concerns that he and other Members express on that occasion.

A number of amendments in the name of my hon. Friend the Member for Daventry seek to add a limited number of further JHA articles to either clause 6 or schedule 1, and I say to him and my right hon. Friend the Member for Wokingham (Mr Redwood) that I am well aware of and understand the Committee's concerns about justice and home affairs matters. I share their view that they are matters of political, often of legal and sometimes of constitutional, significance, so I look forward with interest to the arguments that my hon. Friend might put forward later today.

On those amendments, which will be the subject of debate later today, I signal now that I am confident that I can make a compelling case why those particular articles should not be listed in clause 6 but be left, where they are appropriately dealt with, in clause 9. I shall explain briefly today and, I expect, at greater length tomorrow how that fits into wider JHA issues, as I set out in my written ministerial statement last week.

**Mr David Nuttall** (Bury North) (Con): I thank the Minister for the courteous and generous way he is piloting the Bill through the House and through its long period in Committee. He will be well aware that I warmly welcome the general principle of the Bill and, indeed, supported it on Second Reading. He will also be aware, however, that I have to be honest and say that it is not the Bill I would have preferred to discuss today. I make no secret of the fact that I think we should be discussing a Bill to give the people of the United Kingdom a referendum on our continued membership of the European Union, but we are where we are.

I supported the Bill on Second Reading on the basis that I would use every opportunity to try to strengthen and improve it as it progressed through its remaining stages, and I am heartened by the announcements that the Minister has already made this afternoon. He has demonstrated that he feels the Bill is capable of improvement by virtue of his bringing forward the Government's own amendments to it.

My amendment 54 and consequential amendment 55, as with so many amendments tabled for discussion in Committee, seek to strengthen the Bill by improving the scrutiny that would have to take place should any future transfer of competence occur.

Under clause 7(2)(a), a Minister may not confirm the approval by the United Kingdom of

"a decision under the provision of Article 25 of TFEU that permits the adoption of provisions to strengthen or add to the rights listed in Article 20(2) of that Treaty"

unless

"the decision is approved by Act of Parliament."

Amendment 54 would require such a decision to be approved not only by an Act of Parliament, but by the people of the United Kingdom in a referendum. It proposes a new subsection (2A) to clause 6, rather than including the decision in the list of decisions in clause 6(4), because the procedure for the ratification of decisions under article 25 of the treaty on the functioning of the European Union is essentially the same as that for decisions under article 42 of the treaty on the European Union, which relates to a common European Union defence policy.

Under the European Union treaties, all citizens of member states are also citizens of the European Union. As the Committee will be aware, the list in article 20(2) of the treaty on the functioning of the European Union is separate from and additional to the list of rights in the European Union's charter of fundamental rights, which was given the status of treaty law by the Lisbon treaty. I will list briefly the European Union citizenship rights set out in article 20(2). The first is the freedom of movement and residence within the European Union. The second is

"the right to vote and to stand as candidates in elections to the European Parliament"

and in local government elections in the member state of residence

"under the same conditions as nationals of that State".

The third is the right to

"the protection of the diplomatic and consular authorities of any Member State on the same conditions as the nationals of that State"

when the EU citizen's member state is not represented in a non-EU country. The fourth is

"the right to petition the European Parliament, to apply to the European Ombudsman, and to address the institutions and advisory bodies of the Union in any of the Treaty languages and to obtain a reply in the same language."

A decision to strengthen or add to the rights set out in article 20(2) could be of great importance, and could be wide-ranging. Article 25 of the same treaty appears to place no limit on the sort of rights that may be added. For example, there appears to be nothing to prevent the adoption of provisions that give European Union citizens the right to vote in national elections in member states other than the state of which they are a

[Mr David Nuttall]

citizen. Such a new basic right would constitute such a major transfer of power that such moves should be approved by all the people of the United Kingdom in a referendum. By definition, new or extended rights for European Union citizens transfer power from the United Kingdom—the power over whether it accords such rights to the citizens of other European Union member states. The UK would be required to respect those rights for all EU citizens as a matter of treaty obligation, and they would ultimately be enforced by the European Court of Justice, whose rulings are binding and are backed by its power to levy unlimited fines on member states. The new or augmented rights would be enshrined in the EU treaties and could be reversed only by a new, full-blown amending treaty. That would be, for all practical purposes, an irreversible transfer of power of constitutional magnitude, as it would deal with our citizens' rights.

4 pm

I believe that amendment 54 is completely within the spirit of the Bill, which is about requiring the consent of the British people to transfers of powers to the EU. It would not infringe the EU treaties or prevent article 25 of the TFEU from being used. It would simply require the British people to approve the transfer of power involved. My consequential amendment 55 would simply remove the current provision from clause 7, as it would no longer be required if it were moved to clause 6 under amendment 54.

**Chris Bryant** (Rhondda) (Lab): The hon. Gentleman referred earlier to consular protection, which, as he knows, has been enjoyed by all citizens of each EU member state for some considerable time. If we have no representation in a particular country, British citizens can go to a French, German or Spanish embassy and receive the same consular protection that they would expect from the UK. Does he really think that that should require a referendum?

**Mr Nuttall:** As I understand it, that is already provided for in article 20(2), so there is no need to introduce it again. Amendment 54 would apply only to future extensions of that article.

**Chris Bryant:** But following the creation of the European External Action Service, there is provision for some extension of that right. That is for obvious reasons, namely that many of the smaller countries in the EU have no diplomatic service or representation in quite a lot of countries. Just as we use the services of the Australians in some cases, for instances in Laos, and the French diplomatic services in other cases, surely it would be wrong to put the need to have a referendum in the way of an extension of that provision for British citizens or any other EU citizens.

**Mr Nuttall:** I hear the hon. Gentleman's point, but the difficulty is that article 20(2) covers much more than just that matter. As I said, it covers the likelihood of citizens of other EU states being allowed to vote in our national elections. There is real concern about that, and there would be a drive and desire for citizens of the UK to have their say if the EU ever sought to allow it.

**Chris Bryant:** When I was Minister for Europe, I probably had more correspondence with British people living in Spain than with those living in any other

country in Europe. The best part of 1 million British people now live in Spain, and many of them feel that they need greater protection by the EU—for instance, if their houses are being pulled down because of the changes to housing and coastal laws. They would like to be able to vote in Spanish general elections, so that they can have a voice in Spanish society. Does the hon. Gentleman think it is wrong that they should be allowed that?

**Mr Nuttall:** I believe it should be up to the Spanish to decide who should vote in Spanish elections, not the EU, just as I do not want the EU telling our country whether citizens of another EU country should have the right to vote in our national elections.

I might be reading too much into this, but I wonder whether the reason the current article refers only to European parliamentary elections and local elections is that people in the world of the EU would like national elections done away with. In their world, there would be only regions within the great European Union. Is that why no mention of national elections was made in that article?

**Emma Reynolds:** Is the hon. Gentleman really suggesting that hard-headed, pragmatic pro-Europeans say that we should do away with general elections in member states?

**Mr Nuttall:** I have no idea what each individual thinks—that is up to them. All I am saying is that those who promote the EU project, which states the need for ever-closer union—[*Interruption.*] Those who promote the EU project would very much like there to be simply EU elections and local, regional elections, effectively bypassing Members of Parliament. The thrust of the legislation means that that is where we are headed, and it is one of many reasons why I tabled amendments 54 and 55, and I commend them to the Committee.

**Mr Denis MacShane** (Rotherham) (Lab): My treat, which I can never find the resources or time to put into effect, is to send the comments that hon. Members on both sides of the House make to our fellow European politicians. I should like President Sarkozy, Chancellor Merkel, Prime Minister Tusk or the representatives of any one of the nine Nordic and Baltic states that were hosted by the Prime Minister at Downing street last week, to read that someone stood up in the Chamber of the House of Commons and said that we are about to abolish national elections. They would realise what a wonderful world the House of Commons can become. To paraphrase Karl Marx on history in the famous opening lines of “The Eighteenth Brumaire of Louis Bonaparte”, the House of Commons, when it debates the EU, starts as muddle and descends quickly into farce. We are already firmly into those two categories today.

Clause 6 refers—

**Kelvin Hopkins** (Luton North) (Lab): Will my right hon. Friend give way?

**Mr MacShane:** Might I just finish my point on clause 6? My hon. Friend and I have had many exchanges here and in the Tea Room over a number of years, and my affection for him grows with each passing moment.

Government amendment 57 calls for a referendum with reference to an extension of the powers of the European public prosecutor's office, but clause 6(4)(c) already lists the requirement for a referendum when

there is any change in the treaty involving the participation of the UK with the EPPO. That is just the technical muddle.

I remember sitting on the Government Benches, where the hon. Member for Broadmoor is now sitting.

**Mr Keith Simpson** (Broadland) (Con): Broadland!

**Mr MacShane:** There are times when the European Union debate makes me think that I am in Broadmoor—in respect of speeches made on both sides of the House, some of which reach the highest clouds of fantasy and invention.

When I was on the Government Benches, getting the wording right was interesting. Foreign Office officials are brilliant draftspersons, but they are not necessarily quite as focused on the detail or on internal contradictions in legislation, because they do not always produce Bills. Clause 6 and amendment 57, which I assume will go through tonight with a Government majority despite the best efforts of Conservative Back Benchers, actually contradict themselves.

**Kelvin Hopkins:** The important thing about elections is not just that they are a method for electing people to a Chamber such as this, but that those people have power to exercise on behalf of the people who vote for them. Should we not be careful to ensure that this House, this Parliament and our Government retain power? Otherwise, democracy becomes meaningless and we would just be a decorative part of the constitution instead of an effective part, as Bagehot would say.

**Mr MacShane:** My hon. Friend is one of the most decorative parts of this House, and I hope that, after the reduction of representation in the wretched Parliamentary Voting and Constituencies Bill becomes law—it will weaken the House of Commons unless the other place defends our constitutional rights—when there will be 50 fewer of us, he is to be found among the survivors.

This is the eternal argument. The most sovereign person in the world was Robinson Crusoe on his island. No one could tell him what to do, and he did not tell anyone else what to do. Our nation's history is entirely about finding partners and allies and making treaties. I invite hon. Members to go to the National Gallery and look at the depiction of the signing of the treaty of London signed in 1604, which has four British dips and four Spanish dips and you cannot tell the difference between them. That treaty brought to an end 50 years of conflict between Spain and Britain because—

**Mr Redwood:** We won.

**Mr MacShane:** That is a good crack, but I think that the right hon. Gentleman will find that Spanish power messed up the continent for another 100 years until we won again. If the House of Commons only exists to express the sentiment of the football fan that “We won, and they have to lose”, Britain will never advance.

**Chris Bryant:** If the right hon. Member for Wokingham (Mr Redwood) is correct that we won in 1604, why did we spend the next 20 years trying to marry off the heir to the British throne to a Spanish infant?

**Mr MacShane:** I am glad that we are now marrying off one of our royals to someone who has the attributes of a very normal, pretty Englishwoman. We wish William and “Caterina” every success.

To return to the Bill and the clause, I campaigned for many years in this House, on an all-party basis, for laws and measures to combat human trafficking. That cannot be done on the basis of a single decision of this House alone. In the last Parliament, it took a great deal of work by hon. Members on both sides of the House to persuade the then Prime Minister to first sign and then ratify the Council of Europe's convention on trafficking. The Home Office's view was that it did not want to be told by anyone—and this was the Council of Europe, not the European Union—what to do or to accept any obligations. Ministers and officials came up with argument after argument about why the Council of Europe convention should not be signed. I am glad to say that parliamentary pressure from both sides wore them down and the then Prime Minister, Tony Blair, signed and ratified it. It was an important step forward. As ever, it was not the final solution to that dark and wretched side of globalisation, but it was a step forward.

4.15 pm

Similarly, the European public prosecutor's office might at some stage in the future be of importance to our country, to the Government, whatever their colour, and to the House. At the beginning of the previous decade, we heard exactly the same arguments against the European arrest warrant. People said that it was an intolerable interference in British sovereignty, with Brussels marching in to arrest anyone it wanted. By the time of 7/7, however, when one of the wanted suspects had fled to Rome, where the civil liberties lawyers, the judges, the left and the supporters of Islamism were wrapping their arms around him to protect him, the EAW had—thank goodness—become part of our law, having been adopted by the European Union, and so that gentleman was back on a plane to London before he could say “strong cappuccino”.

**Mr William Cash** (Stone) (Con): Does the right hon. Gentleman recall the case of the person in Leek, Staffordshire whom it was proposed, under an arrest warrant, should be taken over to Italy, and who was convicted in his absence to 15 years, but who, thanks to the intervention of my hon. Friend the Member for Staffordshire Moorlands (Karen Bradley) and the Prime Minister, has been completely exonerated? He was not even within 1,000 miles of where the murder took place.

**Mr MacShane:** The hon. Gentleman is perfectly right, but we could all list examples in Britain of improper arrests. It does not vitiate the need for international co-operation against criminality—I mentioned trafficking, but there are other examples—if that is what we want. International co-operation on the basis of, “Well, you'll co-operate with us, but we won't co-operate you”, will never happen. I am glad that there was not a referendum lock on the EAW, because otherwise that gentleman from 7/7 would still be waiting in Rome until we had had our referendum.

**Jacob Rees-Mogg** (North East Somerset) (Con): The right hon. Gentleman seems to think that the example given by my hon. Friend the Member for Stone (Mr Cash) was invalid, but that his own similar individual example is valid. Why is it valid when it supports his argument, and invalid when it does not?

**Mr MacShane:** On the contrary, there are anomalies with the EAW. I have cases myself involving the Polish authorities, in particular, sending out generalised arrest warrants for people who have done little more than nick a bike. None the less, a law is a law is a law. If we want criminals whom we want dealt with in Britain to be sent back here, we have to accept that what is sauce for our criminal goose has to be sauce for other criminal gander.

**Mr James Clappison** (Hertsmere) (Con) I invite the right hon. Gentleman to contemplate the evidence given to the Home Affairs Committee by an eminent lawyer in the field of extradition about the extent of the problem he has just described: arrest warrants coming from Poland and other eastern European places for trivial offences, resulting in many of those on the receiving end of one being locked up in British prisons and police stations, wasting a considerable amount of time and occupying valuable space.

**Mike Gapes** (Ilford South) (Lab/Co-op) *rose*—

**Mr MacShane:** I give way to my hon. Friend.

**Mike Gapes:** Is my right hon. Friend aware that recently a Romanian national was arrested in east London and taken back to Romania on an extradition warrant issued by the Romanian authorities? This individual had been involved in the most terrible form of trafficking of human beings and criminal activity in Romania.

**Mr MacShane:** May we bring an end to these individual cases from right hon. and hon. Members?

I am glad that the “costa del crime” has been shut down thanks to enhanced European co-operation. I put it to hon. Members on both sides that in a few years’ time it might be to our country’s advantage to have an effective prosecutor’s office working to ensure that the people whom we bring to justice can face inquiry and remedy. I accept that the Bill will pass, but I am nervous about saying to our European colleagues, “Forget that idea, because we will have to have a referendum on it first.” I do not want to use hyperbole, but were I a trafficker or someone who did not want to be brought to justice on a trans-frontier basis, I would be quite happy to see a referendum take place before effective action could be taken against me.

**Ben Gummer** (Ipswich) (Con): As it happens, the European arrest warrant has recently been of great use to one of my constituents who had suffered a grave injustice in Spain, which is an argument in favour of the European arrest warrant. We have also heard some arguments against it, but these are all arguments that can be put to the British people. We can have a mature debate in front of them. Why does the right hon. Gentleman oppose that?

**Mr MacShane:** That takes us into a slightly broader aspect of the debate, where there are differences between us. I started my political life campaigning in pubs and elsewhere against the demand, which was very prevalent after my student days, that there should be a referendum on capital punishment. Again and again, the cry is for a referendum, and we heard it in health questions today, when it was asked whether we could have a referendum on NHS reforms. I do not think that any hon. Member on the Government Benches would give a fleeting thought to that proposition, but if a referendum on a public prosecutor’s office is good, why is a referendum on

something that will impact far more directly on the British people—namely the Government’s proposals to change significantly the way that our health service is delivered—not good?

**Chris Bryant:** Will my right hon. Friend give way?

**Ben Gummer:** Will the right hon. Gentleman give way?

**Mr MacShane:** Well, I am tempted to—

**Mr Cash:** Sit down?

**Mr MacShane:** To be told to sit down by the hon. Gentleman, who, to his great credit, has never long warmed a Bench if he could stand up, is undoubtedly a real pleasure to be had from my small contribution to this debate.

**Mr Redwood:** The big difference is that the Government’s health reforms are reversible if they do not work or if a future Government do not like them, whereas the surrender of power to Europe is irreversible.

**Mr MacShane:** Again, this shows a failure to understand that if we do not like a treaty, there is an alternative. I have been told over the 16 years in which I have sat in the House that almost any change would undermine Britain. Indeed, the right hon. Gentleman famously said that the Amsterdam treaty would mean the abolition of the United Kingdom. Can anybody in the Committee tell me a single thing that was in the Amsterdam treaty?

**Chris Bryant:** The protocol on broadcasting. [*Laughter.*]

**Mr MacShane:** There we are: when we need an anorak, there is always one from Rhondda. I am grateful to my hon. Friend.

I respect the Member for Europe, for whom there is a great deal of affection among those of us in the House who are first-class Euro-bores. The Member for Europe—[HON. MEMBERS: “Member for Europe?”] I apologise: the Minister for Europe is a sincere and serious chap. I have recently been much involved in the issue of Kosovo. One of our great problems there is that whereas the United Kingdom recognises Kosovo, along with 21 other member states, led by Britain—there is, I hope, not a cigarette paper of difference between those on our Front Bench and those on the Government’s on the importance of helping Kosovo find its way to a future—five EU member states do not recognise Kosovo. As a result, we are utterly stymied in so much that we could and should do to help Kosovo find its way towards some stability, and because Kosovo has no stability or sense of security, that is contagious in other countries in the Balkans. There are times when this Government would, if anything, like to exercise a little more authority in Europe, in order to achieve key foreign policy goals.

**Jesse Norman** (Hereford and South Herefordshire) (Con): Will the right hon. Gentleman give way?

**Mr MacShane:** I shall give way for the last time, and that is it.

**Jesse Norman:** I thank the right hon. Gentleman very much, and I am greatly enjoying his comic turn. On a point of information, is he engaged in a one-man filibuster, or is this a genuine contribution to the argument?

**Mr MacShane:** If the hon. Gentleman and every other hon. Member had remained seated, rather than jumping up and insisting on making interventions, I would have sat down about 10 minutes ago. [HON. MEMBERS: “No!”] I am hearing cries for me to go on and on—I do not think that anything similar is happening in the other place—but I will sit down in due course.

I have no intention of filibustering; I have come here to make the point that remains at the heart of the Bill. That is that no Minister of the Crown—whether of this Administration, a Lib Dem Administration or, in four and a half years’ time, when my right hon. Friends are on the Government Front Bench, a Labour Administration—is going to sign a either a brand new treaty or a significant amendment that so unacceptably transfers authority and power away from this House and the Government of the nation that that Minister would have to come back here and say, “We have looked at this and we are very uncertain about it. We think it is significant and we are going to give the British people a referendum on it.” “Significant” is the key adjective in this regard.

That shows the intellectual dishonesty at the heart of all these debates. The Bill is being introduced simply because the Conservative part of the Government could not honour its commitment to have a referendum on the Lisbon treaty, could not repatriate any powers and could not alter the existing treaties. Because the Conservatives are locked into their coalition agreement with the Lib Dems, the only reflection of five years of consistent, campaigning Euroscepticism they can offer to the British people is this Bill. I accept that it reflects the prevailing mood among the largest single party, the Conservative party. The Prime Minister and the Foreign Secretary have campaigned consistently on Eurosceptic themes.

**Ben Gummer** *rose*—

**Mr MacShane:** I will not give way. The hon. Gentleman will make his points in due course.

In opposition, it was possible for the Conservatives to campaign as Eurosceptics, but they cannot but govern as Euro-realists. This we have seen in whole range of—

**Mr Cash** *rose*—

**Mr MacShane:** I am sure that the hon. Gentleman will have a chance to make his point very shortly.

As Euro-realists, this Government have been—by my standards—responsible and helpful, shovelling out money to Ireland and working with Chancellor Merkel on serious treaty amendments that will increase economic surveillance of all the 27 member states, on foreign policy and on other issues. I really have no huge complaints to make about the Government at all. I say again, however, that it is inconceivable that any Minister of any Government in the future is going to come back from Brussels and say, “I’ve signed such a bad treaty. I’m not really sure about it. It is so significant in its alteration of the powers between the UK and the rest of the EU that I want it put to a referendum.”

**Mr Cash:** The right hon. Gentleman is making a big show about all this. First, there was a referendum in 1975 under a Labour Government. Secondly, there was also a promise in the Labour manifesto about a referendum on the constitutional treaty. Thirdly, if the right hon. Gentleman had been here yesterday, he would have heard those on his own Front Bench proposing a mechanism to ensure that, in certain circumstances, there would be a referendum on all matters within the treaties. So, for practical purposes, he needs to ask himself whether the Labour party is now contradicting the position that he is adopting.

**Mr MacShane:** I will leave that point for my right hon. and hon. Friends on the Front Bench. I am not sure whether their new clause has been selected for debate today, but it proposes to set up a broad oversight committee, which might indeed be a rival to the Committee of the hon. Member for Stone (Mr Cash). I do not think that the proposal will make much progress, however.

The worry for me is that, at least among the majority party on the Government Benches, we have a Eurosceptic majority. We have to accept that. There are also many Eurosceptics on these Benches—[*Interruption.*]

**The Second Deputy Chairman of Ways and Means (Dawn Primarolo):** Order. Mr MacShane, could you please turn your phone off? This is the second time that it has rung in the course of your contribution. While I am on my feet, may I ask you to refer to the amendments, and not to be tempted by interventions to reflect on anything that is not within them?

**Mr MacShane:** I apologise, Ms Primarolo. I thought that the phone was in silent mode, but it was not. I have learned something. At least my tie is sober and silent! I accept that interventions have dragged me here and there, but we are a friendly kind of House when it comes to European debates—to begin with, at least. I have been trying to sit down for about 10 minutes, but hon. Members just will not let me.

4.30 pm

**The Second Deputy Chairman:** Perhaps I can help the right hon. Gentleman to sit down. Has he concluded his remarks? If not, he may continue, but he should not reflect on what I have said.

**Mr MacShane:** I was concluding my remarks until various Members got up to intervene.

My conclusion is simply this. There may come a time—not now, I accept—when a majority in this House and a duly elected Government feel that they want to take the lead to alter a European Union treaty—to propose a new one or make amendments to an existing one. They will then find that they are being held back by the tone, if not the strict legal content, of this Bill. This is coming dangerously close to what an Under-Secretary at the Foreign Office, Mr Henry Hopkinson, said about Cyprus in 1956—that it would “never” be free.

I genuinely worry about the signal we are sending to our EU partners at a time when we all, quite irrespective of our party political positions, need more co-operation and more enforcement in Europe, whether it be on Tunisia, on growth policies or on finding solutions to the problem in Ireland, where, as the Prime Minister rightly pointed out, we export three and a half times more British goods than we do to China. I worry greatly

[Mr MacShane]

that this Bill, and particularly the new clause on the need for effective prosecution of criminality in Europe, will send out precisely the opposite signals. Our nation might well suffer, not tonight or in the next few weeks or months, but in the future, as a result of this deeply isolationist proposal.

**Chris Heaton-Harris** (Daventry) (Con): The last time I spoke after the right hon. Member for Rotherham (Mr MacShane), I was slightly unkind to him. Even though he has given me lots of material to do the same again, I will not. I was a Member of the European Parliament when he was the Minister for Europe and we would have had many disagreements, but I would like to think that we could at least agree to disagree in a friendly manner. The right hon. Gentleman was definitely treading on thin ice when he spoke about Robinson Crusoe being cut adrift, but it is all welcome for the purposes of debate.

I wish to make a point about the European public prosecutor, which I am against, and it is one of the reasons why I tabled the amendments. When I was an MEP, there was a great Scottish National party MEP, Sir Neil MacCormick. In the first debate that ever took place on this subject, he reminded me that having a European public prosecutor would mean changing the way we do criminal law in this country—moving away from habeas corpus towards a more Napoleonic code. Perhaps that is worth reflecting on in this place and giving the British people a chance to have a say on it. I very much welcome Government amendments 57 and 58, and I am pretty sure that the great Sir Neil MacCormick would have done so.

I tried to explain to my constituents at the last general election that I had a bit of experience of European matters and that, given the opportunity, I would try to use that experience in this place. I also explained how the Conservative party would try to stop any future power grab by the European Union, as set out in its manifesto. When this is coupled with my membership of the European Scrutiny Committee, I hope that my constituents in Daventry will forgive me for continually talking in the Committee stages of this Bill. It is a very important Bill which contains a great deal of merit.

My amendments 36 to 38 simply require approval by an Act of Parliament and a referendum before a United Kingdom Minister can give final agreement in the Council to a proposed justice and home affairs ratchet decision when the UK has already opted into the proposal for that decision. Such proposals are subject to unanimity in the Council.

Amendment 40 requires a decision under the amending treaty, a decision under article 48(6) of the Treaty on European Union or a 48(7) ratchet decision that abolishes the veto of EU proposals on family law to be approved in a referendum. Family law matters can fall under EU competence, and the veto could be abolished by an article 81(3) ratchet clause. I know that that is highly unlikely, and I know that the EU's ability to become involved in family law has existed for a long time—since long before the Lisbon treaty—but I think that Members on both sides of the Committee can agree among themselves and with our European partners on matters such as the mutual recognition and enforcement between member states of judgments and decisions in extra-judicial cases.

However, genuine concern is felt by many people, and I am definitely one of them. In December 2005, the European Commission tried to make a case for applying the pre-Lisbon ratchet clause to qualified majority voting in EU proposals concerning maintenance obligations, which are obviously a family law matter. It was knocked back in the Council at that point, but anyone who listens to or reads debates in the European Parliament—as I now do—and anyone who reads statements from European Commissioners will understand that a bit of pressure is beginning to be applied. I should appreciate an assurance from the Minister that he is aware of that pressure and will continue to keep an eye on any challenges that may be forthcoming. I do not intend to press the amendment to a vote.

**Mr Clappison:** Amendment 40 is very important, and my hon. Friend is making a very good speech which is clarifying matters. I understand from what he is saying that family law matters are currently subject to unanimity rather than qualified majority voting, and that he is concerned about what is being proposed. He will know that the Commission has a long history of moving from unanimity to qualified majority voting, and seeks to do it on many occasions. Can he confirm that, as this is within the framework of the treaty on the functioning of the European Union, the European Court of Justice will have jurisdiction over the family law matters to which he is referring?

**Chris Heaton-Harris:** I believe that that is the case, although the Minister for Europe may correct me, as he is much better qualified to answer my hon. Friend's question.

My main amendments are concerned with problems that I have identified in the justice and home affairs ratchet clauses or opt-ins. We saw an example here not long ago. Just after the general election, the United Kingdom had to decide whether to opt into the European investigation order. Many Members considered the way in which the legislation was scrutinised and enacted to be unsatisfactory. Along with others, I tabled an urgent question with the aim of establishing whether we were going to opt in.

I think that there is a better way of scrutinising important justice and home affairs matters. I appreciate that in that instance the general election and various recesses caused a problem, but nevertheless I am sure that this place can do a great deal better when it comes to scrutiny, and I believe that the Government can do a great deal better when it comes to enactment. I therefore very much welcome last week's written ministerial statement. Someone like me could pick a few holes in it—on dates and who has the first say, for example—but it is a massive step forward and I thank the Minister for it. I also welcome, as I said, the Government amendments in this area.

The Government have already opted in to the negotiations on the European investigation order, which allowed European police forces to insist that the British police put citizens in the UK under surveillance and grant access to their DNA. I suggest that that is quite a big deal to the United Kingdom. The way in which the EIO was put before the House—eventually, in an oral statement in July—was most unsatisfactory. The intention behind my amendments is to ensure parliamentary scrutiny of such matters.

**Mr Cash:** The investigation order has not yet been debated in the European Standing Committee, as far as I am aware, so we should bear it in mind that although the Minister made a statement—on 15 June, I think—it is none the less still subject to scrutiny.

**Chris Heaton-Harris:** I thank the Chairman of the European Scrutiny Committee for correcting me. He knows that I am often wrong, so he corrects me quite regularly. I appreciate the help and assistance that he gives me, as a new Member in this place.

In the simplest terms, on the JHA ratchets, the Government have wisely looked at article 86 of the TFEU and have closed down in the Bill many of the policy areas that could be taken up to European level. Article 86 deals with the European public prosecutor, as I think the hon. Member for Wolverhampton North East (Emma Reynolds) alluded to earlier. However, it does not pay attention in the same way to the justice and home affairs criminal law ratchets, because those are contained in article 83. Is there a reason for that? Essentially, I am seeking from the Minister an idea of how we will deal in this place with matters similar to the European investigation order when the Bill is enacted.

The criminal ratchet clauses are often very important, but some, while important in themselves, would not be as important to the British people on the whole. It would be a very daring move for anybody—a Eurosceptic, a pro-European, or any Minister—to recommend such matters for a referendum. I am quite happy to think that we could deal with this by putting before both Houses of Parliament a motion or Bill that could be amended to include a referendum clause, should the need arise. However, we can do justice and home affairs scrutiny a lot better. Although the written ministerial statement goes some way in that regard, could the Minister give us some real-life examples to explain how such matters will be dealt with in future?

I do not want to detain the Committee further. I have explained the reasons for my amendments on family law—I will not be pressing those to a vote—and on the JHA ratchets, which I hope I will not need to press to a vote. All parties should be able to agree in general terms to better parliamentary scrutiny of justice and home affairs opt-ins—or, indeed, opt-outs. This is the right place for that to be done, and I look forward to the Minister's comments.

**Emma Reynolds:** It is a pleasure to serve under your chairmanship as I make my first speech on the European Union Bill, Ms Primarolo. It is also a great pleasure to follow the hon. Member for Daventry (Chris Heaton-Harris). He and I have something in common, because I, too, worked in the European Parliament for a number of years. He was an MEP for a decade and I congratulate him on his speech today.

4.45 pm

I wish to place on the record my gratitude to the European Scrutiny Committee and congratulate it on several reports on the Bill, particularly the one it published last week. I particularly wish to place on the record my thanks to its Chair, the hon. Member for Stone (Mr Cash), whose eloquence and expertise on these matters is exemplary. The report certainly gave me some work to do this weekend. It kept me awake because it was a

riveting read, and it was so enlightening that I shall draw on its infinite wisdom in my contribution this afternoon.

In his Second Reading speech, the Foreign Secretary was at pains to stress the importance of clause 6 and the referendum triggers on the so-called “passerelle” clauses, as was the Minister for Europe in his letter to his own Back Benchers. If the Government's commitment not to transfer power to the EU is genuine and is a cast-iron guarantee—we have heard that before—and the passerelle clause actually requires unanimous agreement in order to move to qualified majority voting, why do the Government not simply veto any move to QMV? Can the Minister tell the House why it is necessary to make provision in clause 6 for a technical device that the Government have the power to block? Is it because the Government's own Back Benchers do not trust the Government Front-Bench team or, perhaps, some officials in the Foreign Office?

This matter was considered in the European Scrutiny Committee's report. One of its witnesses, the UK's former permanent representative to the EU, Sir John Grant, confirmed in his evidence that member states rarely agree to passerelles. He said:

“The point about the passerelles is that—they're significant in a way, of course they are, they're there for a reason—but it's very difficult to use them, whether or not there is a referendum Bill...but the reason passerelles aren't used very much is that everybody's got to agree that some of them are going to be outvoted.”

The Committee concludes that

“it is in reality unlikely that most of the Treaty provisions which attract a referendum under the Bill will ever successfully be invoked”.

It sounds like the Committee and its experts think that clause 6 is window-dressing, and it certainly seems that way to me.

As I have said, the Government claim that each and every passerelle clause is within the scope of the Bill, but I understand that that is not the case and I believe that the hon. Member for Daventry was making the same point. Indeed, the Minister for Europe's letter to his own Back Benchers states:

“To be clear, it is not the exercise of unanimous decision-making that would require a referendum”—

so far so good—

“but the shift in any significant area from unanimity to qualified majority voting.”

Can the Minister explain to the House what he means by “significant area”? How will that significance be judged? Is there a test for it? Does this approach not fall short of what the Foreign Secretary promised the House on Second Reading, when he committed that the Bill would cover every possible move to QMV in the treaties? Does the Bill not cover all those areas? If not, why not? I would appreciate the Minister's clarification on that point.

I also wish to ask the Minister for clarification on the implications of clause 6(4)(j) and whether the enhanced co-operation procedure on the EU patent would trigger an Act of Parliament or a referendum. Labour Members judge that this measure, if successful, would be an extremely important move to help British business protect its intellectual property rights, at least within the 12 member states entering into the enhanced co-operation procedure,

as it stands. We would not like to see the negotiations delayed any further on this important matter, so can the Minister tell the House if and how the current negotiations would be affected? For that reason, we have tabled amendment 100. The Minister has said that if it were included, it would put the matter beyond any doubt. I therefore urge that there be a Division on the amendment, so that we can have that guarantee in the Bill.

There is also a loophole in clause 6 that it is important to underline. The Government state that the aim of the clause 6 is to capture any change from unanimity to QMV, but as outlined by another witness, Professor Dougan, clause 6(4)(j) does not apply to the UK deciding to join an existing enhanced co-operation procedure whose members have already decided to move to QMV. Does the Minister agree that it is illogical not to include such a move that involves a shift from unanimity to QMV? Will he clarify the Government's thinking on the issue? Why does clause 6(4)(j) fail to account for that scenario? Does he agree with the recommendation of the European Scrutiny Committee's report that

"a decision by the UK to enter enhanced cooperation where the voting procedure has been changed from unanimity to QMV be subject to a referendum lock"?

Surely that is the logical conclusion to the Government's reasoning.

Other inconsistencies and elements have been illogically left out of clause 6. Again, the Government claim that clause 6 should include any move to qualified majority voting. The hon. Member for Daventry has pre-empted my speech on this matter, because it is surely a logical conclusion of the Government's argument that decisions by the Government to opt in to the field of justice and home affairs legislation should be included in clause 6. When he was asked about that point on Second Reading, the Foreign Secretary pointed out that there was only a three-month window for member states to opt in to the start of negotiations. That point was well made by the hon. Member for Daventry. However, why not put the opt-ins, when they are decided, to a vote in the House?

I take into account the Minister's written ministerial statement on this subject, which was made last week. Welcome though its contents are, does it go far enough? Does it allow proper parliamentary sovereignty over those significant decisions? The Irish Government manage to consult their Parliament within the time frame and to have a vote on these issues. Would it not be a good thing for this House to have a greater say?

**Mr Clappison:** I am grateful to the hon. Lady for giving way. She is making a very good case in a very cogent way. As a member of the European Scrutiny Committee, however, may I gently say to her that although I will have certain points to make about the written ministerial statement, it goes much further than anything that was permitted under her party's Government? For 13 years, we had no votes on opt-ins or anything else to do with these matters and, by and large, we had scrutiny without votes at the end of it.

**Emma Reynolds:** That is certainly true, but I remind the hon. Gentleman that both the Single European Act and the Maastricht treaty involved a much greater transfers of powers than anything we have seen since and the Foreign Secretary voted against a referendum

on such matters. Let us talk not only about consistency on this side, but about consistency by those on the Treasury Bench, too.

The Government have decided to opt in to eight pieces of justice and home affairs legislation since the general election. The hon. Member for Daventry has mentioned one of them—the European investigation order. The Opposition would have liked to have had a say on the Government's decision not to opt in to the EU directive to combat human trafficking. Indeed, we judge the Government's decision not to opt in to be a dereliction of duty as regards combating this modern form of slavery. I imagine that some Back Benchers sitting behind the Minister—as I have said, the hon. Member for Daventry has mentioned this—would have liked more time on the Floor of the House to discuss not only the European investigation order but the other seven measures that the Government opted into.

Another area that the Government have totally neglected to mention in the Bill is the wholesale transfer of the body of justice and home affairs legislation to the jurisdiction of the European Court of Justice. The decision that the Government have to take in 2014 either to opt in to the body of legislation in its entirety or not to do so was also referred to in the Minister's written ministerial statement last week, but it is not mentioned in the Bill and is surely of equivalent significance to many of the changes in clause 6. In fact, the Conservative party manifesto stated that the Conservatives wanted to repatriate powers in employment and social affairs and criminal justice.

In his ministerial written statement, the Minister said there would be a vote in the House on the decision in 2014—we welcome that. However, I am sure that some of his Back Benchers will tell him that it is his best chance to repatriate powers in the field of criminal justice. Such a move would be unilateral and could be carried out with relative ease. The Government will not be able to do the same in the field of employment and social affairs without the unanimous agreement of all the other 26 member states. Given that this is the Government's only chance to fulfil that manifesto commitment, are they minded to take up this opportunity? Are not these changes more important than those in clause 6?

**Mr Cash:** Perhaps the hon. Lady is getting to this point, but I should like to know whether the Opposition are going to push this issue to a vote, or at least encourage one.

**Emma Reynolds:** We are not in favour of repatriating power; I am simply pointing out that according to their manifesto, the Conservatives committed to doing so. Far be it from me to intrude on private grievances, but I am simply trying to point out that there may be disagreement on these issues between those on the Government Front and Back Benches.

**Mr Cash:** The hon. Lady has been talking with great eloquence about opt-ins and the number of opt-ins that have taken place and she has referred to the excellent amendments of my hon. Friend the Member for Daventry (Chris Heaton-Harris), which reflect the views of the European Scrutiny Committee. In the light of her eloquence and determination, and the expressions of support she



has given to my hon. Friend and therefore to the Committee, I should like to know whether the Opposition would be interested in voting on these matters.

**Emma Reynolds:** I was simply pointing out inconsistencies and contradictions in the Bill.

**Chris Heaton-Harris:** I thank the hon. Lady for being so kind to me and I congratulate her on her first contribution from the Front Bench; she is doing a sterling job. I very much appreciate the tone in which she is delivering her words. Given the welcome for last week's written ministerial statement, I wonder whether there is a chance, bizarrely, for some collaborative work to break out across the divide on how we should deal with justice and home affairs opt-ins and opt-outs. Perhaps we could all, together with our Lib Dem colleagues, come to a better arrangement for the future.

**Emma Reynolds:** I certainly agree with the hon. Gentleman, who makes the point well. There are elements of agreement regarding last week's written ministerial statement with which we can work. The Opposition favour any greater parliamentary scrutiny of the opt-in decisions that the Government make in this area. So, yes, there is quite a lot of agreement between us.

The Conservative party has come on a long, tortuous and at times destructive journey regarding the European Union. A Conservative Prime Minister took us into the then European Community and subsequent Conservative Prime Ministers signed up to the Single European Act and the Maastricht treaty—the biggest transfers of power from Westminster to Brussels in our history. There were no referendums on those issues. The Foreign Secretary has been part of that long and tortuous journey. He was not so keen on referendums in the early 1990s, when he and the hon. Member for Stone were on different sides of the argument during the long and heated debate on the Maastricht treaty that went through the night. The Foreign Secretary opposed a referendum on the treaty and the hon. Member for Stone consistently argued for one.

**Mr Lidington:** Does the hon. Lady acknowledge that there is an important distinction to be made here? With the UK's accession under Edward Heath and with the treaties she has mentioned that were agreed to by Conservative Governments, those policies were made clear in the Conservatives' manifesto when they sought the people's confidence at a general election. The difference with the Lisbon treaty is that, for the first time, referendums had been promised but were not given by the party that won office at the general election.

5 pm

**Emma Reynolds:** I thank the Minister for Europe for that intervention. I will say two things about it. The first is that I do not remember the 1983 Conservative party manifesto. The second is that the Single European Act involved a massive transfer of power with the introduction of the four freedoms—goods, capital, people and services. The Maastricht treaty also involved a massive transfer of power from Westminster to Brussels through the inclusion of justice and home affairs within the competence of the European Union treaties. I would argue that both those treaties were much more significant than the

Lisbon treaty. We will not take lessons from a party which has never, within my lifetime, granted a referendum to this country on—

**Ian Lucas (Wrexham) (Lab):** Does my hon. Friend remember the 1983 Labour general election manifesto?

**Emma Reynolds:** I have read it, and it is unforgettable, but perhaps that is not for this debate. We have become more sensible since then.

**Mr Cash:** The hon. Lady may not remember the precise terms of the 1983 Labour manifesto, but it was described as

“the longest suicide note in history”.

On the treaties, the Maastricht treaty indeed represented a massive transfer of powers. As Professor Simon Hix confirmed, in his view it should have been subject to a referendum. There are very few on the Conservative Benches now who do not agree that we were right when we pressed for one at the time. However, the Lisbon treaty contains the ingredients of the Maastricht treaty. That is where the problem lies. A referendum was required on that because of the things that are now entrenched in the Lisbon treaty which come out of Maastricht, Amsterdam and Nice, plus all the add-ons that the Front-Bench team of the Labour party in government put through.

**Emma Reynolds:** I know that the hon. Gentleman is disappointed that back in 1993 he did not manage to win the vote on securing a referendum on the Maastricht treaty. I would like to look forward, rather than look back. I shall continue and conclude my remarks.

The changes outlined in clause 6 and other parts of the Bill pale into insignificance compared with the wholesale transfers of power in the Maastricht treaty and the Single European Act, as I outlined. In the House, on the Second Reading, both the Foreign Secretary and Minister for Europe reiterated the Government's commitment, as set out in the coalition agreement, not to agree to any transfer of power from Westminster to Brussels for the duration of this Parliament. If the Government are so committed not to transfer power, why do we need the Bill? Is it that their own Back-Benchers do not trust them to keep to the text of the coalition document?

The Bill is unnecessary. It is a dog's breakfast. It is a political gesture to calm the fears of the Eurosceptics on the Conservative Benches. The Government have failed to achieve their objective.

**Tim Farron (Westmorland and Lonsdale) (LD):** I thank the hon. Lady for being so generous. Does she agree that the Bill recognises the mood of the country? I am an enthusiastic supporter of the European Union, but the mood of the country is not the same as mine towards the European Union. Parliament needs to make a statement that guarantees that this place is sovereign, and that the public's power over our membership of the European Union is ultimate and paramount. The compromise in the Bill is surely intended to achieve that confidence among the public and to ensure that we do not wrap ourselves up in so much red tape that we cannot have a meaningful relationship with the European Union.

**Emma Reynolds:** I thank the hon. Gentleman for that contribution, and I will say two things in response. First, European Union legislation can, by its nature, be deregulatory if it is framed precisely and well. Several pieces of European Union legislation replace 27 sets of national legislation. A number of business organisations recognise that fact and are in favour of it.

On the hon. Gentleman's wider point, I will say this: I am new to the House, but since last May I have not had a single constituent bring that subject up, either in a surgery or on the doorstep, and I was knocking on doors on Saturday. My constituents are more concerned about their jobs, the trebling of tuition fees and the risks from overhauling the NHS than about technical procedures called passerelles, which, I wager, none of them has heard of.

In conclusion, the Bill is a political gesture that has not succeeded in calming the Eurosceptic wing of the Conservative party. In fact, it seems to have inflamed the passions of the Eurosceptics on the Benches behind the Minister. I am sure that that will be demonstrated today, as it was yesterday and in previous consideration of the Bill. In the words of the right hon. Member for Wokingham (Mr Redwood), the Bill is "shadow-boxing". According to the hon. Member for Clacton (Mr Carswell), it is a "piece of legislative PR". This political device has not only backfired, but resulted in a Bill that is confused, contorted and contradictory.

**Priti Patel (Witham) (Con):** It is a pleasure to follow the hon. Member for Wolverhampton North East (Emma Reynolds).

I rise to speak to amendment 81, which stands in my name, but first I would like to make a wider point. I fundamentally believe that it is a landmark piece of legislation. I have strong and clear views on Europe and on our relationship with it. It is fair to say that since 1972 this country has seen what I would describe as open-door encroachment on our sovereignty and decision making. When I speak to my constituents about all matters related to Europe, and when they raise those with me, one of the fundamental questions they ask is who governs this country. Is it Britain, or Parliament or Europe? I think that the Bill will bring some clarity to some of those questions and issues.

**Mike Gapes:** Given the tone of the hon. Lady's remarks, should she not be calling for an in/out referendum, and is she not disappointed that the Government have come up with such a weak and ineffective measure?

**Priti Patel:** I have spoken previously about various clauses in the Bill and have made it abundantly clear that I welcome it. There is no doubt about that. On the hon. Gentleman's point about an in/out referendum, I would like to see a referendum on many, many issues, some of which are in the Bill. I will now speak to one fundamental issue that I think should be in the Bill.

**Chris Bryant:** The hon. Lady has just said that we should have a referendum on many, many issues. Does that mean many, many referendums, or one referendum on many, many issues? If it is the latter, how would one know on what one was voting yes or no?

**Priti Patel:** As the debate has proved, many issues to do with the way in which we do business in this country are related to the laws and the decision-making powers

of this House and the judgments exercised by Europe, and reflect the views of members of the public. Fundamentally, the British people have a right to vote on where we stand with Europe and on our relationship with Europe. I have been clear on that and consistently maintained that view.

**Chris Bryant:** The hon. Lady is being generous in giving way, for which I am grateful. She has just used rather Treasury Bench words. That is intended not to promote her, but to denigrate her, I am afraid, because those words seem rather woolly—I am merely recognising my previous sins. Does she mean in or out?

**Priti Patel:** I would be very happy if the country had a referendum on in or out of Europe, and I have consistently maintained that view. That is my personal view, but it is not the subject of debate on the Bill.

Amendment 81 would guarantee a referendum in the event that the EU proposed to reduce our powers over our inshore territorial waters up to the 12 nautical mile limit. I therefore ask the Minister and the Committee, through this debate, to put that safeguard in place. The amendment would not solve all the historical problems with the common fisheries policy, but importantly it would protect many of the efforts that this Government and the devolved Administrations are making in our sovereign territorial waters.

**Mr Wayne David (Caerphilly) (Lab):** On that point about the devolved Administrations, is the hon. Lady as concerned as I am about the evidence that the Scottish Parliament submitted, in which it worries that the devolved dimension is not being considered properly?

**Priti Patel:** Those issues should be given proper and due consideration.

As it stands, the Government and the devolved Administrations collectively exercise control and restrictions in our territorial waters up to the 6 nautical mile limit, and access is for British fishermen only. Access to our territorial waters between the 6 and 12 nautical mile limit is restricted to a handful of neighbouring countries. Those arrangements exist only by regulation, so at any time they could be amended by qualified majority voting and Britain could effectively lose control over access to its territorial waters within the 12 nautical mile limit of our shoreline.

The current regulation, passed in 2002, details the common fisheries policy arrangements for national territorial waters, and it expires at the end of 2012. As we know, the EU has plenty of flexibility to determine the future of our territorial waters, and I fundamentally believe that that is not in our national interest. The European Commission is, however, consulting on the post-2012 arrangements, and my significant concern is that through either that reform or future measures the majority of our European counterparts in the European Parliament or in the Council of Ministers will be able to determine the future of our territorial sovereignty.

I have been in touch with the Minister for Europe about the issue, and he has very kindly written to me to confirm that currently the Commission has no plans to change the arrangements, but I do not believe that we should leave it to chance, as it is simply not in our national interest to have other EU countries determining the future of access to our territorial waters.

**Mr Cash:** Will my hon. Friend bear it in mind that the infamous Merchant Shipping Act was taken through the House in 1988? It was struck down by the House of Lords for not being in compliance, it argued, with the European Communities Act 1972. I do not want to trespass too much on her speech, but I think she may appreciate that she is in what I would describe as extremely sensitive and, in my view, very sensible waters.

**Priti Patel:** I thank my hon. Friend for his remarks. There is no doubt that these are sensitive issues.

The Bill is significant and designed to protect Britain's interest, and now and in future we must think about the safeguarding of our territorial waters. We know about the state of fishing in this country, and I seek from the Minister an assurance that we will not concede more powers but consider the implications when changes come to the fore affecting our sovereignty and decision making in this House.

I shall touch on a couple of other issues. During the debate a fortnight ago on clause 8, the Minister for Europe, when challenged at length by my hon. Friend the Member for Stone (Mr Cash) and others, gave a very strong reassurance that this Parliament is sovereign on all matters. On this narrow issue regarding the common fisheries policy, however, my amendment would allow Parliament to exercise its constitutional power and disapply EU law that in my view is clearly not in our national interests.

As my hon. Friend says, these are sensitive issues, and I am not advocating a bust-up with Europe over them, but the amendment is about asserting our parliamentary sovereignty, on which many Members will agree. I seek the Minister's assurance that the Government are listening to the points that I have made. To summarise, I hope that they will safeguard the powers that we have over our territorial waters and that they are prepared, come what may, to defend the country's interests on this issue.

5.15 pm

**Chris Bryant:** I congratulate the hon. Member for Witham (Priti Patel) on her speech, but it exemplified the fundamental problem that I have with clause 6 and, for that matter, schedule 1. The Euroscepticism at the heart of the clause is a classic example of our exaggerated understanding of our own significance—in particular the significance of Britain and of our parliamentary tradition. That has been exemplified in many speeches this afternoon.

I always think it is ironic when people inveigh against other Europeans, often misquoting John Bright to say that this Parliament is the mother of all Parliaments, when he actually referred to England as the mother of all Parliaments. It is particularly ironic when people then refer to the first summoning of commoners to a royal Parliament—Parliament is of course a French word, not an English word—by Simon de Montfort. They quite often forget that he was in fact a Frenchman, and a profoundly anti-Semitic one at that. Incidentally, we only know the names of those who attended the 1258 Parliament because they had their expenses paid.

**Mr Cash:** We are enjoying the hon. Gentleman's speech, but I thought I would mention that although he is right about what John Bright said—I have just finished

writing a book about him—John Bright was defending democracy. Given the problem of the democratic deficit that we so often have, he would have been appalled at clause 18 and absolutely appalled at the manner in which power has been accumulated and moved away from the people of this country, particularly those who are less well off.

**Chris Bryant:** I think that John Bright would have been appalled by nearly every economic decision that has been taken by the coalition Government since they came to power, so I do not think that the hon. Gentleman is on good territory in summoning him up in support.

I also point out that the first royal to build on this site was King Canute, who, of course, was Danish. We must therefore take a less effortlessly superior approach to the European Union in our discussions.

**Mr Nigel Dodds (Belfast North) (DUP):** The hon. Gentleman said that Euroscepticism lies at the heart of the Bill. However, he will have heard the hon. Member for Westmorland and Lonsdale (Tim Farron), who is ardently pro-European, also supporting the Bill. What is the hon. Gentleman's take on that?

**Chris Bryant:** The attitude of the hon. Member for Westmorland and Lonsdale (Tim Farron) is rather different from that before the election, as is that of the Liberal Democrat party. That will not surprise many Conservative or Labour Members. The hon. Gentleman seemed to suggest that a vast army of people are constantly campaigning on Europe and our relationship with the European Union. In my time in this House, which is coming up to 10 years, I think that I have received four letters from my constituents about our relationship with the European Union. I have received quite a lot of letters from other people's constituents, but remarkably few from my own. I agree completely with the hon. Member for Daventry (Chris Heaton-Harris) about the failure in the way in which we scrutinise the mandate that Ministers think they are taking to meetings of the Council of Ministers and the legislation that comes from the European Union. I have made that point many times to the House.

**Mr David:** My hon. Friend is making an important point about scrutiny, but does he agree that it is reprehensible that we did not have a statement and a debate in the House before the last European Council, and possibly the one before that?

**Chris Bryant:** I do. It is unfortunate that the Leader of the House has adopted the approach of insisting that pre-Council debates have to be provided for by the Backbench Business Committee from its allocation. Those debates are about the Government's mandate, and they should be in Government time. I hope that at some point the Leader of the House will change his position on that. We may well not need a full day's debate—two and a half hours might be sufficient. Having participated in nearly every one of them since 2001, along with my hon. Friend and neighbour from the south Wales valleys, I can fairly safely predict who will take part in them. I can pretty much guess exactly what they will say, as quite a few of us have single transferrable speeches.

[Chris Bryant]

I wish to refer specifically to some of the amendments in this group, and my points will be made against the background of my belief that the whole of clause 6 is nonsense. It will harm the power of the British Government to negotiate on behalf of the British people and advance the British interest. It will make Parliament look like a body that is not genuinely interested in significant economic or trade advances. To Indian, Chinese, Russian, Brazilian and Mexican potential counterparts, we will look like the country that is standing in the way of the means of enhancing trade with their economies. I believe that that is a mistake.

The hon. Member for Bury North (Mr Nuttall) tabled amendment 54 and referred to it earlier. As he knows, it would ensure that there could be no extension of the rights afforded to members of the EU by virtue of article 25 of the TFEU, which is related to article 20(2). I say to him that in the middle of the general election campaign earlier this year, as Europe Minister, I had to go to a meeting—I cannot remember whether it was in Brussels or Luxembourg—to agree to the paper on the founding of the European External Action Service that Baroness Ashton had brought forward as High Representative. Many member states were keen for the paper to contain specific provision for consular services, because as I said earlier, many of the smaller countries in the EU have no representation in many of the 190 or so countries in the world. They frequently use the consular services of other EU member states, and most of the larger member states, such as France, Germany, Italy, Spain and ourselves, are perfectly happy to extend the hand of friendship in that way. Sometimes it is paid for by the country concerned and sometimes it is not, but there is give and take between different member states, so we are perfectly happy for that arrangement to exist.

**Mr Nuttall:** Does the hon. Gentleman agree that such a give-and-take arrangement would be perfectly possible even without the existence of the EU? It would also be possible for countries outside the EU to make such an arrangement.

**Chris Bryant:** The hon. Gentleman is absolutely right, of course. I referred earlier to the fact that we have no representation in Laos. The Australians use our old embassy and residence—I am not sure whether they have bought them now—and provide consular support to Brits who get into trouble in Laos. Indeed, last year I had to visit Vientiane to try to sign a prisoner transfer agreement with Laos. We were eventually successful, and a couple of people have come back to the UK and are now serving their sentences in British jails.

The hon. Gentleman is absolutely right that we would not have to invent the EU for that, but there are different expectations of consular services in each member state. When we had the ash cloud during the general election campaign, British newspapers were just about the only ones in the world to campaign for the Government to intervene. They wanted the Government to bring British nationals back to the UK, but French newspapers, for example, thought that getting French nationals back was entirely the responsibility of the French people and their airlines, travel agents and insurers. As more people across the EU exercise their right to the freedom of travel within it, citizens' expectation of their consular rights will change.

I remember talking to my German counterpart. He said that he expected to close possibly half of all German embassies and consular services around the world over the next five years. Other member states may well do the same. There might come a point when there is an enhanced desire for a shared EU consular service around the world, but I was keen in the negotiations with him to ensure that Britain did not sign up to something that had not gone through a full process of consultation in each member state.

I was also keen to say that the main actions of the EAS should be far more concerned with extending our influence with the BRIC economies, ensuring that we had a shared attitude to the middle east and Russia, and ensuring that we enhanced our action in the Balkans to protect our security, rather than with matters such as consular services, which could involve significant additional costs. Obviously, if the EU acts to introduce its own consular services, the danger is that a significant amount of the cost will be borne by the UK.

I think the Minister would be happy with the agreement that I eventually signed at that time. He is studiously ignoring me and not listening, but I think he, too, would have been happy to sign up to that agreement, notwithstanding the fact that the Conservatives did not originally want the EAS to come into existence because they were opposed to the Lisbon treaty—[*Interruption.*] I think the Minister is nodding—certainly with his eyes if not his whole head—but without being contradicted, I will assume that he would have been happy.

Under amendment 54 tabled by the hon. Member for Bury North, that agreement would have required a referendum, but that would have been a mistake. It was perfectly possible to achieve the outcome that the UK wanted—namely, that the EU should not be extended to provide consular services, except in the way that is already laid down in unanimously endorsed treaties—and consequently, amendment 54 would have limited the Government's power to negotiate.

King Canute was trying to prove to his consiliare that he could not hold back the waters, but the Bill is like the King Canute of myth—the one who actually tried to hold back the waters. However, in seeking to create a bulwark, there is a danger that the Government have so limited Ministers in what they can give away that they will be unable to achieve anything on behalf of the British interest in other matters. In the long term, and indeed quite possibly in the short term, that will lead to significant dangers for us.

In particular, amendment 13 is misguided because it applies to the whole of enhanced co-operation, which would mean that Britain would never be able to sign up to an existing area of enhanced co-operation or initiate a new area of enhanced co-operation. Enhanced co-operation is an entirely voluntary process, so I cannot see how it could possibly be in the British interest to put such a dramatic brake on the power of the British Government to enhance their co-operation in a particular area.

5.30 pm

Amendment 8, which refers to the European financial stability mechanism, says that it is all right to extend it to Ireland but not to any other country. That misses the point. If it is right to be able to extend it to Ireland

without a referendum—I presume that the argument would be that it is in our direct economic interest because of our historic ties with Ireland—why would it not be the same if we obtained direct economic benefits from ensuring that the Spanish, Portuguese or French economies do not collapse? Why should that require a referendum, whereas the situation in Ireland does not?

**Mr Cash:** The hon. Gentleman refers to an amendment that I hope to address shortly. Part of my argument will be that that financial mechanism is unlawful. It was entered into by a former Chancellor of the Exchequer and endorsed by the coalition Government in circumstances that I shall describe. It is also still subject to scrutiny by the European Scrutiny Committee.

**Chris Bryant:** I look forward to hearing the hon. Gentleman's arguments. However, I do not understand why it is okay to support Ireland without a referendum, but impossible to provide such support to another country without a referendum.

**Stephen Gilbert** (St Austell and Newquay) (LD) *rose*—

**Chris Bryant:** I shall give way to the new Liberal Democrat.

**Stephen Gilbert:** I am grateful for the old hon. Gentleman's time and patience in giving way.

Is not a further problem that, in a time of crisis, quick action might be required, and a referendum lock could mean that the problem got a lot worse before action could be taken?

**Chris Bryant:** Indeed. Obviously, a referendum would also incur significant costs. The Government are trying to argue that holding the alternative vote referendum on any day other than 5 May this year would cost some £30 million. I presume that any referendum under the amendment would also cost some £30 million, and I think that that is inappropriate. The clause refers to “a common EU defence”, and although I do not want to hand over the setting up of a standing army to the European Union, I acknowledge that there is already a European army, because there are troops from member states acting in Kosovo—and they have done so in Bosnia—as well as Swiss troops under an EU banner. I am reluctant to say that a referendum would be needed on any aspect of a common defence policy, because that would be a mistake in our national security.

**Mr Cash:** The hon. Gentleman referred to the cost of a referendum, but my amendment provides that a referendum would be held on the mechanism if the decision involved £5 billion or more. That is a vast amount, and that is why it should not go off to Spain or Portugal. I shall explain why if I get the chance to speak.

**Chris Bryant:** I look forward to hearing the hon. Gentleman's arguments.

My final point is that my anxiety about the drafting of this Bill, and in particular this clause and its attendant schedule, is that it is a lawyers' paradise. There will be constant judicial review of decisions made by Ministers. For instance, in the case of the agreement on the external action service, the eventual format would have been agreed by a Minister from any political party in this House, but it could well be subject to judicial review under the amendment. It is also true of many other

elements of the clause, and it means that Ministers' actions at meetings in Europe will constantly be subject to judicial review. Rather than increasing the power of Parliament, that will actually increase the power of the judges in this country, which I consider to be a very big mistake.

**Mr David:** My hon. Friend makes an important point, but is he aware that the European Scrutiny Committee, when considering the issue of judicial review, concluded that the clause, which has been projected by the Government as an apparent safeguard, was an illusory protection, because, in its view, a decision on a referendum would be a political decision and therefore not subject to judicial review?

**Chris Bryant:** Indeed, I have read the Committee's report. I thought it was interesting, not least because the Committee includes significant Eurosceptics on both sides of the House. Much as I admire and respect—and almost adore—the Minister for Europe, I fear that the Bill is a complete and utter chimera. It does not do what it seeks to do, it will not do what many hon. Members on the Government Back Benches hope it will do, and in the end, it will damage the country's interests.

**Neil Carmichael** (Stroud) (Con): It is a great honour to follow so many excellent speeches, including, obviously, those from the hon. Member for Rhondda (Chris Bryant), my hon. Friend the Member for Witham (Priti Patel) and especially—to be honest—the shadow Minister, the hon. Member for Wolverhampton North East (Emma Reynolds), the style and structure, if not always the content, of whose speech were particularly impressive. It was absolutely first class—except in content.

I want to talk first about the general purpose of the Bill to remind us what we are trying to do, which is to restore the trust between the electors and any Government over their relationship with the European Union. It is really important to restate that, because we can get so confused about the detail, as I have noticed during today's and yesterday's debates. It is a matter of restoring trust. The second important thing about the Bill is that it is all about ensuring we have clear decisions that can, and should, be made by a referendum where appropriate.

We are arguing not so much about the useful lists in the Bill, but about some of the areas that might require more clarification. My key point is that the Bill addresses the transfer of power and competence: it is neither a retrospective measure on things we might not necessarily agree with nor an opportunity to tear up things already in place. We have to understand that and the Bill's limitations. Of course, its value lies in the fact that it ensures that, from now on, we as a country will have a clear capacity to decide whether we want powers and competences transferred. We have to get that clearly understood during these discussions.

**Graham Stringer** (Blackley and Broughton) (Lab): The hon. Gentleman gets to the heart of the Bill. It strikes me that a theoretical key test for the Bill—I would like him to apply his mind to this—is whether, had it been passed in 1996, the previous Labour Government would have had a referendum on the Lisbon treaty. Had it been law, would it have guaranteed a referendum? I have the greatest doubt, given the composition of the Commons at the time.

**Neil Carmichael:** I thank the hon. Gentleman very much for that helpful intervention, to which I will give an emphatic answer: yes, we would have had to have a referendum to ratify the treaty of Lisbon. That is the whole point of the Bill: to prevent such decisions—decisions such as the one by the previous Government not to have a referendum on such an important measure—from ever being made again. So the answer is yes, absolutely, and quite rightly so. The hon. Gentleman's question is a good one—and my answer is good too.

**Graham Stringer:** The hon. Gentleman is being generous in giving way again. I participated in the debate on the Lisbon treaty and I voted for a referendum, but I had no doubt in my mind that whatever was in the three parties' manifestos, there was a majority in this House against having one. That majority was so strong that it would have simply repealed a Bill such as this, and therefore it would not have applied.

**Neil Carmichael:** I really cannot imagine a Government repealing such a Bill—or Act, as it would be—in order to deny the country a referendum. That would be a recipe for attracting an incredible amount of unpopularity, because nobody would trust such a Government ever again. They would have to repeal such an Act in order not to consult the people, which is a highly improbable course of action—certainly by a Conservative Government and even, I would suggest, a Labour Government—so the hon. Gentleman should not worry about that. When this Bill is passed, it is likely to be in place for generations to come, because it will act as a powerful bulwark against the very machinations to which he has referred.

**Mike Gapes:** Does the hon. Gentleman believe in parliamentary democracy, or does he think that referendums should be the way we govern our country?

**Neil Carmichael:** Oh, I believe in parliamentary democracy. I made that clear when we discussed clause 18. I pointed out just how important it is to recognise that we are in the European Union because of an Act of Parliament. I stand by that, because I think it is vital. The Bill does not seek to undermine parliamentary power or parliamentary sovereignty, however we want to define it; it would simply ensure that we consulted the people over such major decisions as, for example, extending the European Union's power over us.

**Mike Gapes:** If the hon. Gentleman believes in parliamentary democracy as strongly as he says he does, how on earth can he say that the Bill would act as a bulwark for generations to come? Surely a House of Commons of a different composition could and should have the right to repeal any Act with which it disagrees. The Bill would not act as a bulwark, because if the people elected a different Parliament, that Parliament should have the right to make such decisions, rather than have them made through an ephemeral referendum, held on one particular day, which is then apparently binding for generations.

**Neil Carmichael** *rose*—

**The Second Deputy Chairman:** Order. Before the hon. Gentleman responds, may I gently remind him that this is not a Second Reading debate about the entire Bill?

We are discussing specific amendments to clause 6, to which I am sure he is about to return, as he said he would.

**Neil Carmichael:** You are absolutely right, Ms Primarolo. I have been taken down this track by others. I am very keen to answer any questions, because it is important that questions are answered—I would not want to be accused of ignoring them—so I am going to respond quickly to that one. I did not say that the Bill could not be repealed; I simply said that it would not be repealed, because no Government in their right mind would be keen to deny a referendum in that way.

The Bill will strengthen Britain's negotiating position, because it will make sure—

**The Second Deputy Chairman:** Order. Mr Carmichael, I would like you to refer to the amendments. You have been speaking for some time now, and you keep saying that you are coming to the amendments. I would now like you to talk about them and not the general principles of the Bill.

**Neil Carmichael:** Thank you very much, Ms Primarolo. The problem is that I keep on getting interrupted.

5.45 pm

I have four amendments that I want to talk about, on three subjects. They are linked to what I was saying before, because there are key themes that emerge, and I would like briefly to canter through them. I want first to talk about amendments 100 and 13, which in many ways are similar, because they are about enhanced co-operation. I said in my opening remarks that it was important to talk about the fact that the Bill was all about transferring power and competences and ensuring that we had approval for that. Enhanced co-operation is not necessarily that, however; it involves co-operation between countries, although not necessary all EU countries. That is the nature of enhanced co-operation, but it also requires unanimity. We have to ask what would happen if we ever moved away from unanimity towards qualified majority voting, however, because that would be a different matter. While the process is simply a matter of nation states co-operating to implement or enhance a policy, it is perfectly acceptable. That is why I do not think it wise to accept amendments 100 and 13, and I suggest that the Minister recommend that the Committee reject them. That was the point I was trying to make about the importance of understanding what we are talking about, which is power and competence.

**Chris Bryant:** I think the hon. Gentleman is disagreeing with himself. If he supports amendment 13, he surely cannot support amendment 100, and vice versa. It is a matter of quid pro quo, or perhaps quid pro euro.

**Neil Carmichael:** I am sorry if I did not make myself clear enough: I do not support either amendment.

**Chris Bryant:** But amendment 100 removes some elements from the Bill, while amendment 13 includes some, so it must be either A or B.

**Neil Carmichael:** My position is that neither of them needs to be supported. I believe that the present situation is perfectly acceptable, and we need to concentrate on the question of power and competence.

I turn now to the European financial stabilisation mechanisms, which are also very important. The critical point is that we are not in the euro, and that ECOFIN makes the decisions through the qualified majority voting procedure, so any attempt to make changes in that regard would not necessarily have the desired effect. We have no plans to join the euro. Amendment 8 would be necessary only if we decided to join it, which we certainly do not intend to do. I might add that this legislation will make it a necessity, for the first time, to have a referendum before we are able to join the euro. That is really useful.

**Mr Cash:** My hon. Friend is talking about my amendment, but I am afraid that he really does not seem to understand what it says. I say that with great respect. It has nothing to do with the euro; it relates to a financial mechanism that was brought in by the previous Chancellor of the Exchequer on 9 May last year and endorsed by our own Government. I can assure him that the amendment has nothing to do with the euro, so he can relax.

**Neil Carmichael:** But it has got something to do with ECOFIN and with our interest in ensuring that the euro remains strong, because we must remember that 50% of our trade is with the euro area. That is not to say that we should join the euro; we should not. I am simply reflecting our economic position.

**Chris Bryant:** I agree with the hon. Gentleman's last point about ensuring that the euro is strong; otherwise, there could be enormous impacts on the UK economy, not least because we are, in many regards, the banker for the rest of Europe. However, I think he is wrong to say that clause 6 means that a future Government could not join the euro without holding a referendum. All that a future Government would have to do would be to pass an Act of Parliament saying that, notwithstanding the provisions in this Bill, we were none the less going to join the euro.

**Neil Carmichael:** I anticipated that point, which is why I made so much effort in response to the interventions by the hon. Member for Ilford South (Mike Gapes). I just do not believe that any Government would repeal this legislation, because it would be suicidal to do so. I am therefore absolutely confident that the provisions in the Bill will be implemented, because no Government would ever decide to go against public opinion so flagrantly. That would be tantamount to postponing a general election for years and years. It would simply not be an acceptable step.

I come now to amendment 81, tabled by my hon. Friend the Member for Witham (Priti Patel). The first thing to say about the common fisheries policy is that it does not really work very well. We want to find ways to protect fish and fishermen, but the CFP is not an effective tool. Let me say a few words about it. The CFP was introduced to this country in the early '80s after the 10-year moratorium agreed and negotiated under the original Act of Parliament that brought Britain into the European Union in the first place. It was the late Lord Walker who, as the Minister for Agriculture, Fisheries and Food negotiated it in the early 1980s. Our Margaret Thatcher, the Prime Minister of the day, pointed out, as I saw on a memorandum released under the 30-year rule, that "these are our fish" and so forth. There was a lively debate about how the CFP was constructed.

We cannot be retrospective about this issue, however. What we must do instead is make sure that an empowered British Government demand the reform of the CFP. Having a referendum on it now will not be effective. A ruthless approach to reforming the CFP so that it reflects the interests of Britain, the interests of fishermen and, indeed, the interests of fish is the most urgent and necessary requirement. I do not think that amendment 81 is particularly helpful, although I recognise and understand that all the amendments I have mentioned are in this grey area, where some clarification is required.

The Bill helps us in many ways; so, too, do the explanatory notes. We should rely on the list set out in schedule 1 and on the details of clause 6, as these provisions set out the substantive issues that we need to debate—and the British public will expect us to vote on them, as these are the areas that have been neglected in the past, as a result of which we have lost the trust of British people.

In summary, it is critical to remember that the Bill is about having referendums on the transfer of power and competence. It is not about tinkering with policy, which is the job of Ministers in the various Councils in the European Union. It is the job of this Parliament to secure and protect the capacity of the British people to be able to say no to a transfer of power from Britain to Europe. I believe that that is an acceptable position, and it is the right one for us to support. It is, I think, captured very well in the Bill.

**Several hon. Members rose—**

**The Second Deputy Chairman:** Order. Before we proceed, I want to say to Members that given the breadth of the debate on this group of amendments, I am not minded, under the Standing Orders, to take a clause stand part debate. I hope that hon. Members will bear that in mind when they make their contributions—although those who have already spoken do not appear to have done so.

**Mike Gapes:** Thank you, Ms Primarolo. I take it, then, that if I widen my remarks, I will remain in order—subject, of course, to the occupant of the Chair.

I begin by following up a comment of the hon. Member for Stroud (Neil Carmichael) when he said that the former Prime Minister had said, "They are our fish". One thing about fish is that they do not stay in one place; they can move. If they do not move, they may be over-fished, and there may be a need to have some kind of collective policy to protect "our fish". It is very easy to say that these are "our fish", but the fish might swim away and not come back another day.

**Mr Cash:** When fish are thrown overboard, they are dead; then they do tend to stay where they are.

**Mike Gapes:** That is very true. The hon. Gentleman should therefore welcome the fact that I am a signatory to an early-day motion on this very issue, which was tabled recently by one of his colleagues.

**Mr Redwood:** I am sure that the hon. Gentleman has been here long enough to know that signing an early-day motion never succeeds in doing what we wish. Does he have any better ideas for saving our fish? I am with him in wanting to do so.

**Mike Gapes:** We need a general approach that recognises that the planet's resources are finite, so we need to try our best to conserve them. In saying that, however, I am

[Mike Gapes]

sure that I am moving well away from a clause stand part debate or indeed from a debate on any of the amendments to clause 6.

The hon. Member for Westmorland and Lonsdale (Tim Farron), who is no longer in his place, tried to explain why the Liberal Democrats support the Bill and clause 6 in particular. I was struck by the fact that the real reason for that support was not explained. The real reason lies in the fact that a party that is allegedly pro-European—and whose Chief Secretary to the Treasury used to work for the European Movement—has become very European in the sense of taking on the Stockholm syndrome.

The Liberal Democrats have been captured by their partners to such an extent that they have signed up to making a gesture towards the Eurosceptics, giving the impression to the hon. Member for Witham (Priti Patel) and others who would rather have an in/out referendum—she said as much in response to an intervention—that the proposals before us are highly significant. I suspect that, in many respects, they are not significant, but if they were, and if many referendums were to be triggered in respect of the list of items set out in the Bill, and particularly those in the amendments in the group, the cost of having them would be enormous. I refer not just to the costs of running the referendums, but to the costs of the litigation and judicial reviews that would be incurred—as usual, it would be the lawyers, not the British people, who reaped the financial benefit out of the provisions. We would simply have to pay for the processes brought about by these measures being incorporated into the Bill.

The hon. Member for Stone (Mr Cash), the Chairman of the European Scrutiny Committee, and I had an exchange about these issues on Second Reading. He seemed to agree that there are dangers in bringing about a large amount of litigation and in conferring extra powers on the courts, taking them away from our parliamentary democracy. What we face today is the potential for this to become a dog's breakfast and a lawyers' paradise.

Amendment 8, tabled by the Chairman of the European Scrutiny Committee, deals with the European financial stability mechanism. This would not only be costly; it would not be in this country's national interest. As the hon. Member for Stroud pointed out, more than half our trade—I think it is 60%—is with our fellow EU member states. We therefore have a national interest in the success of the euro; we have a national interest in growth in the German, French, Danish, Dutch, Spanish and Portuguese economies, for example; and we have a national interest in the prosperity of the European region.

It follows that measures will be required to stabilise the financial institutions in the EU, to stop the collapse of banks, to deal with a crisis such as we have seen in Greece, and to deal with the change in the Irish Government that is likely to happen in the next few weeks or perhaps to respond to the welcome return to government of a man who was a Finance Minister under the excellent Labour Government in Ireland, Ruairi Quinn. In light of that, it will be in our national interests to assist the stability and success of the other European economies. Amendment 8 should be opposed vigorously, because it is not in the interests of this country.

6 pm

**Mr Cash:** As the hon. Gentleman knows, I tabled amendment 8. He has described the apparent tremendous advantages of the eurozone to us, and indeed the Government sometimes say much the same. The problem is that as a result of the failures of European economic governance and the failure to repatriate the regulations that are imposed, there is no growth in the EU as a whole. We are in the process of being enmeshed in an imploding European Union. So I do not entirely agree with the hon. Gentleman, although the reasons for my amendment are not directly connected with that.

**Mike Gapes:** The hon. Gentleman and I have been debating these issues for nearly 20 years. We have never agreed on matters relating to the European Union, and I do not think that we are going to do so now.

I do not believe that it will benefit our country if the European Union and the European economies implode, as the hon. Gentleman seems to wish them to do. Certainly there are problems in some—not all—European Union economies, and some, including the German economy, are growing quite rapidly. At the same time, the world's economic centres are shifting, overwhelmingly to Asia but also to other parts of the world, and as a result we as Europeans will face a very difficult period in the coming years and decades. We need to think carefully about what will happen if the British economy is speculated against in the next 10, 15 or 20 years, and—given that the coalition Government are presiding over a return to recession—about what will happen to the long-term future of the economy if, as the hon. Gentleman wishes, the European economies fail and the European Union implodes.

**Mr Redwood:** I certainly do not want those economies to fail. However, if, according to the hon. Gentleman's analysis, it is right to involve ourselves in economic governance and in mutual subsidies to protect our trade in physical goods with euroland, should we involve ourselves in the same way with the rest of the English-speaking world? Should we aim for stronger economic governance and more transfer of subsidies to protect our extremely important trade in services, most of which takes place outside Europe?

**Mike Gapes:** Mr Caton—

**The Temporary Chairman (Martin Caton):** Order. I am advised that that question is not strictly relevant to clause 6, so I invite the hon. Gentleman to proceed with his speech.

**Mike Gapes:** I was about to seek your advice, Mr Caton. I would love to become involved in a debate on the merits of European co-operation and a new Bretton Woods, and numerous other such issues, but I do not think that they are covered by clause 6.

The questions with which the Bill confronts us are “Is it necessary?”, “Does it do what it says on the tin?”, and “What will be the effects of it and, in particular, of the amendments and clause 6 if they become law?” In my opinion, either this is a recipe for litigation and a lawyers' paradise, as others have said both on Second Reading and today, or it is irrelevant. Indeed, it may be both: it may be irrelevant in essence, but may none the less serve as a mechanism enabling people to opt for



judicial reviews and litigation when referendums are not proposed on certain aspects of decisions made in the European Union and the Council of Ministers.

We are experiencing a difficult period in this country. Very few politicians have had the courage to stand up to the Murdoch press and the Eurosceptic media, and the capitulation of the Liberal Democrats over the last few months, as they have changed their previous approach to the one to which they have signed up in the coalition, further weakens the voice of pro-European people in the country.

**Stephen Gilbert:** I note the accusation of Stockholm syndrome, but I suspect that the hon. Gentleman is suffering from amnesia. The Liberal Democrat manifesto was clear: it said that there would be a referendum

“the next time a British government signs up for fundamental change in the relationship between the UK and the EU.”

The coalition is committed to ensuring that that does not happen.

**Mike Gapes:** Perhaps when he makes his own speech the hon. Gentleman will be able to clarify whether the Liberal Democrats are still in favour of a “big bang referendum”, as was suggested on some occasions, whether—as happened with the Lisbon treaty—they will vote in three separate ways on any of the issues that arise from clause 6, and whether the Liberal Democrats in the other place will vote in line with their Front-Bench colleagues here or will also be split in three directions.

I believe that the measures before us are not necessary and should be rejected. I shall vote against clause 6 and the amendments concerning, in particular, the European financial stability mechanism, which I think would be positively damaging to the future of our country.

**Mr Cash:** Excellent amendments have been tabled by my hon. Friends the Members for Daventry (Chris Heaton-Harris), for Witham (Priti Patel) and for Hertsmere (Mr Clappison), and perhaps by others whom I have omitted to mention. There are quite a few amendments here which deal with matters raised by the European Scrutiny Committee, and which relate in particular to gaps—as we described them in our report—in the control mechanisms of part 1. Those matters, which have been discussed quite extensively, involve extensions of European Union competence in criminal law and procedure and in family law, opt-in decisions, and enhanced co-operation in internal passerelles. The amendments deal comprehensively with those issues, and in doing so demonstrate their necessity.

The proposal relating to criminal procedure has been raised by the European Scrutiny Committee in the past. In particular, the Committee has raised the issue of serious crime with a cross-border dimension. Despite denials over the past decade or so that there would be any serious engagement in the field of criminal law, there has been an increasing encroachment on it. There are serious problems, which are often procedural. We should also consider the manner in which criminal justice is activated and operated in other member states. We do not want to assume that everything that we do is perfect; indeed, we have plenty of evidence that it is not. However, there are certain basic principles that go to the heart of the manner in which trial by jury operates and the manner in which people are arrested. I could continue at great length.

**Mr Clappison:** My hon. Friend is making an extremely powerful speech about a very important point. He has referred to the rationale behind the proposals from the European Union, and has cited serious crime with a cross-border dimension. Can he confirm that when jurisdiction is given to the European Union through an opt-in, it applies not just to cross-border crime but to all criminal law, and brings all the criminal law in this country within the jurisdiction of the European Court of Justice and future proposals from the European Commission?

I do not wish to use the word “bogus” or the word “misleading”, but the European Union’s rationale is apt to mislead. The creation of a common European criminal justice system is profoundly significant.

**Mr Cash:** Indeed. I pay tribute to my hon. Friend, who, as a member of the European Scrutiny Committee, played an important role in the preparation of its report. As I am sure he will speak in the debate, and given his expertise as a member of the Select Committee on Home Affairs, I shall restrict my own remarks, and leave it to him to deal with these questions in his own time and his own way.

I simply make the point that these are well-founded concerns, and I can think of no reason on earth why the Minister would not want to accept these amendments. Perhaps he will, but while the Government have had regard to what the European Scrutiny Committee has said in a report that has been universally welcomed—by both Front-Bench teams and by all those with the competence to understand these matters—they have tended to ignore that almost entirely in considering our recommendations. I shall return to that issue later, but not today.

I turn to the reasons that we gave in the European Scrutiny Committee report regarding questions of criminal law:

“To be consistent with the extension of shared competence under clause 4”—

we debated that yesterday—

“the application of both of these provisions”—

the two provisions and the amendments relating to criminal procedure and serious crime—

“should be premised on a referendum and Act of Parliament, as in clause 6; not an affirmative vote before the Government’s opt-in decision and an Act of Parliament before it agrees to the adoption of the legislation.”

The fact that the report states that ought to be put on the record. Our view is that family law

“is...of similar if not greater importance to social or environmental policy and ought to come within clause 6, triggering a referendum as well as an Act.”

We can see no reason for not doing all those things.

On opt-in decisions, I defer entirely to my hon. Friend the Member for Hertsmere. Our conclusion is that it

“would seem to us consistent with the aim of Part 1...for all opt-in decisions to be subject to formal Parliamentary approval.”

My hon. Friend the Member for Witham referred to fishing, and there she was in sensitive and deep waters. She explained very well the six-mile limit, the fisheries limit of up to 12 miles, the 2002 regulation and the associated issues, but that does not alter the fact that this is a serious problem for the fishermen of the United Kingdom. In considering the idea that there should be

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any restriction of our sovereignty and territorial limits in these matters, we should remember that the entire fisheries policy, which we shall not debate in detail today, I can assure you, Mr Caton, is a complete travesty. There is no question about it: it constitutes the most monumental waste of good fish, which are thrown away and literally left to rot. It is pathetic, and I need say no more than that. That we should regain a degree of sovereignty and territorial competence in relation to fishing is to my mind a given.

**Mr Redwood:** My hon. Friend has made a very powerful comment. Many of us have felt for many years that the fisheries policy was a scandal. Successive Governments have said that they would do something about it; none have yet succeeded. Does this not show why we are also worried about the surrender of criminal justice powers? We are surrendering them to the very people who have made such a mess of our fisheries.

**Mr Cash:** Absolutely, and the same problem permeates so much of what goes on in the European Union. I am anxious not to get into discussing the merits of the European Union as a whole, and I shall certainly ensure that I keep to the amendments; but I entirely agree with my right hon. Friend. I will come on in a moment to the financial stability mechanism, and try to demonstrate exactly how wrong I think the hon. Member for Ilford South (Mike Gapes) is about the broad questions attached to it. I shall also deal with the mistaken remarks of the hon. Member for Rhondda (Chris Bryant) regarding the necessity for my amendments.

6.15 pm

Before I deal with my amendments, I want to discuss the provisions relating to enhanced co-operation and internal passerelles. Our Committee recommended

“that a decision by the UK to enter enhanced cooperation where the voting procedure has been changed from unanimity to QMV be subject to a referendum lock.”

To my mind, the very idea of such a change is enough to fill me with absolute horror. One aspect that has not been discussed at all during these proceedings is what is euphemistically and rather foolishly known as the ordinary legislative procedure, which I objected to all those years ago when discussing the Maastricht treaty, and which was then described as co-decision. Even in those days, it became apparent that it would be a severe invasion of the sovereignty of this House. Indeed, now we are faced with decisions that are virtually taken away from us by the use of this procedure. It would be invidious of me to go into all that now, but I want to place on the record that this is what is going on, and it is a very dangerous invasion.

My objections regarding sovereignty, which I expressed, I hope, with some clarity in my speech on clause 18, therefore also apply to the manner in which mechanisms in the Bill and mechanisms already provided for under treaties from Maastricht right the way through to Lisbon have, by their very nature, taken away from this House massive powers. People outside just do not know it, and I severely criticise those in the media who do not give enough attention to the extent to which representatives in their own Parliament are being inhibited in the democratic process of exercising the right to make decisions on behalf of those whom they represent. That is the essence of the problem.

I commend the speech made by Mr Speaker last week, in which he dealt with two vital matters: the sovereignty of this House and the reasons for it; and scrutiny, including of European business. I wonder whether the Government have really understood the perils to which they are subjecting the British people through the democratic deficit they are creating, despite the talk of a referendum. The Minister for Europe has already told us that the Bill's referendum provisions will not be implemented during this Parliament—heaven alone knows what will have happened between now and then anyway—and that includes the treaty arrangements that Monsieur Fillon is putting forward. We have got used to the whiff of grapeshot. We hear these things and he comes over, has a meeting with the Prime Minister and the Prime Minister has a press conference in which he does not rule out a treaty. He says that we will not be lured into the same arrangements as theirs, but my goodness, we will be locked into them sooner or later. The same applied to the Maastricht treaty and to the treaties of Amsterdam and Nice. Same old story, same old solution—but unfortunately, it is not a solution that is to the benefit of the people whom we represent in this House.

I am deeply worried about that. Of course, if we were told that the treaty was going to be vetoed, we would be extremely pleased, but we have not heard that. Some will say, “Oh, it's just speculation”, but I am afraid that I do not think it is. The treaty deals with social policy, fiscal policy, political decision making and the whole question of economic governance. I therefore strongly recommend that the Government adopt the amendments I have mentioned. I leave it to those who have proposed them to decide whether they will press them to a vote.

On enhanced co-operation, I simply recommend that people read the evidence from Professor Dougan of Liverpool university. It is referred to in paragraphs 52 to 55 of our report. He cogently demonstrates the reasons and the necessity for the proposals in our report.

I shall now discuss my amendment 8, on which I need to set out a bit of the history attached to it, because the House of Commons and the people of this country are confronted by a strange situation. I am being given the opportunity to set this out with clarity, because neither this Government, nor the previous Government have done what they should have done at the appropriate time. The British taxpayer has thereby been unnecessarily exposed, and we are talking about billions and billions of taxpayers' money. I will explain why the amounts in question are as they are and how it happened. I ought also to add that this relates to the European financial stability mechanism, which was the mechanism that was partly used for the Irish bail-out. I need not go into the provisions of the Loans to Ireland Bill, because we dealt with that. This was a bilateral loan and that was my suggestion to the Chancellor when the matter first came up on the Floor of the House—perhaps it was a case of minds working alike. I can say only that I am glad that I at least got it on the record that we should opt for a bilateral loan, if anything, and if it were in our national interest. However, on 9 May, after the general election but before the coalition agreement was entered into, the previous Chancellor agreed at an extraordinary ECOFIN meeting that he would engage in this process. A discussion took place, and it is referred to in the explanatory memorandum supplied by the Government.

The subject will be debated by European Committee B on 1 February—the Financial Secretary to the Treasury has come into the Chamber and I suspect that he will be answering that debate.

**Mike Gapes:** Just for the record, is it not a fact that the outgoing Chancellor would have consulted the then shadow Chancellor, who was about to become Chancellor, at that time? So rather than inadvertently giving the wrong impression, perhaps we should put it on the record that in that transition period it would have been necessary and proper for the previous Chancellor to be in discussion with his successor, so that there would be no ambiguity about what would happen.

**Mr Cash:** The hon. Gentleman is absolutely right on that important point, and I was immediately coming to it—I have in my hand the explanatory memorandum, to which I referred before he intervened, precisely for that purpose. It stands in the name of the Economic Secretary to the Treasury. A scrutiny matter is still outstanding, so paragraph 26 comes under the heading of “Other observations” and states:

“The Government regrets that the Scrutiny Committees”—those of the Commons and the Lords—“did not have time to consider this document before it was agreed at Council.”

I can tell the House that that happened because we were in a caretaker period and the European Scrutiny Committee, as such, was not sitting in that interregnum. The memorandum continues:

“It should be noted that whilst agreement on behalf of the UK was given by the previous administration, cross-party consensus had been gained.”

That is why I made the point that the responsibility lies with both this Government and the previous one.

**Austin Mitchell** (Great Grimsby) (Lab): I am following the discussion with great interest and some concern. As I understand it, we are talking about a decision that could have been taken, and was being taken, by a majority vote, and our outgoing Chancellor could not have stopped it anyway. Is that correct?

**Mr Cash:** People keep saying that, but let us examine the actual operation of the European financial stability mechanism. The final decision is taken under the regulations concerned—this is what happened in the context of Ireland—only after the request has been made by the member state. I do not know whether this is one of the reasons why the current Taoiseach—only for the time being, it appears—is in deep trouble, but that is possible. What I do know for certain is that the prescribed procedure laid down under the regulations made under article 122 of the treaty on the functioning of the European Union was infringed by the manner in which the International Monetary Fund, the European Central Bank and others moved into Dublin before a request had been made. As we can recall, the Irish Government were saying that they had not made a request and that they did not need the money. It is also true to say that Mr Socrates is saying much the same at the moment.

**Austin Mitchell:** The hon. Gentleman is being very patient with us and the serious explanation he is giving is well worth considering. I also understood that article 122 was intended to apply to a destabilisation of the euro because of some kind of natural disaster. The destabilisation

that took place was caused by the inherent faults in the euro, so why has article 122 been extended to cover a destabilisation resulting from the cracks and failures of the euro itself, given that it should have applied only to natural disasters?

**Mr Cash:** The hon. Gentleman and I have engaged in debates on the European question since we first met. I have the greatest respect for him and he has hit the nail right on the head here, because this problem does not just arise because of our exposure to what happens in Portugal and Spain in the future; it also arises from the lack of a sound legal base for the decision taken in the first place by the outgoing Chancellor and endorsed subsequently by the incoming Chancellor. We know that there was a consensus and that an agreement was reached—that answers the question put by the hon. Member for Ilford South. I would not be going about this if I did not believe that substantial matters of principle and of huge cost to the taxpayer are involved.

**Mr David:** The hon. Gentleman has raised an extremely important point. I wish to emphasise that he is correct to say that there was a consensus between the outgoing Chancellor and the incoming Chancellor—proper discussions and consultation took place—but that was not the impression given to this House by the current Chancellor of the Exchequer.

**Mr Cash:** I was not necessarily here when an impression was being given one way or the other. What I do know is that I have an accurate record of what did take place. I also have with me an article from Monday 10 May containing what are clearly accurate descriptions of the position of the then Chancellor—I believe he was just still the Chancellor then, because the coalition agreement had not been entered into. I recall writing to the Prime Minister on that day, suggesting, among other things, that he should go for a minority Government. I also said that if he was determined to go down the route of a coalition, he should require the Liberal Democrats to abstain on any matters relating to Europe that came up. That possibly explains some of my concerns as matters have developed and more and more European decisions, roadblocks and other difficulties in respect of the decisions we took in our manifesto have emerged.

**Austin Mitchell:** I am grateful to the hon. Gentleman for giving way; he is very patient. I normally agree with his views, even though I usually express them in rather shorter compass. He still has not answered my question, however, about whether what was agreed at the meeting was a distortion of the original purpose of the machinery, which was intended for coping with natural disasters and should never have been extended to destabilisation and problems caused by the euro.

6.30 pm

**Mr Cash:** Absolutely, and I shall elaborate on that very quickly. Article 122 concerns matters of emergency and natural disasters, and its use for the purposes of financial stability is clearly—as the European Scrutiny Committee has said—not based on a sound legal footing. That is the issue. I had made that point, but I am happy to repeat it. However, it goes further: because of the failure of the legal base, the whole deal is vitiated. That is the problem. The deal was done in an interregnum and by consensus between the two Chancellors, but it

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ends up being vitiated as a matter of law. That is very serious given that the whole deal is for €60 billion—£52 billion—but according to the right hon. Member for Edinburgh South West (Mr Darling), the United Kingdom is exposed to a risk of £8 billion.

**Mr Redwood:** Although we must ask the former Chancellor and the Chancellor to speak for themselves, as I understand it the former Chancellor quite properly consulted the then shadow Chancellor, who said, “You are the Chancellor”—he could not be sure at that point that he was about to become the Chancellor, because there was no coalition agreement—“and it is for you to make the decision.” It is also fair to say that I do not think that the present Chancellor objected to the proposal or sought to block it. I think he felt that it was not his decision to make. It was not a co-decision; it was a decision by the former Chancellor, which the present Chancellor knew about.

**Mr Cash:** It was indeed. Furthermore, this is not just a bit of esoteric dancing on the head of a pin. The Select Committee on Political and Constitutional Reform has examined the matter and I happened to be watching its proceedings when there was a discussion involving Professor Hennessey and two other eminent professors, Professor Hazell and Professor McLean. My hon. Friend the hon. Member for Isle of Wight (Mr Turner) asked a perceptive question about the status of the arrangement in the context of the Cabinet manual, which, as we know, is now out in the open and being discussed by that Committee in relation to caretaker Governments. The conclusion was that it was within the province of the incoming Chancellor to enter into such a bilateral arrangement in that context, in which he made his decision based on the information he was given by the outgoing Chancellor. My right hon. Friend the Member for Wokingham (Mr Redwood) is right. The problem is that, if that was unlawful, there was no basis on which either of them should have come to that conclusion.

**Mr Redwood:** As I understand it, the current Chancellor refused to make a decision. It was not a co-decision. He did not object or support it, but said that it was for the outgoing Chancellor to make the decision. Of course, in practice, if he had not agreed he would have unscrambled it when he got into office, because he had the majority and the outgoing Chancellor did not.

**Mr Cash:** I am very happy for that matter to be looked into further. My right hon. Friend might well be right, but I have an article that quotes the outgoing Chancellor of the Exchequer on the BBC’s “Today” programme, saying:

“Overall it is a very good deal for all of us in Europe but also for the wider world. It is”—

something for us “together”. He also said:

“Our exposure for the additional amount of money could be £8 billion”.

The article also states that he

“confirmed he had spoken to Shadow Chancellor George Osborne and Lib Dem Treasury spokesman Vince Cable about...responsibility for it”

and goes on to state:

“All three had agreed ‘there was no way Britain was going to underwrite the euro’.”

When he was pressed, he said:

“I am not going to disclose the conversations we had, because we had them on the basis that they were private and confidential.”

The article goes on:

“A statement issued after the talks confirmed that the new fund placed the potential risk squarely with the eurozone.”

That worries me. I do not know where that came from, because it most emphatically is not the case, as we are not part of the eurozone.

I hope that the Select Committee on the Treasury will look to considering all that. We are talking about substantial sums of money, about an interregnum period and about a rather unusual situation. We might be talking about errors of judgment involving considerable exposure for the taxpayer. For all those reasons, it is very important that we get to the bottom of this. We do not need to turn it into a witch hunt—I do not believe in those sort of things—but as regards scrutiny and accountability, this is an important matter that needs to be resolved properly and efficiently.

Proper answers need to be given, the Treasury needs to put forward the arguments that it presented and it should disclose the papers. We know perfectly well that, in the kerfuffle of 9 May and the days leading up to it, the then Chancellor might understandably have had a lot on his mind. In the circumstances, all sorts of things could have gone wrong. That is the moment, as I see it, when important strategic decisions involving enormous amounts of money and affecting the taxpayer on what I would term an unlawful basis—a basis that certainly is not legally sound—need to be considered very carefully.

It might not surprise some hon. Members that I tabled amendment 8. In all such circumstances, other than the situation vis-à-vis the Republic of Ireland, attention should be drawn to these matters, but under no circumstances whatsoever should we give money to Portugal or Spain when there is a facility, agreed at around the same time, for €400 billion to be available for the eurozone. Now a new arrangement has emerged which will be made available permanently after March 2013. If Portugal and Spain are going to go under, however, they will definitely go under before March 2013.

**Mr Redwood:** On the important point raised by the hon. Member for Great Grimsby (Austin Mitchell), is it not the case—my hon. Friend the Member for Stone (Mr Cash) would know—that the German Government are so worried about the legality of what was done under article 122 that they think we need a new treaty to cover that point?

**Mr Cash:** My hon. Friend is absolutely right. I have here an incredibly interesting article from this week’s edition of *Newsweek*. It is headlined, “To Rule the Euro Zone”. Hon. Members will know that I have tried to take a mild interest in European matters since I came to the House—I notice that one or two people are quite surprised—and I do so for good reasons. Indeed, in the first book I wrote on the subject, “Against a Federal Europe”, I drew attention to what I then perceived to be a significant danger that Germany would take a disproportionate and predominant role in European affairs, for which I received a great deal of censorship and some abuse. It was suggested that I was talking about the Germans in rather disrespectful terms, which

was quite untrue. However, the sub-heading to an extremely interesting article by Stefan Theil, dated 23 January 2011, reads:

“The unified currency was supposed to limit German power. Now the Germans are in charge—and no one is happy, not even the Germans.”

The article merits careful reading.

**Mr Clappison:** I am listening to my hon. Friend with great interest. In his analysis, if the events that he predicts were actually to occur, how would they be covered by the Bill as it stands, without the benefit of his amendment, or would they not?

**Mr Cash:** The short answer is not at all—that is the problem. That is why I tabled the amendment. I am very sad that more people do not have the opportunity to listen to this, because we are talking about a grand total of £8 billion of British money, which is a vast amount given the austerity that is expected of people. After the Irish bail-out payment has been excluded from the same zone, there is also the completely unwarrantable notion to which the decision commits us, unless it is unlawful and is challenged. I invite the Government to challenge it in the European Court—that is the route they should be adopting. That is what I have recommended to the Chancellor. I said, “You must vote against this and challenge the legality of it.” Whether or not he entered into some understanding at the time is a matter to be unravelled, but what is certain, to come back to the point made by the hon. Member for Great Grimsby (Austin Mitchell), is that the decision does not come within the framework of article 122—and the European Scrutiny Committee believes the same.

**Austin Mitchell:** I am puzzled, because the hon. Gentleman is attaching his faith to the €400 billion fund, which would mean that the new arrangement, which was agreed by the then Chancellor and the European Council on 9 May, would not be necessary. That is a puny fund compared with the scale of the problems. If Portugal goes and Spain follows, all that fund will be absorbed and will be necessary, and we will have to fall back on the provisions of article 122. The Irish loan has been portrayed by the hon. Gentleman and the Chancellor as a one-off loan between friends and business partners, but it must have been paid under the article 122 arrangement, so we have already sold the pass.

**Mr Cash:** The hon. Gentleman is not wrong to say that the situation has already taken place for Ireland, but that must be seen in light of what has yet to be established—whether or not it was lawful. More investigation is needed on whether that payment would ultimately be ultra vires, or beyond the law, and therefore reclaimable. I do not want to go too far down that route other than to say it needs to be looked into. Furthermore, the financial stability mechanism has not yet passed the scrutiny of the European Committee that is meeting on 1 February, so it is still subject to a decision of the House, although some might argue that the Rubicon has already been crossed.

**Austin Mitchell:** This is an important amendment for which I shall certainly vote, and I hope that the hon. Gentleman pushes it to a Division so that I have that opportunity. The legality of the decision and the use of article 122 in this way—for a purpose for which it was

not intended—is subject to a decision by the European Court, which is a federal institution and always rules in favour of the federal side of the argument. So, I am afraid that his hope that the decision will be ruled illegal will not prevail.

**Mr Cash:** That is a general proposition with which one might agree in many instances, but analysis of the use of article 122 in this case, if it is examined as carefully as it should be, would give rise to so many uncertainties that the Court would have grave difficulty in trying to justify its use. However, that is looking to the future.

We are here in this House and I am suggesting, as is obvious from my amendment, that the provisions that should apply to the balance, beyond the Republic of Ireland, before any decision is taken to provide such facilities to Portugal and/or Spain, and/or any other country for that matter, should fall within clause 6. Let me remind the Committee that clause 6 says:

“A Minister of the Crown may not vote in favour of or otherwise support a decision to which this subsection applies”—

I have a special definition of “decision” for this purpose, in case the Minister wants to make a point about that later—

“unless...the draft decision is approved by Act of Parliament, and...the referendum condition is met.”

There are substantial questions, and if the British people knew about this they would demand a referendum at least. It might be that an Act of Parliament is required in most unusual circumstances to rectify this situation, but all that is without prejudice to my general concern about the manner in which this has happened, the unlawfulness of the deal in the first place and the extent to which various Chancellors entered into the agreement. I understand how it could have happened; let us be sensible and practical. It was in the middle of the setting up of a coalition and huge discussions were going on in which the Chancellor—indeed the two Chancellors—must have been totally saturated in discussion. I can see how this could be slipped through. The Chancellor flew over to ECOFIN and made a decision; I do not want to criticise him, but his eye might not have been as firmly on the ball as one might normally expect.

On Second Reading of the Loans to Ireland Bill, I asked the previous Chancellor, the right hon. Member for Edinburgh South West he following:

“Did the right hon. Gentleman take legal advice on whether, as I said at the time, the use of the financial stability mechanism was an unlawful deal? Article 122 of the treaty on the functioning of the European Union deals with natural disasters, energy supplies and so on, and it has absolutely nothing to do with financial mistakes or misjudgments. Really, the whole thing should never have gone through, and he should have repudiated it on those grounds.”

He replied:

“Yes, but as I said earlier, because of QMV, the deal would have gone through anyway.”

I do not think that issue alters the question of legality, because if the legal base is wrong, the QMV falls. The previous Chancellor went on:

“I also do not agree with the hon. Gentleman’s analysis or”—this is interesting—

“that the legal position was that clear-cut.”—[*Official Report*, 15 December 2010; Vol. 520, c. 955.]

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I found that response interesting, because he knew there had been serious doubts about legality and he did not say that he took legal advice. Nor did he say whether any legal advice that was given—if any was given—assured him that what was decided was right. There is a powerful reason for this whole matter to be looked at properly. Our Committee has looked at it and we think that any other Committee that thinks it desirable to do the same should do so.

It is important to include this matter in the Bill by a vote today—both as a matter of principle and because it might otherwise look as though the Government seek somehow to cover it up. That would be disastrous for them, because this involves many billions of taxpayers' money in a time of austerity and difficulty, so it has to be sorted out. The matter has yet to go before the European Committee that I have mentioned on 1 February. No doubt the Minister and his colleagues are hoping that the scrutiny issue will have gone by then, that there will probably be no vote in the Committee and that the scrutiny reserve will be taken off. They may think they will get off scot-free, but I am afraid that my intervention in this debate might throw a spanner in the works, because the Committee now has notice of the points I have made. I hope I have made them in a temperate way with regard to the difficulties and decisions of the Chancellors in question. I do not want to engage in a witch hunt or to be unnecessarily difficult. It is a matter of accountability and of scrutiny. It is a matter of the Government coming clean about the whole situation, and of making certain that we deal with it properly.

I believe that it is down to the Government to go to the European Court by way of the equivalent of what we call an action for a declaration. Sometimes in the courts, when a difficult legal problem arises, one does not wait for someone else to act. One goes to the court for the equivalent of an action for a declaration. The Government could start the process in our own courts and put the question whether what was done was within the vires of article 122 or not. I do not believe it is, but it is incumbent on the Government to do that. In the meantime, for reasons other than the question of legality, I believe the issue is of such importance that it ought to be subjected to the provisions of clause 6, and should therefore be made subject to both an Act of Parliament and a referendum in these special circumstances.

**Mr Clappison:** It is a pleasure to follow my hon. Friend the Member for Stone (Mr Cash), who made an important contribution. Having had the opportunity to hear the argument that fleshed out the bare bones of the amendment, I believe it requires a detailed response from the Government when the time comes.

My hon. Friend's amendment is a good illustration of a point that has been apparent throughout the consideration of the Bill. Although the Bill is worth while, covers events that may or may not arise in the future, and is a great step forward, we must not lose sight of the things that could take place in the meantime which would amount to a transfer of power from this country and this Chamber to the European Union, undermining our self-government.

The example that my hon. Friend gave the Committee this evening is a good example of that because, as I

understand it, it does not involve a transfer of competence. The competences of the European Union, as we know, are very wide already. There is a long list of them in the treaty of Lisbon. My hon. Friend referred particularly to article 122, which is in the treaty of Lisbon. It is an example of an important decision which has an effect on the exercise of power in this country and on our economic policy, and which takes place under the existing treaty.

I hope that when my right hon. Friend the Minister for Europe sums up, he will explain how the eventuality that my hon. Friend the Member for Stone described would be covered by the Bill, and what his view is on article 122, which seems to be another example of the way in which the competences of the European Union and the existing provisions can be stretched considerably to encompass decisions and policies that seem to be very far from the original intention of the clause on initial reading.

My hon. Friend the Member for Witham (Priti Patel) made some important points in her amendment 81 about nautical policy.

I shall speak to my amendment 13, before turning to amendments 36, 37 and 38 tabled by my hon. Friend the Member for Daventry, which cover some of the ground I hope to cover in another group of amendments on the same subject, but on a different clause. The hon. Member for Rhondda (Chris Bryant) said that amendment 13 was misguided. The hon. Gentleman is no longer in his place, so I do not want to say too much about him, but I do not think he had entirely grasped what I was trying to achieve with my amendment.

I had not planned to press amendment 13 to a Division, but I would like to hear the Government's response to it, particularly on this point: my amendment seeks to deal with enhanced co-operation which, as was suggested earlier, is an important step indicating that member states engaging in enhanced co-operation are moving on to a higher level of integration than other member states of the European Union, are adopting qualified majority voting in place of unanimity, and are going ahead of the other states. I should have thought that that was something that we wanted to cover by way of an Act of Parliament and a referendum, if there was a proper list of events that should be covered.

Would all examples of enhanced co-operation that could take place within the terms of the treaty of Lisbon be covered by the Bill? I know that some of them are, but can my right hon. Friend give me an assurance that if there is a move to enhanced co-operation, it will be covered by the provisions of the clause? I hope he will deal with that later.

Amendments 36, 37 and 38 are extremely important. I respect the way in which my hon. Friend the Member for Stone spoke to them. I am in full sympathy with the points that he made and with what he is trying to achieve. He has taken three examples from the chapter on freedom, security and justice under Title V of the treaty of Lisbon. As he knows, there is a whole chapter that contains similar provisions from which other important elements could be taken. To be fair to my hon. Friend, he has been diligent and chosen three important examples, but there are other equally important examples in a long chapter on freedom, security and justice in the treaty of Lisbon.

My hon. Friend made the case for his amendments, and I have no problem with that. He has selected items from the field of family law, minimum rules of criminal procedure to which new directives may relate, and identification of further areas of crime to which directives adopted under the ordinary legislative procedure may relate. Inserting these in clause 6 would require them to be approved by a referendum and an Act of Parliament.

I am interested in the whole field of freedom, security and justice, which used to be called the justice and home affairs pillar, and all the matters contained within that, from which, as hon. Members know, this country currently enjoys an opt-out. I hope that the case I am trying to make will be without prejudice to the later arguments I hope to make on a different clause that these items be dealt with by way of a vote in the House each time an opt-in takes place. In this clause we are debating whether in each case they should be subject to an Act of Parliament and a referendum. Some of the matters covered are so serious that that would be justified.

It is worth while looking at the history of the provisions. We have had reference to the single market. At the time of the single market, these matters were dealt with by informal meetings of Home Affairs Ministers of member states. Things were put on a more formal footing by the treaty of Maastricht, under which these matters were included in what was called the third pillar, in order to keep them separate from the other provisions of the treaty of Maastricht, which dealt with the single market on a quite different basis.

Under the treaty of Amsterdam, which was passed in 1997, three or four years after the treaty of Maastricht, that pillar began to be dismantled, and the European Union moved these matters from the third pillar to the first pillar, where they were subject to a separate regime, a different system of voting and the jurisdiction of the European Court of Justice. That was a very significant step indeed. It continued until the pillar collapsed as a result of the treaty of Lisbon, under which the area of justice and home affairs was renamed freedom, security and justice.

The important point for the House and the United Kingdom is that we enjoy an opt-out from the freedom, security and justice provisions, as we have always done. That was important to this country. The then Labour Government argued at the time that the constitutional treaty differed from the treaty of Lisbon. Because we enjoy the benefit of the opt-out, we have to take a decision whether to opt in when particular measures arise. It is rather different from what happens when directives or other legislative proposals relating to other part of the treaties come before Ministers because we have an opt-out, which means that we do not need to vote, take part or do anything. We enjoy that opt-out unless we choose to opt in.

7 pm

**Martin Horwood** (Cheltenham) (LD): I just want to clarify the practicality of the hon. Gentleman's suggestion. He mentioned minimum judicial procedural rights as one of the home affairs subjects that relate to this. We opted in to that because it is important, for instance, for British citizens arrested abroad to be protected. Is he seriously suggesting that if that issue came up in future he would want it to trigger a referendum, even though it is within the existing competence that we have already conceded to the European level of government?

**Mr Clappison:** The hon. Gentleman is frowning his brow, so perhaps I can help him. We have heard it argued so many times that because a measure has merit we should opt in to it, whether it relates to victims, tackling crime, or this, that and the other. He must come clean and see it, as I have been arguing, as all of a piece, because it is part of a programme of the European Union. It is set out in the treaty of Lisbon as one of the objectives of the EU, and the European Commission is forever coming forward with proposals. It has a whole programme for creating what it describes as an EU area of freedom, security and justice. On the example of judicial procedural rights, the issue is where we determine which judicial procedures should apply in what country. Do we decide that our judicial and criminal procedures should be determined here in this House, or do we hand it to the EU so that it is decided on qualified majority voting and subject to the European Court of Justice?

We have heard those arguments many times. I draw the hon. Gentleman's attention to the fact that this is part of a programme from the EU, and it was set out in the EU's 2011 work programme as one of its five main political priorities. President Barroso set that out in his state of the Union address to the European Parliament on 7 Sept 2010. The third main priority, after dealing with economic matters, was building an area of freedom, security and justice. We must take it as a whole, rather than picking compartmentalised issues one by one and looking at them judiciously because doing so might make an improvement here or there. It is part of an overall programme for building a European area of freedom, security and justice.

**Martin Horwood:** I appreciate that the hon. Gentleman is making a point of principle and that what he has described adds up to a general direction of travel that he is legitimately concerned about. However, I would ask him to consider the practicality of it. If we have an uncontentious and pretty technical issue that is relatively minor in the great scheme of things and that no one particularly objects to it, such as the minimum judicial procedural rights that are intended to protect British citizens abroad, would he really want that to trigger a referendum or, as is more likely because of the fear of a referendum being lost, for it simply not to happen?

**Mr Clappison:** I am afraid that the hon. Gentleman is again quite wrong. None of the items being put forward by the EU are being put forward because they are minor, technical changes that will make little difference; they are being put forward precisely because the EU believes they will make a difference and will help to build a European area of freedom, security and justice.

So much of this is bogus. Much has been said about what will happen in different countries and about the cross-border dimension, but the decisions will affect every single criminal and civil case that takes place in this country in so far as we have adopted the European directive in question. The EU is trying to introduce its jurisdiction in civil and criminal matters in this country into the whole of our legal system on the basis of what might happen in cross-border cases. I think that individual members states should decide on their criminal and civil legal systems for themselves, as that is a characteristic of a member state and part of its nature. If the hon.

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Gentleman has so little confidence in what takes place in other member states, he could start by relying on the fact that we are all signatories to the European convention on human rights, as are a number of other countries.

**Martin Horwood:** The hon. Gentleman is being generous with his time. My point is not really about the point of principle that he is labouring. He should imagine a hypothetical situation that would apply in this case, in which a matter is important but not massively so in the great scheme of European government and the whole European project and is something that everyone agrees should happen and that is uncontentious. In such a situation in which even he supported the practical step, would he really want to put the UK to the vast expense of a referendum on something that everyone supported?

**Mr Clappison:** It is difficult in the field of civil and criminal procedure to disconnect one step from another. The European Court of Justice, whose jurisdiction will be opened up, can always come along and make a decision that goes far beyond what was originally envisaged. We must look at the whole system of civil and criminal justice, including whether decisions are taken in this House, or whether we abnegate self-government and hand those decisions over to the EU.

The hon. Gentleman can make his case, but I am concerned about the scrutiny and decision making that take place each time we take one of these decisions. He referred to technical matters, but in the course of this short Parliament we have already had two very important directives in the field of freedom, security and justice: the European investigation order and the draft directive on the right to information. I do not know whether he or his colleagues took part in the debate we had in the European Committee, but it was accepted on both sides—it was put forward by the Secretary of State for Justice—that it was an important step in itself. I am not sure what his party's participation in that was, but that was the basis of the decision. That process took place under the existing scrutiny of this House.

The European Commission has an ambitious programme for the year ahead, and the Minister has conceded that there are 30 or 40 more such measures coming along from the EU. In Mr Barroso's work programme, "Pursuing the citizens' agenda: freedom, security and justice", the first three items listed are: a legal instrument on European contract law; a regulation on improving efficiency and enforcements on judgments in the European Union; and a directive on the rights of and support for victims of crime. With respect to the hon. Gentleman, I do not think any of those could be described as minor or technical.

**Mr Cash:** My hon. Friend the Member for Hertsmere is not only an expert on this matter, but knows what he is talking about. The reality is that every time one of those decisions is taken—I say this with great respect to the hon. Member for Cheltenham (Martin Horwood), when he starts talking about comparative advantage—it relates to people and justice. It is about whether they get a fair trial and matters of that kind, which are matters that his constituents would be concerned about. It is terribly important to remember that one paragraph of one of these directives, or even one line, is equivalent to an entire Act of Parliament that we might spend the

best part of six months discussing in both Houses. Does my hon. Friend agree that under the proposals such matters will just go whistling through?

**Mr Clappison:** The hon. Member for Cheltenham (Martin Horwood), whose opinions differ from mine, has made his case very honourably, and it is one that might attract many people outside this House. I have to ask whether he is happy with the ways in which those matters are currently dealt with before this House. The amendment tabled by my hon. Friend the Member for Stone seeks to make those matters subject to an Act of Parliament and a referendum. My own humble amendment, which we will come to later—I hope that this debate will not prejudice its consideration—would make matters within the area of freedom, security and justice subject to approval by a vote of this House, which I hope is not too radical a step to propose.

On any view of it, these are matters that will come before the House, whether as my hon. Friend describes, or, as I shall try to argue later, as a minimum, in the way I am seeking. The hon. Gentleman must look at the system that we have in place for scrutiny of these matters as they come before the House. When they come before the House, as in the case of the investigation order and the right to information order, which we have already had, it is very hard for the House to express its view on those important issues.

My right hon. Friend the Minister has brought forward some proposals and made a statement last week on how to improve scrutiny of opt-ins to the area of freedom, justice and security. If I may pay my right hon. Friends the Minister and the Foreign Secretary a compliment, I should say that they have made a real step forward with their proposals, but we need to find out just how far that step forward is going to go.

The following questions are relevant to amendments 36, 37 and 38, because they cover the same area. In each case, when the opt-in to certain European areas such as freedom and security is exercised, a decision will be taken whether the United Kingdom is going to opt into specific measures that the European Union has brought forward. There have been half a dozen already, and there are another 30 or 40 down the track, but, under my right hon. Friend the Minister's scrutiny proposals, will the House have an opportunity to vote on each occasion? That is very important.

How will the scrutiny override proposals work? I hope the hon. Member for Cheltenham agrees on this point, because he would want to make his case about what a good idea such measures were, and what benefits they would bring. I should want to make my case that such measures should be decided in the House, but we could each make our case and have a vote in the traditional way. I should hope that that was not too dramatic a step for any hon. Member.

I am concerned about what my right hon. Friend the Minister said about scrutiny override in his statement. That is one aspect on which we could improve, because he said:

"As currently, the Government will not override the scrutiny process unless an earlier opt-in decision is essential. Where the Government consider an early opt-in to be necessary, it will explain its reasons to Parliament through the statement set out above. In these circumstances, it would usually be appropriate for the statement to be made orally."—[*Official Report*, 20 January 2011; Vol. 521, c. 52WS.]



I am not sure that we should put the administrative matters that lie behind the decision, the timetable of the European Union and whatever interminable administrative processes have to be gone through in the Foreign Office before the House's approval. It really does not put us in a very good place—behind what are termed “essential” decisions. The House should have an opportunity to express its view on the decision first, so I invite my right hon. Friend to go away and think about that. It is all very well having a statement after a decision has been taken, but the House would like the opportunity to express its view through a vote before such a decision is taken.

I have taken part in European Scrutiny Committee debates, and decisions have been taken, the Government have agreed to a legislative measures and then we have had the debate in a European Committee. We do not have any opportunity to inform the Minister's thinking or to debate the matter before the decision is taken, let alone to take a vote on it. Under the current procedures of the House, we cannot do so; it is very difficult to have a substantive vote on security matters. The most that the European Scrutiny Committee can do is to hold a matter in reserve until it has been debated in a European Committee, but neither those nor debates on the Floor of the House provide for a vote to approve or disapprove of particular legislation.

**Martin Horwood** *rose*—

**Mr Clappison:** I give way to the hon. Gentleman, who has been very reasonable on these matters.

**Martin Horwood:** I return the compliment. The hon. Gentleman is spending a lot of time talking about the existing scrutiny process in this place and the importance of having a substantive vote. There is a real debate to be had about that, and I am certainly in favour of proper parliamentary scrutiny, but as I read the substance of his amendments I find that their potential impact is to trigger a referendum. That is of a wholly different order of cost and complexity, and it is likely to discourage the very act that we are discussing. In fact, his proposals would probably stop any measure coming before the House for a vote at all, because it would be deemed impractical to go through a referendum.

**Mr Clappison:** The hon. Gentleman makes a fair point, and my hon. Friend the Member for Daventry, who made an extremely good case, will have heard what he said and decide whether to press his amendment to a vote. I take it from what the hon. Gentleman says about proper parliamentary scrutiny that that would include approval for a vote in the case of opt-in, however, because it is no use having just scrutiny, talk and the expression of opinions; we need to have a vote each time an opt-in takes place. I am open to correction from him through another intervention, but I take great heart from what I think he says about regarding a vote on an opt-in as a part of scrutiny, because there is not much point in scrutiny unless we can vote. I think that he agrees, so that is a great step forward. He made some very good points—fair points—about referendums, and I ask my right hon. Friend the Minister to reflect on those matters, because they are important decisions.

7.15 pm

In the manifesto on which I stood at the general election, I promised, as did the rest of my party, to seek to repatriate powers from the European Union. I always thought it would be quite a big ask, but I was going to try to do it. Given the circumstances that have arisen with the coalition, however, the measure in the Bill is in the coalition agreement, and I completely understand the reasons behind that, the need to seek compromise with the Liberal Democrats' entirely honourable position and to examine each opt-in on a case-by-case basis.

I hope that, first, we consider the case for staying out and retaining the benefits of the opt-out, because that is the best possible solution. If a decision is taken to opt-in, however, I hope also that proper parliamentary scrutiny and a vote are possible on each occasion. Personally, I probably would go as far as my hon. Friend the Member for Stone has gone in some of his proposals, but I hear the comments that have been made about them. We really need to take the matters before us seriously, however, given the scrutiny that my hon. Friend the Member for Daventry has undertaken through his amendments, because the decisions are profound ones.

Do we wish to have our criminal justice and civil justice system—our legal system—determined in this House, or do we want to hand it over to the European Union, the European Commission, the European institutions and the European Court of Justice for them to rule on?

**Austin Mitchell:** I rise to speak for two reasons. First, I do not want all the speeches from Opposition Members to be an unremitting chorus of euro-enthusiasm. My hon. Friend the Member for Luton North (Kelvin Hopkins) and I are stalwart opponents, and I do not want the chorus from the Opposition Benches to be like the slaves chorus from “Nabucco”, singing the praises of the instrument of our own punishment—the European Union. Secondly, I support some of the amendments—81, 8 and 79, in particular.

I am very supportive of amendment 81, which was tabled by Members representing two glorious ports—I did not know they were fishing ports—in Essex, because it involves an important principle. There are constant attempts to remove our national limits, which were agreed when we entered the common fisheries policy in 1972. A few months before we began our entry negotiations, the policy was stitched together to get European hands on our fish, but we managed to preserve some national limits: the 6 nautical miles around most of the English coast, and the 12 nautical miles around north Britain and Scotland. We police the waters up to the median line, or 50 miles.

When I went out on a fisheries protection vessel, I was distressed to find that when the crew detected European vessels over-fishing, they did not have the right of hot pursuit, so all the European vessel had to do was to beetle across the median line and it was safe. My suggestion that the protection vessel should shell and sink the European vessel was taken as an unfriendly act towards Europe and, for some reason, discounted, but it is important to preserve our waters.

My concern arises from the recent Hugh Fearnley-Whittingstall programmes, which provided a very good service by highlighting the problem of discards. They

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are inherent among fish allocated by catch quotas. Indeed, if one allocates fish by catch quotas in mixed fisheries, one is always going to get discards. The discards increase as the quotas go down, because fishermen are bound to catch fish that are not in their current quota.

Indeed, I wrote to Fearnley-Whittingstall, suggesting that it would be a brilliant idea to establish a very expensive restaurant on a cruise ship that went round picking up Grimsby fishing vessel discards and cooking them for an exclusive clientele at enormously high prices. He does not seem to have implemented it yet, but it is a viable idea. It is very difficult to stop discards when there is equal access to a common resource, but that is the basis of the common fisheries policy to which Ted Heath unfortunately agreed in 1972 as the price of entry into the EU. He was so desperate to go in that he accepted that condition.

We certainly have to work to control our waters, as amendment 82 suggests, and to stop or reduce discards. There are various ways to do that. I am hoping that Fearnley-Whittingstall will come along to the all-party parliamentary fisheries group to tell us his ideas. I will not tell the Committee mine, because I would go off the subject.

**Kelvin Hopkins:** As my hon. Friend knows, I agree entirely with everything he is saying. Does he agree that we could operate British waters in the way that Norway operates its waters? It controls its own fishing grounds, every fishing boat is monitored, there are no discards and there is no over-fishing. It protects its fish in a proper way. That can be done only if countries husband their own resources in their own fisheries. That is the only way forward.

**Austin Mitchell:** My hon. Friend is absolutely right, as usual. The key is the ability of a nation to control its own waters up to the 200-nautical-mile limit, which it would have been sensible to retain, and which we could have retained had we negotiated harder in 1972, but we did not. Only a nation can conserve its own national resource—what is handed on to the next generations of fishermen. The Heath Government made a tragic decision from the point of view of the fishing industry. I want to reverse that, and we should work to do so. I still want to pull out of the common fisheries policy. Perhaps it would require a few gunboats around the coast to establish that.

**Martin Horwood:** I understand the hon. Gentleman's point, but does he not fear that if we returned fisheries entirely to national competence, not every nation would be quite as observant of their own rules as the Norwegians, and there might be a free-for-all that would fatally damage the British fishing industry?

**Austin Mitchell:** That, of course, is nonsense, because nations that have taken control of their own waters and their own 200-nautical-mile limit, such as Iceland, have operated very good and effective conservation policies. It is only nations that have to admit other nations into their waters, under force of European law, that cannot do that.

**Kelvin Hopkins:** I support my hon. Friend, yet again. Clearly, it is simple to monitor what is landed in one's own country, but impossible to monitor what is landed in another country. If we had our own fishing waters with our own fishing vessels—

**Martin Horwood:** Spanish fleets.

**Kelvin Hopkins:** Spanish fleets would not fish in our waters, because the idea is that countries would fish in their own waters. I cannot see the problem and I agree with my hon. Friend.

**Austin Mitchell:** My hon. Friend is absolutely right. The Liberal Democrats are slavish in their idealism of Europe at any price, and will abdicate any British interest to express their devotion to the nefarious construction called the European Union.

**Martin Horwood** *rose*—

**Austin Mitchell:** If the hon. Gentleman wants to express more devotion to the farce of the European Union, he is welcome to do so.

**Martin Horwood:** I am just intrigued about precisely what method the hon. Gentleman would use to defend our waters. The Icelanders use gunboats. Is he advocating gunboat diplomacy from the Labour Benches?

**Austin Mitchell:** Frankly, yes. However, I am sure that the hon. Gentleman is not so distrustful of our European partners and friends that he believes that if we took legal control of our waters, they would come in and try to steal our fish. Is that his estimation of their character? Is he telling us that there are nations of thieves that would come in and steal our fish if we took our own waters, as is our right? Is that what he is saying? Apparently not.

Amendment 81 expresses an important principle that we need to express and defend constantly. The amendment is a way of defending that principle, so I shall certainly vote for it if it is put to the vote.

I shall move on to amendments 8 and 79. I congratulate the hon. Member for Stone (Mr Cash) in drawing the attention of the Committee to this situation, because it is extremely dangerous from a British point of view. He said essentially that we will be liable, under article 122 of the treaty on the functioning of the European Union, for difficulties produced by the failure of the euro, and that we will have to make a contribution. That will be decided on by qualified majority voting. If correct, that is an appalling situation. It is important for the Government to tell us tonight whether it is correct.

In my view, one of the greatest achievements of the previous Prime Minister was that he kept us out of the euro when he was Chancellor, against the overwhelming enthusiasm of the then Prime Minister, who saw joining the euro as a romantic gesture of support for Europe—almost an emotional spasm of support for Europe—against the wishes of the majority of the Cabinet, and against the pressure of the Liberal party, which has always been slavishly devoted to any European instrument, however damaging the consequences.

**Martin Horwood** *indicated dissent.*

**Austin Mitchell:** During the debate on the exchange rate mechanism, I remember the right hon. Member for Berwick-upon-Tweed (Sir Alan Beith) leading a huge Liberal crowd up and down Whitehall chanting, “Move to the narrower bands now! Move to the narrower bands now!” That was the Liberal party’s contribution to that great debate. It is slavishly attached to European gestures such as the euro, as was our former Prime Minister. The previous Prime Minister, when Chancellor, kept us out. That was a great achievement. He kept us out and warned that the regime was unstable.

There cannot be a common currency without a common Government to back it and redistribute money to the regions that are damaged by the common currency and the higher interest rates imposed by it. The basic problem is that the euro cannot work, because it brings together regimes under one currency that vary enormously in their productivity and power. The southern economies are not only weaker, but insolvent to boot and certainly uncompetitive. Those uncompetitive economies cannot be united in a currency with the powerful German economy, which is extremely competitive. Inflation is kept very low in Germany by investment, the restructuring of the economy and the agreement with the unions to keep wages down. It is impossible for economies such as Greece, Spain, Portugal and Ireland to remain competitive in that situation. To be competitive, they face a constant diet of cuts and attempts to get their inflation rates down to the German level. That is difficult and it has to go on for years. By joining the euro, those countries effectively said that they would deflate their economies, punish their people and face riots in the streets for 20 or 30 years in a desperate attempt—which will not work—to get their levels of competitiveness down to the same as Germany’s. That situation does not work.

**Kelvin Hopkins:** I agree entirely with my hon. Friend again. It is interesting that there has been friction recently between France and Germany because France wants to integrate the whole European economy more deeply and Germany is holding back. Germany can see that it will constantly have to shell out euros—or disguised Deutschmarks—to help the poorer countries in Europe, and it does not want to do that because it would become the paymaster of the whole of the European Union in perpetuity.

**Austin Mitchell:** That is true. Under the old system, the inflation rates in France and Italy were higher than that in Germany, so they were constantly getting out of kilter and becoming uncompetitive. They constantly resorted to devaluing, which brought them back to a competitive level because it reduced their costs of production in terms of foreign currencies. There is a history of France and Italy devaluing. They cannot do that when they are in the euro.

**Mr Cash:** Would the hon. Gentleman be interested to know that the Library has given me some figures showing that our balance of payments deficit with Germany was £12 billion in 2009? Heaven alone knows what it is now. Between 1999 and 2009 there was a deficit of £5 billion between the other 26 EU member states and ourselves, but we have a surplus of £11 billion with the rest of the world. His point is extremely sound—the EU is just not working.

7.30 pm

**Austin Mitchell:** I am grateful for that point, which is absolutely true. We are earning a surplus in the rest of the world, which then goes as a tribute to finance our deficit in Europe. Before we entered the Common Market in 1972, we had a surplus in our trade with Europe. It then became a deficit, which has become ever heavier as the years have gone on because of our economy’s uncompetitive nature compared with the German economy. All the other weaker European economies face the same problem, and there is no way for them to get around it without facing a diet of cuts, freezes and squeezes for decades, and having to depress the living standards of their own people to keep costs down. That strain is built into the system, which Germany dominates and swamps because of its competitiveness and low inflation. Good luck to it—it has worked for that and run its economy in a very sensible fashion, but a common currency cannot be maintained in that situation. There will therefore be crises.

Those inevitable crises have, under article 122 of the Lisbon treaty, now been portrayed as the results of a natural disaster. That means that we, who have wisely stayed out of the scheme and warned of the consequences of going ahead with that insane regime, must also contribute to cost of clearing up the mess that is implicit in the system. That is a monstrous imposition.

I take it that at his last Council of Ministers meeting on 9 May, our previous Chancellor was conned. He was told that article 122 would apply under qualified majority voting, so it was no use his opposing it because we would be bound by it in any case. That was just not true, because if it applies to mutual support in the event of natural disasters, it cannot apply to faults inherent in the structure of the euro itself. That is not a natural disaster; it is a folly of man.

**Mr Cash:** I add a point that I really ought to have made in my own contribution. When the European Council arrived at the new mechanism that it has just set up, which the Prime Minister announced the other day, it used the most extraordinary language. It used the expression that there was “no need” for the continuation of the mechanism that was set up last May. It is not anything to do with need, however; it is about the fact that they know perfectly well that it was unlawful.

**Austin Mitchell:** Absolutely right. We need to be intellectually devious in trying to read through European documents, because they are extremely cunningly written and always cover up the reality very well. The same is true of Government statements on matters European. The Government do not want the full horror to emerge, so statements are rewritten to make them safe, saleable and acceptable. Once again, the hon. Gentleman is correct, and he has done the Committee a great service today in warning us of the situation and pointing out the consequences if it is prolonged. I believe that the arrangement extends to March 2013, or is it May?

**Mr Cash:** March.

**Austin Mitchell:** Right, and then it will lapse. Until then, we could be liable for enormous sums. Imagine what the British electorate would say. We have already extended a massive loan to Ireland, even though the

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Chancellor tells that our country is over-borrowed and cannot borrow any more because world markets will cancel our credit cards and stop our credit on the bond markets. Suddenly, however, he can borrow huge sums—billions—to help Ireland. He says that it is a one-off and not a precedent, but if it is carried out under article 122 of the Lisbon treaty, it is a precedent for acceptance of a mechanism that is designed to deal with natural disasters.

The hon. Member for Stone hoped that the mechanism would be ruled illegal by the European Court, but I have given up faith in the European Court. It never rules how I want it to rule, whereas our courts do sometimes. It is probably composed of Liberal Democrat jurists, for all I know. It certainly gives that appearance.

**Kelvin Hopkins:** Again, I agree entirely with my hon. Friend. The ECJ has shown itself to be a political organ, not a legal one, by taking the side of employers in the Viking Line dispute and other cases. It is a court of the business class and of big business, not a court for ordinary people.

**Austin Mitchell:** That is true. It gives any verdict one wants, provided that it supports and advances the EU. That is the nature of the European Court, so should we ask that body to rule on the legality of treating article 122 as an all-purpose rescue operation to which we have to contribute?

The Minister smiles—indulgently, I hope. I hope that he will explain the Government's view on the matter, because to my mind it is crucial that amendments 8 and 79 are accepted. I am glad to hear that the hon. Member for Stone will force a vote, because they are key amendments. We need to be sure that the British electorate will not be faced with a series of massive loans, such as the Irish loan, to support Portugal, for instance, or Spain if things go belly-up there. That is quite possible, and the costs there would be huge because Spain has a much bigger population than Ireland, Greece or Portugal. Why should an electorate who are facing a blitzkrieg of massive cuts and tax increases welcome with joy a decision to fork out more billions to help people whom we warned that they were entering into a disastrous situation by taking on the euro? That would be totally unacceptable, and the Government would be laughed out of court.

**Jim Shannon (Strangford) (DUP):** The hon. Gentleman will be aware that people from the UK are very generous people, and that they always like to help, but they do not have bottomless pockets and cannot keep on bailing out every country in the EU. Does he agree that a line has to be drawn in the sand somewhere, so that lending to other countries and subsidising them stops?

**Austin Mitchell:** I agree absolutely, and that line in the sand is here. Actually, it has to be a line in the concrete, because we cannot go on making contributions under article 122, which is meant for another purpose entirely.

**Ben Gummer:** Notwithstanding our treaty obligations, it seems to me that the hon. Gentleman is getting hung up on article 122. Is he really arguing that even if it were in our economic interest to support the bail-out of a country whose trade with us means that intervention is necessary, he would still oppose it?

**Austin Mitchell:** I have not actually said that, have I? I have said that the Chancellor treated the Irish case as a one-off, but it is not. It opens the door to giving aid to other countries that have put themselves in the same situation through a foolish adherence to a euro that is fated to collapse. I make no judgment about the Irish case, although it is a big bill to pay for a country that the Chancellor tells us is over-borrowed and has no credit on the world market. Why should that country start raising huge loads more money to pay other countries because of the failures of the euro?

**Stephen Gilbert:** I take the hon. Gentleman's point, but can he imagine a situation in which rather than being a giver, the UK is the receiver of aid under that arrangement? Is he really saying that rather than get the aid that our financial sector might hypothetically need in a quick and timely way, he would want a referendum lock to apply?

**Austin Mitchell:** I am afraid that that is ridiculous. I was leaping with joy when the hon. Gentleman, a Liberal Democrat, said he was taking a point that I had made. I thought that sense had at last dawned, but alas it turned out to be only stupidity. Nobody is suggesting that the UK would want Europe to be liable if our system failed. The crucial point is that we did not enter the euro. Having not entered it, we should be immune from the consequences imposed on those who did. That is all I am saying. I do not want European aid. The wisdom of former Chancellors in keeping us out of the euro allows us to adjust our exchange rate. Other nations have problems because they cannot do that. We have had a 25% devaluation, and the pound could—and should, in my view—go lower. That reduces the cost of our currency and makes us competitive once again. That is our adjustment. We do not need help or aid because we have the flexibility of being outside the euro. Does the hon. Gentleman want this economic education class to continue or will he keep quiet?

**Stephen Gilbert:** Is the hon. Gentleman really saying that we are both outside the euro and outside the effects of the euro? Is he saying that Portugal, Ireland, Italy or any country that needs European financial help in future can be allowed to collapse, and that that will have no effect whatever here in the UK?

**Austin Mitchell:** Oh it is difficult talking to Liberal Democrats! I did not actually say that we would be outside the effects of the euro. In fact, the foolish deflation that is going on all over Europe damages us, because half of our trade is with Europe and we want our exports to Europe to increase. With our ability to devalue, we have the ability to increase our exports, and they are increasing for the first time in many years—thanks to devaluation. I want markets in Europe to be healthy, but I do not want the British taxpayer to be asked to support Europe in its folly.

**Kelvin Hopkins:** I want to reinforce what my hon. Friend is saying. We have a massive trade deficit with the rest of the EU. Even if in some mad world we decided to have a trade block, that would be beneficial. We would have more money to spend on our own things and to generate our own economy, and more money to spend elsewhere in the world. The idea that we benefit massively in trade from the EU is complete nonsense. It benefits massively from having us next door.

**Austin Mitchell:** That is true—and then the EU forces us to eat its overpriced agricultural products. The EU gets it all ways. It steals about £3 billion-worth of our fish every year through the common fisheries policy, and costs us about £18 billion on the common agricultural policy, and then expects us to buy its overpriced exports.

**Martin Horwood:** Is the hon. Gentleman aware that Iceland has just unilaterally increased its mackerel quotas, which if anything—I would not use the word “stealing”—is potentially damaging to Scottish fish stocks? That is quite a major diplomatic issue at the moment and it has occurred under precisely the regime that he is recommending.

**The Temporary Chairman (Mr Graham Brady):** Order. May I suggest that we are ranging a little wide? Ranging as far as discussing Iceland might be out of order.

**Austin Mitchell:** You are absolutely right, Mr Brady. By raising mackerel, the Liberal Democrats were seeking to bring a lot of red herrings dancing into my view. I hold no brief for the Scots who want the Icelanders to stop catching mackerel. They have a perfect right to do so. It is daft to talk about cutting quotas of imports for Icelandic fish, which we need, to punish Iceland for mackerel fishing.

That Liberal Democrat red herring has robbed and wasted the Committee’s time and delayed my final peroration. The final word from me is this. The situation can be remedied by the amendments tabled by the hon. Member for Stone, particularly amendments 8 and 79. It should be remedied, because it is potentially disastrous to accept that article 122 of the Lisbon treaty can be applied to extract support from the UK for the failures of the euro, when we are not members of the euro. I hope that the Government clarify that position, and that the amendments are made.

7.45 pm

**Stephen Gilbert:** It is a pleasure to have the opportunity to contribute to this debate. Anybody watching us must think that they have fallen through the looking glass. We are debating amendments to a Bill that prevents further transfer of power from the UK to the European level of government, in the context of a coalition that has said that it will allow no further significant transfers of power in the duration of its office, and yet Conservative and Labour Members are attacking the Bill while Liberal Democrat Members try to defend it.

**Mr Cash:** I cannot resist intervening. The hon. Gentleman knows perfectly well that the Minister for Europe has said that there is no chance or intention of holding a referendum under the proposals in this Bill until the next Parliament at the earliest—we are in dead parrot territory. The Minister will not deny that. The debate is about what is happening right now. Europe is in total chaos. Every country bar Germany is imploding, but the hon. Gentleman is carrying on as if everything is fine.

**Stephen Gilbert:** I feel like I am entering into my own version of “Back to the Future” in debating the EU with the hon. Gentleman. The Government’s position is quite clear. There will be no referendum over the next five years because there will be no significant transfer of power or competences. The Liberal Democrats welcome that, and I would have thought that he would too.

**Mr David rose—**

**Stephen Gilbert:** I am more than happy to give way to the Opposition spokesman.

**Mr David:** To add to the thesis of the hon. Member for Stone (Mr Cash), given that the Labour party is not in favour of any further EU treaty changes and that we cannot bind a future Parliament, what is the point of the Bill?

**Stephen Gilbert:** In fact, what we know from yesterday’s debate in this Committee is that the Labour party, given the bizarre system it proposed in its defeated amendments, is in favour of giving the House of Lords a veto on whether the British Parliament chooses to put a referendum to the British people.

**Thomas Docherty (Dunfermline and West Fife) (Lab):** Did I hear the hon. Gentleman correctly? Did he say a moment ago that there will be no further significant transfer of power to Brussels? Will he outline which not very significant powers will be transferred during this Parliament?

**Stephen Gilbert:** The Bill is absolutely clear on that. A number of criteria have to be met and a number of hurdles must be jumped. We debated the significance test yesterday—the hon. Gentleman was in the Chamber and would have carefully listened to the debate—but let me give him an example. At the moment, in the objectives of the EU as I understand them, there is no requirement to combat climate change. Of course, the EU is rightly and properly taking action on environmental issues, but the simple codification of that into one of the objectives of the EU would be quite a minor change, and one that we would all welcome and accept as necessary and important.

**Mr Cash:** Almost everything the hon. Gentleman says demonstrates the complete divergence of views between many Conservatives and many Liberal Democrats. Does he accept that a key problem facing the coalition Government is not only the integral federal views of the Liberal Democrats on matters relating to Europe, by which they are totally besotted, but the implementation of the Lisbon treaty? That is where the problem arises. People talk about transfers of power, but actually, the implementation of existing arrangements under the Lisbon treaty is causing so much difficulty—it is also an embarrassment to Opposition Front Benchers.

**Stephen Gilbert:** I am grateful to my hon. Friend, but it is not for me to judge who or what might be an embarrassment to those on the Front Benches. The reality is that there are clearly a number of safeguards in the Lisbon treaty, including the emergency brake clauses, which can be exercised by national Parliaments. In some cases, they would not require the UK Government to take a view—Parliament can take a view of its own volition. However, I shall resist further temptation from hon. Members and press ahead with my comments on some of the specific amendments in the group, particularly amendments 81, 54, 8 and 79.

Amendment 81 is in the name of my hon. Friend the Member for Witham (Priti Patel), and I have a slight declaration of interest to make in that my great-grandfather

[*Stephen Gilbert*]

was a fisherman along the north Cornwall coast out of Padstow. My constituency also includes many fishing communities, for whom the common fisheries policy in its current iteration is a significant problem. There is huge agreement across the House that having nationally decided quotas rather than regionally set quotas is a problem. The discard policy is also a problem, because it is absurd for this nation to have to throw back hundreds of tonnes of perfectly good fish when we could be using it to feed people in this time of pressures on food security around the world and concerns about the sustainability of fish resources.

I share my hon. Friend's determination to secure real reform of the CFP. We need to put sustainability at its heart and ensure that local communities are driving it. We also need to review the policy on discards. However, amendment 81 is—to shamelessly snag a pun that has already been used tonight—a red herring. I do not see how it will strengthen our hand when it comes to reform of the CFP—

**Priti Patel:** As I said earlier, the amendment would not reform the policy per se, but I tabled it because the future of our territorial waters cannot be left to chance. It is a fundamental issue.

**Stephen Gilbert:** I have some sympathy with the point that my hon. Friend makes, but it is a misnomer to call the amendment an effort to reform the CFP. As I understand it, the competencies under which the CFP sits were transferred three decades ago. They are already decided under qualified majority voting, and having a referendum on this issue—should it even be a topic for debate, and I know of no such plans—would have no effect.

**Thomas Docherty:** It might help the debate to know that the Environment, Food and Rural Affairs Committee, of which I am a member, will shortly carry out an inquiry into fishing policy. I am sure that the Minister will be excited to have the chance to give evidence on the issue of discards.

**Stephen Gilbert:** I am grateful for that intervention and I am sure that the fact that the Committee will look at this issue will be as worthy of note as the fact that I have joined hon. Members from both sides of the House in signing the early-day motion on discards policy. On every occasion that this House has debated the CFP, a clear signal should have been received by Ministers that we want reform and we want it now. However, amendment 81 is not that reform.

It is clear that negotiations on the CFP will start later this year. I would like an assurance from the Minister that he has heard the concerns that have been expressed in this debate and will put protection of the UK's fish stocks at the heart of those negotiations.

**Martin Horwood:** What is my hon. Friend's opinion on some of the other amendments that have been tabled? Does he think that reform of the CFP might be made more difficult if we have such a hair trigger for referendums that it brings the whole process grinding to a halt?

**Stephen Gilbert:** My hon. Friend makes a very good point. We need to be careful what we wish for. Many of the amendments we are discussing would introduce a hair-trigger—an apt expression—approach to referendums that could end up shooting the UK's best interests in the foot.

**Jim Shannon:** The hon. Member mentioned regionalisation and the opportunity for other parts of the UK to be in control of fishing. Does he think that the localised control of fishing is the way forward to take control away from Europe and ensure that local people, who have the knowledge and the experience, can have an input into the process?

**Stephen Gilbert:** I share the approach that the hon. Gentleman outlines. It is the fishing communities who understand sustainability and the importance of ensuring that we have viable stocks for the future, and they will respond to those needs. It is right that responsibility for fishing policy should be reduced to the region, if not further to local areas.

Amendment 54, in the name of my hon. Friend the Member for Bury North (Mr Nuttall), is a little bizarre, because it promotes the notion that being given extra rights would require a referendum. The rights of EU citizens come under article 20 of the treaty on the functioning of the European Union and, as far as I can tell, they number four at the moment. They are the right to move and reside freely within the territory of the member states; the right to vote and stand as candidates in elections to the European Parliament and in municipal elections in the state of residence, under the same conditions as nationals of that state; the right to petition the European Parliament, to apply to the European ombudsman, and to address the institutions and advisory bodies of the European Union; and the right to enjoy, in the territory of a third country in which the member state of which they are nationals is not represented, the protection of diplomatic and consular authorities—a point about which the hon. Member for Rhondda (Chris Bryant) spoke at some length. My contention is that adding to the rights of citizens cannot be seen as a transfer of power or competence from the EU to the UK.

**Mr Nuttall:** Does my hon. Friend agree that, by definition, if citizens of another European Union member state are given rights by the European Union to do things in this country, the rights of our own citizens are diluted and power is therefore transferred to the rest of the European Union?

**Stephen Gilbert:** I simply do not agree. If rights are transferred to the EU level, every European citizen will benefit from those rights, including the many hundreds of thousands of British citizens who live and work in the other European Union member states.

**Mr Andrew Turner (Isle of Wight) (Con):** Does my hon. Friend agree that they have rights and we have liabilities, and that is the difference?

**Stephen Gilbert:** My hon. Friend and I share an interest in many matters, and I was delighted that the other place came to his rescue in the Parliamentary Constituencies and Voting Bill—although I am less pleased that it did not come to Cornwall's rescue. However,

on this issue I disagree with him. It is a caricature to say that they have rights and we have liabilities. The reality is that many of the people I went to school with now live and work in member states of the European Union and it is right that they should have protections extended to them in the same way that protections are extended to EU nationals living and working here.

My hon. Friend's philosophical disagreement does not detract from my central point, which is that this is not a transfer of power or competence from the UK, so I do not see the need for the referendum lock to be introduced. More broadly, is it not belief in those human rights and the shared view of human nature—the belief in the rule of law, the sanctity of human life and that all individuals are born equal—that unites member states in the European Union and leads to our ability to have a common view on many issues?

8 pm

**Mr Cash:** On the question of human rights—of course, our manifesto committed us to the repeal of the Human Rights Act 1998—what makes the hon. Gentleman think that the people of the United Kingdom would have been that much worse off if the European Human Rights Act had never been passed? What makes him believe that the vast amounts of money going to all the lawyers in the human rights environment are doing the people of this country any great service?

**Stephen Gilbert:** I am grateful to the hon. Gentleman for his contribution. The European Human Rights Act gave rights to people in this country that they did not enjoy previously. Those rights are now in statute. Of course, hon. Members can make the argument that the House could have conferred those rights—but then this House is exactly the body that did confer them, first through the 1972 treaty, and secondly under the previous Government through bringing the European human rights treaty into British statute, as I understand it.

**Mr Nuttall:** My hon. Friend is touching on one of the fundamental differences between how the European Union sees rights, and how this sovereign Parliament sees them. Parliament does not think that citizens need to be given any human rights because they are free to do anything under the law, whereas the European Union thinks that it has those rights to hand out to citizens of its European superstate as part of some great, grandiose gesture. That is the difference.

**Stephen Gilbert:** I am grateful to my hon. Friend. As a loyal subject of the Crown, I am equally pleased to be a citizen of the EU.

I will finish with some brief comments on amendments 8 and 79, which deal with the notion of a referendum lock on giving further financial aid to countries other than Ireland—an issue on which the hon. Member for Great Grimsby (Austin Mitchell) and I have just engaged. If the amendments are passed, they would damage diplomatic relations, delay the EU in helping struggling economies and potentially deny to the UK the same kind of benefits that Ireland has had in the past.

I want to make it clear that the Liberal Democrats support the Bill: it is about reconnecting the British people with the European issue; about saying that over the next five years, there will be no further transfer of

powers and competencies; about putting that commitment in law; and about raising the benchmark significantly higher than it has been to date.

**Ben Gummer:** I had many comments to make but, happily, my hon. Friend the Member for Stone (Mr Cash) has covered much of the ground I wanted to cover. I shall therefore be quite brief. Yesterday, in a memorable speech, my hon. Friend the Member for Grantham and Stamford (Nick Boles) described the Bill as the William Cash memorial Bill. Although I would not like to use such lapidary language with regard to my hon. Friend the Member for Stone, it is certainly a memorial in the sense that all that he has done over the years to protect the House and nation from the transference of powers to the European Union is contained within clause 6, so that it will not happen again without a referendum of the British people. I suspect that that is why my hon. Friend, whom I admire and have watched with great interest today, as a newcomer to the House, is uncertain about parts of the Bill.

Mention was made earlier of the fact that my hon. Friend's seat is often left cold while he explains the dangers of the transference of powers. The Bill will render much of that function, which he has served with such honour over the years, no longer necessary, because it encompasses what the British people have wanted for so long, as has been pointed out by so many people in this debate, which is for the powers of Parliament to remain here and not be transferred. Whether on the euro, social policy, finance, jurisprudence or border control—all those things that he has spoken about so many times—will now sit here in statute unable to be moved to a qualified majority voting system in the Council without the matter being referred to the British people.

The Bill does not just enshrine in law the wishes of the British people over many years; it is also a testament to the intellectual coherence of the coalition's project. It is about retaining power at the most local level possible. That does not just apply to this Parliament, but involves pushing power down to local communities wherever possible. That is why the cat-calling about the Bill from the Opposition is so misguided. They do not understand how it fits into the wider revolution being instituted by the coalition Government of bringing power as close to the people as possible. That is why I suspect they do not like it very much. It goes against everything that the Labour party believes in, which is to push power up to people who know best at all times.

We need only look at some of the comments made in this and previous debates. The right hon. Member for Rotherham (Mr MacShane), who is no longer in his seat, said in a previous debate on the European Union that the Bill would be a mistake because it would make it harder for Turkey to accede to the EU. Today, we heard points about the European arrest warrant—because, of course, it is he who knows best, and not the British people. Of course, it is the Opposition Front-Bench team who know best—in their minds—and not the British people.

**Mr David:** The hon. Gentleman has referred to Turkey. I hope that he has not forgotten that, as we discussed yesterday, a referendum on Turkish accession is expressly excluded from the Bill that he is supporting.

**The Temporary Chair (Mr Brady):** Order. In order to ensure that the voice of the hon. Member for Ipswich (Ben Gummer) is picked up, may I advise him to address the microphone and the Committee more directly? That would be helpful.

**Ben Gummer:** I apologise, Mr Brady.

As the hon. Member for Caerphilly (Mr David) knows, my general point is that the comments the Opposition Members have made today betray the fact that they do not trust the British people with these decisions. They said, “Well, of course, we could put a whole series of things to a referendum”. But this is the point: it is about the transference not of decision making, but of powers by treaty to an outside body. Whether in their attitude to the European constitution—it is odd to try to force a constitution on the British people and a nation that does not have a constitution—or whether on the Lisbon treaty, on which a referendum was promised but not given, at every single point, the Labour party has shown its contempt for what the people want. In the course of that, it has damaged the very European project that it supports. For instance, it makes it very difficult to make the argument for the European arrest warrant—it actually helped one of my constituents in a moment of great difficulty, as I mentioned earlier—because every time it is rightly perceived to be a decision by people who think they know best but who do not trust the people with the arguments.

**Emma Reynolds:** I thank the hon. Gentleman for giving way; he is very gracious. Is it not the case that the Conservative Government in the 1980s and 1990s agreed to massive transfers of powers, without a referendum, from Westminster to Brussels in the form of the Single European Act and the Maastricht treaty? Is it not also the case that in our lifetime—in fact, since 1973—no Conservative Government have granted the people of this country a referendum? We actually have quite a good track record on referendums in this country—we granted many on devolution and one on membership of the European Union in 1975—but no Conservative Government have ever done such a thing.

**Ben Gummer:** The hon. Lady, who made an excellent speech earlier—I believe—said then that she had not read the 1973 Conservative manifesto. Well, I am of a similar age—I think—and I cannot stand here and answer for the actions of previous Conservative Governments, except to say that every one of those Acts and treaties was prefigured in a Conservative party manifesto. The difference between the Labour and Conservative parties is that we were promised a referendum on the Lisbon treaty, but did not get one. We were also promised a referendum on the euro, which is why the relevant provision is in the Bill. Had we decided to join the euro, that referendum would never have happened, because we did not have one on the Lisbon treaty. The Labour party would have been true to form.

The hon. Lady asked what the need was for the passerelle protection in the Bill and why would we not just veto each action at the Council of Ministers. The answer is precisely this: although we can trust the coalition Government not to transfer powers, if and when the Opposition show themselves capable of government, we will not be able to trust them precisely because on two occasions they failed to do what they should have.

**Emma Reynolds:** First, if our Government had decided that the economic conditions were right to go into the euro, which we did not, we would have given the British people a vote on that, because it would have been a significant monetary change. On the hon. Gentleman’s second point, I did make the remarks to which he has referred, but I do not think they are as significant as he claims.

**Ben Gummer:** I thank the hon. Lady for that, but the British people have lost their trust in what the Opposition say on matters European. The Opposition’s only contribution to this debate is one pathetic amendment—amendment 100—which does nothing to address the needs of their constituents, providing no constructive proposal whatever, unlike so many that my hon. Friends have proposed.

**Emma Reynolds:** Will the hon. Gentleman give way?

**Ben Gummer:** I am sorry, but if the hon. Lady does not mind, I am going to wrap up now.

What the Opposition do not understand—and what I think many on the Government Benches do—is the entirely radical nature of this Bill. It will fundamentally change the relationship between the people of this country—our constituents—and the European Union, and in so doing will change the functioning of the European Union. It is without doubt one of the more exciting Bills to be put before the House by the coalition Government, and I support it wholeheartedly.

**Mr Lidington:** Clause 6 lists those decisions that would always require approval by an Act of Parliament and a referendum. Most of the amendments that we have been considering today seek to add new provisions to clause 6. I want to try to do justice to each amendment and to the various topics that hon. Members on both sides of the Committee have raised in this debate.

Let me turn first to the issue of citizenship, which is the subject of amendment 54, as well as the consequential amendment 55, both tabled by my hon. Friend the Member for Bury North (Mr Nuttall). The amendments would mean that if a decision under article 25 of the TFEU were to add to or strengthen the list of rights for citizens of member states in the European Union contained in article 20(2) of that treaty, there would have to be a referendum before the United Kingdom could agree to it. I understand my hon. Friend’s concerns, and he is right to say that the question of citizenship is important and sensitive. However, where I took issue with him was when he suggested that there was no limit to the ability of the European Union to confer new rights upon European citizens. There are a number of such limits specified in the treaties. Article 20(1) of the treaty on the functioning of the European Union states:

“Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to and not replace national citizenship.”

Article 20 also states that “rights”—that is, rights that people possess in their capacity as European Union citizens—shall be

“exercised in accordance with the conditions and limits defined by the Treaties”.

Article 25 is not a new article, but it does concern a sensitive issue, and that is why the Bill proposes to strengthen parliamentary scrutiny of this important



ratchet clause and to require that an Act of Parliament be passed before a Minister could notify approval by this country of a Council decision extending the rights attaching to EU citizenship.

That is also the reason—I hope that this will give my hon. Friend some assurance—why the Bill puts a referendum lock on any proposal that the United Kingdom give up its veto over article 25. We have also put a referendum lock on any proposal that the UK should give up other vetoes in the treaty chapter on citizenship of the Union, such as its veto over the arrangements for allowing EU citizens to vote in local elections or the arrangements for allowing people to stand and vote in European parliamentary elections. However, we do not believe that we need a referendum before agreeing to legislation to strengthen or to add to the rights of citizens of member states under article 25, because such legislation can be made only within existing competence. If there were any proposal to change the treaty to extend those areas of competence on which the rights of EU citizens could be based, such a treaty change proposal would be caught automatically by clause 4 and its requirement for a referendum before any extension of or addition to European Union competence.

8.15 pm

My hon. Friends the Members for Witham (Priti Patel) and for St Austell and Newquay (Stephen Gilbert) both spoke about the common fisheries policy, as did the hon. Member for Great Grimsby (Austin Mitchell). In addressing amendment 81, tabled by my hon. Friend the Member for Witham, I acknowledge from the start that the Government completely accept that the common fisheries policy has major problems—or, in plain English, that it has failed and continues to fail. It has failed to deliver on conservation and has not protected fish stocks. At the same time, it has failed to provide an adequate sustainable living for our fishing communities. That is why the United Kingdom has been at the forefront in calling for radical reform of the policy. The Fisheries Minister, my hon. Friend the Member for Newbury (Richard Benyon), will be pressing for fundamental changes to the policy at the forthcoming negotiations, to simplify and decentralise fisheries management. However, as was pointed out in an intervention from the Democratic Unionist Benches, when we talk about decentralisation, it is important that we take account of the interests of the devolved Administrations in the different parts of the United Kingdom.

**Ian Paisley** (North Antrim) (DUP) *rose*—

**Mr Lidington:** If the hon. Gentleman will forgive me, given the time allowed, I must first try to do justice to the points raised in the debate.

What we are pressing for will mean member states taking more responsibility for management decisions, and working together regionally to agree appropriate measures. It will also mean giving member states the tools to apply conservation measures, and holding them to account for implementing these, regardless of which nations fish in their waters. A draft proposal for reform of the CFP is due to be published in May or June this year, but so far there is no indication, in any of the many discussions that have taken place on the subject, that the Commission will propose changes to the powers

of member states in relation to nautical limits. I can assure my hon. Friends and the hon. Member for Great Grimsby that the Government would vigorously oppose any such move on the part of the Commission.

However, in respect of amendment 81, I should say to my hon. Friend the Member for Witham that, for better or worse, the European Union has had competence over fisheries matters for more than 30 years, so there is no transfer of competence from the UK to the EU involved here. Changes to the CFP are agreed by qualified majority voting and co-decision with the European Parliament. Amendment 81 could therefore result in a referendum being held on a decision that this country could not subsequently block.

**Gavin Williamson** (South Staffordshire) (Con): Does my right hon. Friend feel that if amendment 81 were accepted and there were a vote, and if nothing could then be done as a result of such a referendum, it would undermine the confidence of the British people in a fantastic Bill?

**Mr Lidington:** My hon. Friend is absolutely right. It is therefore important that we focus the referendum lock on those decisions that are of real significance to the people we represent. I understand why my hon. Friend the Member for Witham has tabled amendment 81, which has provided us with a good opportunity to debate a subject about which she cares passionately, but it would not achieve the objective that she and other Members who want reform of the CFP are seeking.

Amendments 36, 37 and 38 would add any decision by the United Kingdom to vote in favour of, or otherwise support, measures brought forward under the justice and home affairs ratchet clauses contained in articles 81(3), 82(2)(d) and 83(1) of the TFEU to the list of measures subject to the safeguard requirements contained in clause 6 of the Bill. Amendment 40 has a similar effect to amendment 36, but seeks to achieve it by adding article 81(3) to the list of treaty provisions in schedule 1. What those amendments seek is a referendum, rather than such provisions being made under the Bill.

My hon. Friend the Member for Hertsmere (Mr Clappison), speaking in support of the amendments tabled by my hon. Friend the Member for Daventry (Chris Heaton-Harris), broadened the debate into matters of justice and home affairs more generally. I hope that we will get the opportunity to debate those matters tomorrow, but I will respond briefly to the important points that he made. I know that his concerns are shared by many other Members.

On justice and home affairs opt-ins, we are talking about something that, like it or not, is a matter of existing European Union competence. However, where we have a choice, we cannot be compelled to take part in a particular measure. Furthermore—this affects how we deal with our systems for requiring scrutiny and accountability—where there is a three-month time limit, during which the United Kingdom has to decide whether to take part in the final negotiations on the shape of the legislative measure, that will impose a practical limit on what we can do while still keeping open the option on whether to join in.

I would say to my hon. Friend the Member for Hertsmere that the policy of the coalition is to consider on a case-by-case basis whether we should opt into a

[Mr Lidington]

measure or not, and to judge each decision on its merits. There will be occasions when it will be in the national interest of the United Kingdom for us to take part. I would use the example of passenger name records to illustrate that. The United Kingdom Government are pressing the Commission and other member states to introduce measures on that, because we, along with the Government of the United States and a number of European partners, believe that such a measure would help all European countries and the international community generally to strengthen our counter-terrorist policies and provide a means of giving greater assurance of safety to our citizens when they travel by air. So we need to look at these measures on a case-by-case basis.

On scrutiny, as I said in my written ministerial statement of last Thursday, we are proposing not to reduce or limit existing scrutiny powers but to add to them. The minimum that the Government would offer is a written ministerial statement on each decision and, for more important measures, an oral statement. When there was an especially strong parliamentary interest, the Government would commit to setting aside their time for a debate in both Houses on a motion supporting the Government's approach. Such a motion would, of course, be amendable.

I believe that it would generally be right for such debates to be called when it was proposed to opt into a measure that would have a substantial impact on this country's civil or criminal law, on our national security or on our immigration policy. I can say to my hon. Friend the Member for Hertsmere that it is certainly our view that, under the policy that I announced last week, the European investigation order would indeed have been referred for a debate of that kind. As he knows, the Commons scrutiny Committee had not been fully constituted when that decision had to be taken within the three-month time limit. I know that the Government were uneasy about the fact that the non-existence of the Committee meant that we could not go through the appropriate scrutiny procedures.

In sorting out the details of these matters and putting flesh on the policy that I outlined last week, there will be a need for the Government to talk to Parliament, and to the scrutiny Committees in particular, about exactly how we translate this policy into practical action. There will also be a need to deal with matters such as recess periods and periods of Dissolution. On the question of override, there will, I am afraid, occasionally be cases in which an early opt-in decision is required. There has been one such case this year, in which it was in our interests to opt into the EU-US agreement on the terrorist finance tracking programme, and we had to do that before the completion of scrutiny. We do not ever take those decisions lightly, and we always seek to keep Parliament informed when the risk of an override exists. To that end, we need to establish how these new arrangements will be managed, especially during periods of recess.

I shall now respond in more detail to the points raised by my hon. Friend the Member for Daventry. In practical terms, although the UK could block any attempt to move article 81(3) to QMV using either treaty revision procedure, we could not block the result being achieved through the use of the specific ratchet clause in article 81(3). We would simply be ejected from the measure under

article 3(2) of the Area of Freedom, Security and Justice protocol, and the other member states would continue without the UK. So, in the unlikely event of the UK seeking to use either revision procedure to move article 81(3) to QMV, we could veto that and block the treaty change, but all that would happen, assuming that other member states wanted to go ahead, is that the EU would use the ratchet clause to change the legislative procedure without UK participation. On that basis, it does not seem sensible to put a referendum lock on the use of either of the treaty revision procedures to move the article 81(3) legal base to QMV, because it would not have the desired effect of stopping a move to QMV for individual measures of family law.

Article 82(2)(d) enables the Council to add to the list of issues that can be made subject to EU legislation on criminal law procedures, and article 83(1) allows for additions to the list of criminal offences where the EU can set minimum standards. The exercise of those two articles is already foreseen; they are known entities. They add to what can be done within existing areas of EU competence, rather than creating new competences, and we expect them to be used in relatively obscure areas. For example, on the criminal side, there is a possibility that a proposal will be introduced to use the ratchet to add the crime of female genital mutilation to the list of serious crimes, where the EU can set minimum standards under article 83(1) of the treaty on the functioning of the European Union. We will have the choice whether to opt in or not, in line with Government policy. If we wished to opt in, each House would have to agree that it could do so within the three-month period and, before the UK could finally sign up to such a proposal, there would have to be an Act of Parliament. Should we decide not to opt into the negotiations but later decide to opt into the final decision, there would then need to be an Act of Parliament before we could do so. We believe that that is the correct level of control for such decisions, and a considerable increase on the present amount of control provided for under the European Union (Amendment) Act 2008, under which the Lisbon treaty was approved.

I turn now to enhanced co-operation. I might want to write to my hon. Friend the Member for Hertsmere at greater length on this, given the limited time available to me now. I can tell him, however, that we have provided that, if the UK is participating in an area of enhanced co-operation that touches on one or more of the treaty provisions listed in schedule 1 and there is a proposal to use the ratchet to allow a move from unanimity to QMV, an Act of Parliament would need to be passed and the proposed move supported in a referendum before the UK could agree to that proposal.

My hon. Friend's amendment 13 would mean that, if the UK wanted to join in legislation agreed under an enhanced co-operation arrangement after that legislation had already been agreed by others, a referendum would be required if the smaller group had already decided to move to QMV on an article listed in schedule 1. The reason for the different approach that we are proposing in those circumstances is that the UK would be deciding whether to participate in enhanced co-operation on a specific piece of legislation, rather than on a whole area of policy, and we would be taking that decision in the full knowledge of what had already been agreed. We would be deciding freely whether to take part—we

could not be forced to take part—and we would take that decision in the knowledge that any future negotiation to amend that legislation would also have to be done on the basis of QMV.

That is different from taking a decision to move to QMV in the middle of a negotiation on a piece of legislation being agreed under enhanced co-operation to which we were already committed to taking part. That could lead to us being outvoted on the final piece of legislation, having gone into the process under different circumstances altogether. Any such decision, I say to my hon. Friend the Member for Hertsmer, would be subject to parliamentary scrutiny in the customary way. I am certainly prepared, in the context of the broader reform of scrutiny that I announced last week, to look at the particular point that he raised.

The official Opposition's amendment 100 is simply unnecessary. The policy on the patent is already subject to qualified majority voting, apart from two areas that are subject to unanimity. We propose that those should require an Act of Parliament, not a referendum.

To my hon. Friend the Member for Stone (Mr Cash), I say that we are not happy with the position on the European financial stability mechanism; it is one that we inherited from the previous Government. Our right hon. Friend the Prime Minister fought hard—and successfully—at the European Council to make sure that article 122 was extinguished for the future as a source of bail-outs for other countries. I ask my hon. Friend to recognise, in turn, that the stability of the eurozone, and the eurozone's success in solving its serious problems, are in our interests, too.

8.30 pm

*Debate interrupted (Programme Order, 7 December).*

*The Chair put forthwith the Question already proposed from the Chair (Standing Order No. 83D), That the amendment be made.*

*Question put and agreed to.*

*Amendment made.*

*The Chair then put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83D).*

*Amendment made:* 58, page 4, line 39, at end insert

'and for the purposes of subsection (2A) as references to a notification'.—(*Mr Lidington.*)

*Amendment proposed:* 100, in page 5, line 27, after '(enhanced co-operation)', insert

'except in the field of EU patents'.—(*Emma Reynolds.*)

*Question put, That the amendment be made.*

*The Committee divided: Ayes 215, Noes 334.*

## Division No. 181]

[8.31 pm

### AYES

Abbott, Ms Diane	Beckett, rh Margaret
Abrahams, Debbie	Begg, Dame Anne
Ainsworth, rh Mr Bob	Bell, Sir Stuart
Alexander, Heidi	Benn, rh Hilary
Ali, Rushanara	Berger, Luciana
Anderson, Mr David	Betts, Mr Clive
Austin, Ian	Blackman-Woods, Roberta
Bailey, Mr Adrian	Blenkinsop, Tom
Banks, Gordon	Blomfield, Paul
Bayley, Hugh	Bradshaw, rh Mr Ben

Brennan, Kevin	Hepburn, Mr Stephen
Brown, rh Mr Gordon	Heyes, David
Brown, Lyn	Hilling, Julie
Brown, rh Mr Nicholas	Hodgson, Mrs Sharon
Brown, Mr Russell	Hoey, Kate
Bryant, Chris	Hopkins, Kelvin
Buck, Ms Karen	Hosie, Stewart
Burden, Richard	Howarth, rh Mr George
Burnham, rh Andy	Hunt, Tristram
Byrne, rh Mr Liam	Illsley, Mr Eric
Cairns, David	Irranca-Davies, Huw
Campbell, Mr Alan	Jackson, Glenda
Campbell, Mr Ronnie	James, Mrs Siân C.
Chapman, Mrs Jenny	Johnson, Diana
Clark, Katy	Jones, Helen
Clarke, rh Mr Tom	Jones, Susan Elan
Clwyd, rh Ann	Jowell, rh Tessa
Coaker, Vernon	Joyce, Eric
Cooper, Rosie	Kaufman, rh Sir Gerald
Cooper, rh Yvette	Keeley, Barbara
Crausby, Mr David	Kendall, Liz
Creasy, Dr Stella	Lammy, rh Mr David
Cryer, John	Lavery, Ian
Cunningham, Alex	Lazarowicz, Mark
Cunningham, Mr Jim	Leslie, Chris
Cunningham, Tony	Lewis, Mr Ivan
Curran, Margaret	Lloyd, Tony
Dakin, Nic	Llwyd, Mr Elfyn
David, Mr Wayne	Love, Mr Andrew
Davidson, Mr Ian	Lucas, Caroline
Davies, Geraint	Lucas, Ian
De Piero, Gloria	MacNeil, Mr Angus Brendan
Docherty, Thomas	MacShane, rh Mr Denis
Donohoe, Mr Brian H.	Mahmood, Mr Khalid
Doran, Mr Frank	Mahmood, Shabana
Dowd, Jim	Marsden, Mr Gordon
Doyle, Gemma	McCabe, Steve
Dugher, Michael	McCann, Mr Michael
Eagle, Ms Angela	McCarthy, Kerry
Eagle, Maria	McClymont, Gregg
Edwards, Jonathan	McDonagh, Siobhain
Efford, Clive	McDonnell, Dr Alasdair
Elliott, Julie	McDonnell, John
Ellman, Mrs Louise	McFadden, rh Mr Pat
Engel, Natascha	McGovern, Alison
Esterson, Bill	McGovern, Jim
Evans, Chris	McGuire, rh Mrs Anne
Farrelly, Paul	McKechin, Ann
Field, rh Mr Frank	McKinnell, Catherine
Flello, Robert	Meacher, rh Mr Michael
Flint, rh Caroline	Mearns, Ian
Fovargue, Yvonne	Michael, rh Alun
Francis, Dr Hywel	Miliband, rh Edward
Gapes, Mike	Miller, Andrew
Gardiner, Barry	Mitchell, Austin
Gilmore, Sheila	Moon, Mrs Madeleine
Glass, Pat	Morden, Jessica
Glindon, Mrs Mary	Morrice, Graeme ( <i>Livingston</i> )
Goggins, rh Paul	Morris, Grahame M.
Goodman, Helen	( <i>Easington</i> )
Greatrex, Tom	Mudie, Mr George
Green, Kate	Munn, Meg
Greenwood, Lilian	Murphy, rh Mr Jim
Griffith, Nia	Murphy, rh Paul
Gwynne, Andrew	Murray, Ian
Hain, rh Mr Peter	Nandy, Lisa
Hamilton, Mr David	Nash, Pamela
Hanson, rh Mr David	O'Donnell, Fiona
Harris, Mr Tom	Onwurah, Chi
Havard, Mr Dai	Owen, Albert
Healey, rh John	Pearce, Teresa
Hendrick, Mark	Phillipson, Bridget

Pound, Stephen  
 Raynsford, rh Mr Nick  
 Reed, Mr Jamie  
 Reeves, Rachel  
 Reynolds, Emma  
 Reynolds, Jonathan  
 Riordan, Mrs Linda  
 Ritchie, Ms Margaret  
 Robertson, John  
 Robinson, Mr Geoffrey  
 Rotheram, Steve  
 Roy, Mr Frank  
 Roy, Lindsay  
 Ruane, Chris  
 Ruddock, rh Joan  
 Sarwar, Anas  
 Seabeck, Alison  
 Sharma, Mr Virendra  
 Sheerman, Mr Barry  
 Skinner, Mr Dennis  
 Smith, rh Mr Andrew  
 Smith, Nick  
 Smith, Owen  
 Soulsby, Sir Peter  
 Spellar, rh Mr John  
 Straw, rh Mr Jack  
 Stuart, Ms Gisela  
 Sutcliffe, Mr Gerry

Tami, Mark  
 Thomas, Mr Gareth  
 Timms, rh Stephen  
 Trickett, Jon  
 Turner, Karl  
 Twigg, Derek  
 Twigg, Stephen  
 Umunna, Mr Chuka  
 Vaz, Valerie  
 Watson, Mr Tom  
 Watts, Mr Dave  
 Weir, Mr Mike  
 Whiteford, Dr Eilidh  
 Wicks, rh Malcolm  
 Williams, Hywel  
 Williamson, Chris  
 Wilson, Phil  
 Winnick, Mr David  
 Winterton, rh Ms Rosie  
 Wishart, Pete  
 Wood, Mike  
 Woodcock, John  
 Wright, David  
 Wright, Mr Iain

**Tellers for the Ayes:**  
**Graham Jones and**  
**Angela Smith**

#### NOES

Adams, Nigel  
 Afriyie, Adam  
 Aldous, Peter  
 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  
 Barwell, Gavin  
 Bebb, Guto  
 Beith, rh Sir Alan  
 Bellingham, Mr Henry  
 Benyon, Richard  
 Beresford, Sir Paul  
 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  
 Cairns, Alun  
 Campbell, Mr Gregory  
 Campbell, rh Sir Menzies  
 Carmichael, rh Mr Alistair  
 Carmichael, Neil  
 Chishti, Rehman  
 Clappison, Mr James  
 Clark, rh Greg  
 Clarke, rh Mr Kenneth  
 Clifton-Brown, Geoffrey  
 Coffey, Dr Thérèse  
 Collins, Damian  
 Colville, Oliver  
 Cox, Mr Geoffrey  
 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  
 Dodds, rh Mr Nigel  
 Dorrell, rh Mr Stephen  
 Dorries, Nadine  
 Doyle-Price, Jackie  
 Duddridge, James  
 Duncan, rh Mr Alan  
 Duncan Smith, rh Mr Iain  
 Dunne, Mr Philip  
 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  
 Fox, rh Dr Liam  
 Francois, rh Mr Mark  
 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  
 Graham, Richard  
 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  
 Hermon, Lady  
 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  
 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  
 Lancaster, Mark  
 Lansley, rh Mr Andrew  
 Latham, Pauline  
 Laws, rh Mr David  
 Leadsom, Andrea  
 Lee, Jessica  
 Lee, Dr Phillip  
 Leech, Mr John  
 Lefroy, Jeremy  
 Leslie, Charlotte  
 Lewis, Brandon  
 Lewis, Dr Julian  
 Lidington, rh Mr David  
 Lilley, rh Mr Peter  
 Lloyd, Stephen  
 Long, Naomi  
 Lopresti, Jack  
 Lord, Jonathan  
 Loughton, Tim  
 Luff, Peter  
 Lumley, Karen  
 Macleod, Mary  
 Main, Mrs Anne  
 Maude, rh Mr Francis  
 May, rh Mrs Theresa  
 Maynard, Paul  
 McCartney, Jason  
 McCartney, Karl  
 McCreagh, Dr William  
 McIntosh, Miss Anne  
 McLoughlin, rh Mr Patrick  
 McPartland, Stephen  
 McVey, Esther  
 Menzies, Mark  
 Mercer, Patrick  
 Metcalfe, Stephen  
 Miller, Maria  
 Mills, Nigel  
 Milton, Anne  
 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  
 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  
 Ottaway, Richard  
 Paice, rh Mr James  
 Paisley, Ian  
 Parish, Neil  
 Patel, Priti  
 Paterson, rh Mr Owen  
 Pawsey, Mark  
 Penning, Mike  
 Penrose, John  
 Percy, Andrew  
 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  
 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  
 Shannon, Jim  
 Shapps, rh Grant  
 Sharma, Alok  
 Shelbrooke, Alec  
 Shepherd, Mr Richard  
 Simmonds, Mark  
 Simpson, David  
 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  
 Turner, Mr Andrew  
 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  
 Wilson, Sammy  
 Wollaston, Dr Sarah  
 Wright, Jeremy  
 Wright, Simon  
 Yeo, Mr Tim  
 Young, rh Sir George  
 Zahawi, Nadhim

**Tellers for the Noes:**  
 Stephen Crabb and  
 Mark Hunter

Cash, Mr William  
 Clappison, Mr James  
 Davies, Philip  
 Dodds, rh Mr Nigel  
 Goldsmith, Zac  
 Hendrick, Mark  
 Hermon, Lady  
 Hoey, Kate  
 Hollobone, Mr Philip  
 Hopkins, Kelvin  
 Lewis, Dr Julian  
 Main, Mrs Anne  
 McCartney, Jason  
 McCrea, Dr William  
 McDonnell, John

Adams, Nigel  
 Afriyie, Adam  
 Aldous, Peter  
 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  
 Bayley, Hugh  
 Bebb, Guto  
 Beith, rh Sir Alan  
 Bellingham, Mr Henry  
 Benyon, Richard  
 Beresford, Sir Paul  
 Berry, Jake  
 Bingham, Andrew  
 Birtwistle, Gordon  
 Blackman, Bob  
 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  
 Cairns, Alun  
 Campbell, rh Sir Menzies  
 Carmichael, rh Mr Alistair  
 Carmichael, Neil  
 Chishti, Rehman  
 Clark, rh Greg  
 Clarke, rh Mr Kenneth

Mearns, Ian  
 Mitchell, Austin  
 Paisley, Ian  
 Reckless, Mark  
 Rotheram, Steve  
 Shannon, Jim  
 Shepherd, Mr Richard  
 Simpson, David  
 Skinner, Mr Dennis  
 Whittingdale, Mr John  
 Wilson, Sammy  
 Wood, Mike

**Tellers for the Ayes:**  
 Mr David Nuttall and  
 Mr Andrew Turner

#### NOES

Clifton-Brown, Geoffrey  
 Coffey, Dr Thérèse  
 Collins, Damian  
 Colville, Oliver  
 Cox, Mr Geoffrey  
 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  
 Dunne, Mr Philip  
 Edwards, Jonathan  
 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  
 Fox, rh Dr Liam  
 Francois, rh Mr Mark  
 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  
 Graham, Richard  
 Gray, Mr James  
 Grayling, rh Chris

*Question accordingly negated.*

*Amendment proposed:* 8, page 5, line 35, at end insert—

‘(1) a decision to extend the use of the European Financial Stability Mechanism to member states other than the Republic of Ireland.’—(*Mr Cash.*)

*Question put.* That the amendment be made.

*The Committee divided:* Ayes 31, Noes 324.

**Division No. 182]**

**[8.46 pm**

#### AYES

Bone, Mr Peter  
 Bridgen, Andrew  
 Campbell, Mr Gregory  
 Campbell, Mr Ronnie

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  
 Hendrick, Mark  
 Hendry, Charles  
 Herbert, rh Nick  
 Hinds, Damian  
 Hoban, Mr Mark  
 Hollingbery, George  
 Holloway, Mr Adam  
 Hopkins, Kris  
 Horwood, Martin  
 Hosie, Stewart  
 Howarth, Mr Gerald  
 Howell, John  
 Hughes, rh Simon  
 Huhne, rh Chris  
 Hunt, rh Mr Jeremy  
 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  
 Knight, rh Mr Greg  
 Kwarteng, Kwasi  
 Laing, Mrs Eleanor  
 Lancaster, Mark  
 Lansley, rh Mr Andrew  
 Latham, Pauline  
 Laws, rh Mr David  
 Leadsom, Andrea  
 Lee, Jessica  
 Lee, Dr Phillip  
 Leech, Mr John  
 Lefroy, Jeremy  
 Leslie, Charlotte  
 Lewis, Brandon  
 Lidington, rh Mr David  
 Lilley, rh Mr Peter  
 Lloyd, Stephen  
 Llwyd, Mr Elfyn  
 Long, Naomi  
 Lopresti, Jack

Lord, Jonathan  
 Loughton, Tim  
 Lucas, Caroline  
 Luff, Peter  
 Lumley, Karen  
 Macleod, Mary  
 MacNeil, Mr Angus Brendan  
 Maude, rh Mr Francis  
 May, rh Mrs Theresa  
 Maynard, Paul  
 McCartney, Karl  
 McDonnell, Dr Alasdair  
 McIntosh, Miss Anne  
 McLoughlin, rh Mr Patrick  
 McPartland, Stephen  
 McVey, Esther  
 Mearns, Ian  
 Menzies, Mark  
 Mercer, Patrick  
 Metcalfe, Stephen  
 Miller, Maria  
 Mills, Nigel  
 Milton, Anne  
 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  
 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  
 Ottaway, Richard  
 Paice, rh Mr James  
 Parish, Neil  
 Patel, Priti  
 Paterson, rh Mr Owen  
 Pawsey, Mark  
 Penning, Mike  
 Penrose, John  
 Percy, Andrew  
 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  
 Reeve, Simon  
 Reid, Mr Alan  
 Ritchie, Ms Margaret  
 Robathan, rh Mr Andrew  
 Robertson, Hugh  
 Robertson, Mr Laurence  
 Rogerson, Dan  
 Rotheram, Steve  
 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  
 Weir, Mr Mike  
 Wharton, James  
 Wheeler, Heather  
 White, Chris  
 Whittaker, Craig  
 Wiggan, Bill  
 Willetts, rh Mr David  
 Williams, Hywel  
 Williams, Mr Mark  
 Williams, Roger  
 Williams, Stephen  
 Williamson, Gavin  
 Willott, Jenny  
 Wilson, Mr Rob  
 Wishart, Pete  
 Wollaston, Dr Sarah  
 Wright, Jeremy  
 Wright, Simon  
 Yeo, Mr Tim  
 Young, rh Sir George  
 Zahawi, Nadhim

**Tellers for the Noes:**  
**Stephen Crabb and**  
**Mark Hunter**

*Question accordingly negated.*

*Clause 6, as amended, ordered to stand part of the Bill.*

### Schedule 1

TREATY PROVISIONS WHERE AMENDMENT REMOVING  
 NEED FOR UNANIMITY, CONSENSUS OR COMMON ACCORD  
 WOULD ATTRACT REFERENDUM

*Amendment made:* 60, page 13, leave out lines 15 to 22 and insert—

‘Chapter 2 of Title V (specific provisions on the common foreign and security policy).’—(*Mr Lidington.*)

*Schedule 1, as amended, agreed to.*

### Clause 11

PERSONS ENTITLED TO VOTE IN REFERENDUM

*Question proposed,* That the clause stand part of the Bill.

9 pm

**Mr Lidington:** It would be helpful if, by way of introduction, I gave a brief explanation of our approach to how the referendum provisions in the Bill would work—the referendum mechanics, in other words. I stress that provision for the conduct of UK referendums on all issues, including those in the Bill, is set out in the

Political Parties, Elections and Referendums Act 2000. That statute covers the overall regulatory framework applying to referendums and sets conditions in relation to the referendum period, the date of the poll, the wording of questions, the role of the Electoral Commission in commenting on the intelligibility of those questions to ensure that questions are “clear, simple and neutral”, and the conditions to be set in relation to the registration of campaign organisations and for financial and other assistance to be given to designated individuals or organisations. For this purpose, the Act allows the Electoral Commission to designate one individual or organisation for each possible outcome of a particular referendum, which could include political parties, and to award them a public grant of up to £600,000 and other benefits.

In addition, the provisions of the PPERA impose financial controls on the expenditure and income of campaigning individuals or organisations that are not political parties. They place controls on referendum publications by Government and others, and make provision for enabling secondary legislation to be made for the conduct of referendum polls. Those provisions in the PPERA would apply to any referendum conducted under the terms of the Bill and, as the Committee knows, the referendum proposed in the Bill on the parliamentary voting system. Similarly, any amendment to, or replacement of, the PPERA in the future would correspondingly apply to any referendums held under the Bill.

The PPERA, however, does not cover matters that are inherently specific to a particular referendum. Those include the precise wording of the question, the date of the referendum, its franchise, or the precise length of what is termed the referendum period, which is that period during which campaign expenditure is regulated. The Act does not cover how challenges to the referendum result are to be handled, the payment of counting officers, or the conduct of the referendum—for example, decisions on locations, opening hours of polling stations, permitted size of posters and any electoral offences related to the holding of a referendum.

When considering how many of these specific issues to address in the Bill and how many to leave for a specific Bill at the time of a particular referendum, the Government took account of our commitment in the coalition agreement that there would be no further transfer of competence or power from the United Kingdom to the EU over the course of this Parliament. Logically, therefore, there will be no referendums about the transfer of competence or power until 2015 at the earliest, as there would be no such transfers on which the British people should be asked to opine. But as I made clear in earlier debates on the Bill, any proposed treaty change even during this Parliament would none the less be subject to the rigours of this legislation—a statement would have to be laid before Parliament setting out the Government’s analysis on competence and whether any transfers of power would result, and that treaty change would still require Parliament’s clear approval through primary legislation.

**Mr David:** May I take the Minister back to what he was saying about the Electoral Commission and possible financial support to those putting forward a case for or against an issue under consideration? A referendum is due to take place in Wales on 3 March and, because

there is no recognised body advocating a no vote, no finances are being given in that direction, but that means that no finances have been given to those who support a yes vote. Could a similar thing happen to any referendums that the Minister is outlining?

**Mr Lidington:** We would certainly want to avoid that and would look at the experience that the hon. Gentleman describes. It is important to recall that the principle of grants being made available for lead campaign organisations was recommended by the independent Committee on Standard in Public Life and approved by Parliament in legislation passed under the previous Labour Government in 2000. I hope that he agrees that it would not be in the public interest for one side in a referendum campaign to be able to outspend the other hugely. A grant ensures that both lead campaign organisations can campaign effectively and that helps the public make an informed choice.

I emphasise that the Bill is not intended to serve as a vehicle for providing for all the detailed referendum rules required to supplement the provisions already contained in the PPERA. That is because we cannot anticipate exactly what referendums might be required in the future, when they would be held or, indeed, what the relevant electoral and referendum law would look like at that time. I do not want to write on tablets of stone arrangements that could prove to be at odds with a subsequent change in general electoral legislation. Therefore, we cannot provide everything on the convening of those specific referendums in the Bill. Rather, it sets out the circumstances in which those referendums would have to be held.

**Charlie Elphicke (Dover) (Con):** On the issue of who can vote in referendums, I notice that specific mention is made of the right of the people of Gibraltar to have a say in a referendum. It seems to me that they would like to be part of the United Kingdom for many purposes when it comes to European matters. Would it not be right to allow them more of a chance to have a say?

**Mr Lidington:** My hon. Friend makes a good point. Of course, we must look at the question of whether the franchise for a particular referendum should include the people of Gibraltar in the context of whether it would affect Gibraltar. As he will appreciate, although Gibraltar is in most respects treated as part of the EU, some parts of the treaties do not apply to it. It is therefore right that the Bill specifies that the electorate in a referendum should include the people of Gibraltar when the subject matter of that referendum also applies to them. To provide further reassurance, I call tell him that I have consulted the Chief Minister of Gibraltar formally and discussed the matter with him face to face, and he has assured me that he is content with the arrangements for Gibraltar as set out in the Bill.

**Christopher Pincher (Tamworth) (Con):** This is not the time to talk about changes to the Representation of the People Act 2000, although it is probably the place, but the Minister will be aware of the great concern here and in the country about extending the right to vote to prisoners. My understanding from the ruling of the European Court of Human Rights is that that applies only to general and European Parliament elections, so is it not possible to include in the Bill a specific disfranchisement of prisoners, who otherwise would have an opportunity to vote on constitutional matters?

**Mr Lidington:** As my hon. Friend knows, the Government are considering how to comply with the Court's decision. Article 3 of the first protocol of the European convention on human rights sets out the right to vote in elections. Importantly, that right extends to elections to legislatures, within the meaning of article 3, so we are not under an obligation to enfranchise prisoners for local elections or referendums, and the policy is that we will not do so. The Government accept the need, as did our predecessor, to change the law to give some prisoners the vote in the light of the Court's judgment. The right to vote will be restricted to UK Westminster parliamentary and European Parliament elections only.

**Charlie Elphicke:** The European Court of Human Rights ruled on prisoner voting in, I believe, *Hirst v. the United Kingdom*. Despite what my right hon. Friend says, and given that case, how can we be confident that an element of judicial activism will not enable prisoners to vote on a referendum question?

**Mr Lidington:** My hon. Friend is perfectly right to be alert to any sign of judicial activism, but I assure him that one thing that will be very much on the mind of our right hon. and learned Friend the Secretary of State for Justice is to devise a policy that takes us forward in compliance with the judgment while keeping to the minimum the risks that my hon. Friend fears.

We recognise the need to ensure that Parliament and the British people have a degree of clarity now about any referendums that will take place under this Bill in future. We want to provide as much clarity as we can from the outset in order to reduce any scope for wriggle-room, and we therefore propose specific measures in this Bill to ensure that any referendums held under it are to some extent standardised. Clauses 11 to 13 include three mechanical provisions for every referendum to be held in future.

Clause 11 concerns the franchise for any future referendum held under the terms of the Bill. The most appropriate franchise for future referendums on questions of transfers of competence or powers from this country to the EU is one based on that for elections to this House, rather than on that for either local government elections or European parliamentary elections, for example. If we were to adopt an alternative franchise, we would allow for voting by citizens of other European Union countries resident in the UK, and that would sit rather oddly with the principle of having the British people decide on whether they wish to pursue further transfers of power from their country to Brussels.

**Mr Robert Buckland (South Swindon) (Con):** Will the franchise for voting in a referendum under this legislation be extended to peers, whether or not they are Members of the House of Lords?

**Mr Lidington:** I do not know whether this delights my hon. Friend, but peers would be able to vote in a referendum; it might well delight Members of the other place. The purpose of the referendum would be to obtain views about the transfer of competence or power from the UK to the European Union, and the Government do not consider there to be a strong, principled reason for excluding peers from expressing their views as part

of such an exercise. We therefore propose the same franchise as that used for the European Economic Community referendum in 1975 and that which will be used for the referendum on the voting system for UK parliamentary elections, namely the parliamentary franchise plus peers.

**Charlie Elphicke:** One concern that I have about using the referendum mechanism is that it does not contain thresholds. Recently we had before this House a Bill, which has become jammed in another place, where thresholds were discussed. Does the Minister not think that, in the case under discussion, thresholds might surely be worth considering?

**The Temporary Chair (Mr Brady):** Order. That is outside the scope of the clause, which is about people who are entitled to vote.

**Mr Lidington:** I shall bear your guidance very firmly in mind, Mr Brady, and simply say that the Government do not propose to specify in this legislation any further thresholds on the turnout.

In response to my hon. Friend, I mentioned the Government's reasons why the franchise should be extended, where relevant, to Gibraltar, but it is worth me explaining, because there has been some concern in the House, why people from the Crown dependencies and British overseas territories will not be included in the franchise. Very little EU law applies to the Crown dependencies, mainly because of the provisions of our Act of accession to the then EEC in 1972, and also because of the current provisions of the European Union treaties. By virtue of article 355(5)(c) of the treaty on the functioning of the European Union, the European Union treaties apply to the Crown dependencies, but only to the extent described in protocol 3, which provides that EU rules on customs matters and quantitative restrictions apply to the Crown dependencies

"under the same conditions as they apply to the United Kingdom", that the Crown dependencies are inside the EU customs territory and that certain aspects of the common agricultural policy are applicable to allow the free movement of agricultural products.

9.15 pm

Provisions on the free movement of persons and services do not apply to the Crown dependencies. The people of the dependencies benefit from those provisions in the rest of the EU only if they have close ties with the UK—for example if they, their parent or grandparent were born, adopted or naturalised in the UK, or if they have

"at any time been ordinarily resident in the United Kingdom for five years."

The Crown dependencies neither contribute to nor are eligible to benefit from EU funds. They are not subject to EU measures on taxation, nor are they for any purposes within the EU's fiscal territory. Unlike the citizens of Gibraltar, citizens of the Crown dependencies do not vote in European parliamentary elections.

Overseas territories other than Gibraltar are not members of the European Union, but all apart from Bermuda and the sovereign base areas have a special relationship or association with the European Union.



That association is enshrined in European legislation, most recently in the Council's 2001 overseas association decision, under which qualifying territories are eligible for European development fund finance. Neither the Crown dependencies nor the overseas territories are looking for closer political integration with the EU, and through official-level engagement with colleagues in the Crown dependencies, we have not received any representations to consider their inclusion in the franchise for any referendum conducted in accordance with this legislation.

**Mr Nuttall:** The explanatory notes on clause 11—perhaps we ought to refer to them as the first edition of the explanatory notes—state:

“A person who is entitled to vote in a parliamentary election in the UK must be a British citizen, Commonwealth citizen, a citizen of the Republic of Ireland or a British citizen who qualifies as an overseas elector.”

Does my right hon. Friend agree that it is rather strange that all those classes of people will be entitled to vote under the Bill, but not necessarily, from what he has said, people from British overseas territories?

**Mr Lidington:** Our position is that people who are resident in the United Kingdom and who are enfranchised for general elections will count legally as UK nationals for European purposes. That is the electorate, with the addition of peers, that we envisage for any referendum that is required under the terms of the Bill. The distinction that I tried to make earlier—I apologise to my hon. Friend if I did not explain myself with sufficient clarity—was between Gibraltarians living in Gibraltar, who would be entitled to vote if the subject matter of the referendum affected Gibraltar, and citizens of Crown dependencies or British overseas territories living in those places. An analogy might be made between those people and citizens of Gibraltar, but as I have tried to explain, the relationship of the Crown dependencies and other British overseas territories with the EU is very different from that enjoyed by Gibraltar.

**Charlie Elphicke:** I hate to press the cause of the people of Gibraltar, but I understand that for the purposes of elections to the European Parliament, the people of Gibraltar are able to vote for Members of the European Parliament for the south-west region. Given that they can vote in elections for that Parliament for all purposes in the European arena, surely they should be able to vote on referendum questions for all purposes.

**Mr Lidington:** No, I think that we have drawn a fair distinction by saying that it is right to confine the electorate for a referendum that does not affect Gibraltar to people in the UK who are entitled to vote in UK elections, and to say that Gibraltar should be allowed to vote when the issue in question affects it. I repeat to my hon. Friend that the Chief Minister of Gibraltar has assured me that he is perfectly content with what we are proposing.

The franchise proposed in clause 11 is also referred to elsewhere in the Bill, namely in clauses 2 and 3. I believe that what we propose is proportionate and justified to ensure that citizens in both the UK and Gibraltar who would be affected by a treaty change, or by a decision that would transfer power or competence from this country to the EU, could express their view in a referendum.

**Emma Reynolds:** I have just two questions of clarification for the Minister and to ask him whether he can confirm that the Government will not repeat the recent mistakes on the alternative vote referendum. First, will they commit to consulting the devolved Administrations regarding the timing of any referendum triggered by the Bill? Secondly, will he make a commitment today that any such referendum would not take place on the same day as the devolved Assemblies elections?

**Mr Lidington:** We will not give a commitment about specific dates for referendums that are not going to be held before 2015 at the earliest. There are advantages and disadvantages to holding referendums on the same days as other elections, and it is certainly considerably less expensive to the taxpayer if a referendum can be combined with a ballot for other purposes.

**Nick Boles (Grantham and Stamford) (Con):** In the United States, where much more use is made of local referendums in states such as California, do not such votes almost always take place on the same day as gubernatorial, mayoral or House of Representatives elections? What America understands, which we somehow fail to understand, is that people are perfectly capable of distinguishing between different questions and quite like being asked to go to the polls only once.

**Mr Lidington:** My hon. Friend makes a good point, and I suspect that a number of Members of all parties can recall occasions when both a general election and a local government election of some kind have been held on the same day in the same place. We have found that our electors have been perfectly capable of deciding to split the ticket if that is what they wish to do.

**Mr Dodds:** As far as Northern Ireland is concerned—I cannot speak for Scotland or Wales—the objection has always been to the idea of a general election for Westminster and for the Northern Ireland Assembly on the same date. There has not really been the same objection to holding a referendum or a local government election on the same date as the Northern Ireland Assembly election. I take the point made by the hon. Member for Grantham and Stamford (Nick Boles) about people not having to go out to vote over and over again, and we have certainly had plenty of experience of that in Northern Ireland over the years.

**Mr Lidington:** I am grateful to the right hon. Gentleman for his comments.

The other point that a future Government would have to bear in mind in determining a referendum date would be whether there was any particular urgency to a treaty or passerelle proposal that required a referendum. In normal circumstances the various national ratification procedures take quite a bit of time, and if there were a proposal under the ordinary revision proposal, it is probable that more than one member state would have to have a referendum. There would therefore be quite a long period between agreement at European Council level and ratification by all 27 member states, or more by then, I hope. However, it is conceivable that there may be a particular need for urgency, and the Government of the day would have to bear that in mind.

[Mr Lidington]

The other point that the hon. Member for Wolverhampton North East (Emma Reynolds) made was about the relationship with the devolved Administrations. The Government take that seriously, and we have regular formal meetings with them about Europe through the joint ministerial committee on Europe. I am also in contact with Ministers in each of the devolved Administrations. I can assure her and the Committee that they never hesitate to bring their concerns to me. We would certainly want to continue that process of consultation, bearing their interests in mind.

**Mr David:** I welcome the Minister's partial reassurance, but may I press him on it? The important thing is for this Government proactively to lead consultation with the devolved Administrations. He should not simply wait for them to make representations to him.

**Mr Lidington:** We try to do both. We in the Government can pride ourselves on enjoying a rather better relationship with the devolved Administrations than the previous Government were usually able to manage.

**Mr Dodds:** It is key not only that Ministers from the devolved regions make representations and that the Minister proactively instigates consultation, but that when representations are made, they are listened to and taken seriously, and that the respect agenda is followed.

**Mr Lidington:** The right hon. Gentleman makes a perfectly fair point. He will know that the Prime Minister personally takes the respect agenda very seriously and that he is determined that his Government pursue it. I hope that the Committee agrees to clause 11.

*Question put and agreed to.*

*Clause 11 accordingly ordered to stand part of the Bill.*

## Clause 12

### SEPARATE QUESTIONS

*Question proposed,* That the clause stand part of the Bill.

**Mr Lidington:** Clause 12 provides that separate questions should be set out on a referendum ballot paper in specified circumstances. You will not need reminding, Mr Hoyle, that it is this Government's clear commitment not to agree to any treaty change or decision to transfer power or competence during this Parliament, but if and when the time comes to hold a referendum under the Bill, nothing in the legislation prevents more than one referendum from being held on separate but coincident treaties or decisions on the same day, or the combination of a referendum with another poll.

As the Committee is aware, a combined poll is the Government's intention when it comes to the referendum on the parliamentary voting system. As I explained in relation to a previous clause, the rules that govern whether such a combination could take place for referendums under the Bill are provided for in the overarching legislation—the Political Parties, Elections and Referendums Act 2000—and we recognise that the Electoral Commission would have an opinion on what combinations would be feasible.

There are considerable savings to be made in terms of money, disruption and people's time if polls are combined, but in addition, as my hon. Friend the Member for Grantham and Stamford (Nick Boles) pointed out, the electorate often wish to combine different voting opportunities on a single day. People do not really relish the task of having to traipse to the polling station more frequently than they regard as necessary.

The Electoral Commission has previously said that it would consider on a case-by-case basis proposals to combine different ballots on the same day. The Government believe that that is a sensible approach. We therefore do not seek to make any specific provision in the Bill, particularly as we do not know at this stage when any future referendums will be proposed.

Clause 12 would ensure—should more than one referendum be proposed for the same day—that it is not possible to set a single combined question on all of the issues to be decided upon that day. People have a right to the utmost clarity and choice, and the clause sets a standard that we intend will provide that.

To give an example, if a future Government ever took the step of proposing that the United Kingdom should join the single currency, and separately took the decision to give up our border controls, and if those two referendums were to be held on the same day for reasons of efficiency, the question on joining the euro would be separate from the question on giving up our border controls. There would be two separate questions on the ballot paper and two separate results, because obviously, some people might wish to support one proposition but to oppose the other.

9.30 pm

**Mr Nuttall:** I can quite easily see how it would be a significant saving to the public purse to have more than one referendum held on the same day, and I have no doubt that our fellow citizens are more than capable of determining two complex questions at the same time and on the same day. Does my hon. Friend agree that, for ease of counting if for nothing else, it would be preferable if the two questions put before the electorate were on separate ballot papers, possibly even of differently coloured paper? That would make it far easier for the returning officers to sort the ballot papers and determine the outcome of the ballot.

**Mr Lidington:** My hon. Friend makes a sensible suggestion, and I am sure that the Government of the day and the Electoral Commission would wish to take it into account in framing the rules for any particular referendum or combination of referendums.

**Mr Dodds:** I agree with the point made by the hon. Member for Bury North (Mr Nuttall), and the Minister has said that it will be taken into account, but the clause states that

“a separate question must be included on the ballot paper”—

singular. If this clause is passed in its current form, we will not have the flexibility or freedom to have a separate arrangement. Having separate ballots is a good idea, given the experience in Scotland at the last Assembly and parliamentary elections, when the fact that there were different elections on the same ballot paper was the problem.

**Mr Lidington:** There is a principle in the interpretation of the law that the singular can include the plural. If the wording proved to be an obstacle to what the Government of the day and the Electoral Commission considered to be the best way to operate a referendum, it would certainly be open for a change to be made in the Bill authorising the referendum. I am prepared to have a look at that question between now and Report. I am reasonably confident that we would not run into the problems that the right hon. Gentleman described, but I am prepared to seek detailed advice and come back to it on Report.

**Christopher Pincher:** I suspect that the number of occasions on which multiple referendum questions are on the ballot paper will be quite rare, but on those occasions will the Government agree to spend more money to publicise the referendum and allow campaigning organisations more money to spend campaigning for or against the questions? The more questions on the ballot paper, the more complex the issues are and the more money needs to be spent to explain them.

**Mr Lidington:** That is one of the very good reasons for not trying to cover all the ground in this Bill. That kind of detail will be a matter for the application of the 2000 Act or its successor statute, and for the Government of the day to authorise a referendum or combination of referendums. That might depend, for example, on whether one lead campaign organisation could be said fairly to represent the views of the yes or no camp on more than one referendum, or whether separate lead organisations were needed. It is reasonable for my hon. Friend to ask those questions, but answers to them can be provided only when we come to consider a specific case in due course.

**Mr Nuttall:** Does that not lead us to the interesting question of whether there is a practical maximum number of referendums that could be held on the same day? I can understand how we could deal with two, but it gets rather complicated if there are more than two. We could have three different organisations with three separate streams of funding from the Electoral Commission, and soon the whole thing would begin to look rather unwieldy.

**Mr Lidington:** Although one can never guarantee against the utterly implausible happening, the scenario that my hon. Friend describes would require a commitment of political energy on the part of every EU member state, because the decisions subject to a referendum require unanimity among member state Governments. Furthermore, he assumes that the UK Government of the time would be prepared to accept and recommend to the people three different treaty changes, or the implementation of three different passerelle clauses, or some combination of those on a single occasion. That is unlikely in the extreme.

A more plausible scenario—although I do not think, from talking to my colleagues on the Council of Ministers, that people have any appetite for this at the moment—if European countries wanted an ambitious treaty change covering a number of different competencies, would be to seek treaty amendment through the ordinary revision procedure. That is the instrument available to the EU for an ambitious, wide-ranging treaty change along the

pattern of Lisbon, Nice, Amsterdam and Maastricht. In those circumstances, the total proposal for a treaty amendment—regardless of which city it was named after—would be the subject of a single referendum question. It is most unlikely, therefore, that there would be a multiplicity of narrowly focused referendum questions, given the availability of that instrument.

**Nick Boles:** On a related point, it is dangerous ever to underestimate the deviousness of those who wish to build the grand European project—of course, they are entirely honourable in this, because they believe that their aims are honourable. However, would it not be conceivable that a Government—a future Labour Government, probably—who wanted, for example to set up a set of common European defence forces to replace our national defence forces, might agree a treaty in which they also agreed to repeal the common fisheries policy, which Conservative Members would strongly support? Would we then have a single vote on a single treaty that combined some elements that this country would strongly support and other elements that it would find very difficult? Or would the Government still be able to separate the different elements of the treaty and ask separate questions?

**Mr Lidington:** No, in the circumstances that my hon. Friend describes, in which an omnibus treaty amendment is delivered under the ordinary revision procedure, there would be a single question. It would be ridiculous for the Government to present that to the people as a number of different questions, because the Government, on behalf of the United Kingdom, would have to ratify the entire package en bloc, or refuse to ratify it en bloc. The negotiation would have resulted in a compromise among member states on something to which they all felt able to give their assent, and they would all have to be accountable to their respective electorates for that overall decision.

**Charlie Elphicke:** On this matter of referendums being held on the same day, will the Minister explain the revenue implications of separate referendums on separate days?

**Mr Lidington:** As I said in response to an earlier intervention, if different decisions about treaty amendments were being taken at roughly the same time—I imagine that they would be either passerelle clause decisions or simplified revision procedure decisions—it might well be sensible to combine the referendums on those measures on the same day. The public would get pretty impatient with Parliament if we suggested that should they pop down to the polling station every other Thursday to put their cross in the box for yet another referendum proposal. They would quite rightly be asking why we were requiring their local authorities, as the electoral registration authorities—and ultimately them as taxpayers—to go to such expense and bother on so many different occasions. I would suggest to my hon. Friend that common sense would prevail, regardless of which party was in office.

**Charlie Elphicke** *rose*—

**Mr Lidington:** If my hon. Friend will allow me, I want to make a bit of progress. In particular, I want to deliver a bit of good news to the right hon. Member for

[Mr Lidington]

Belfast North (Mr Dodds), to whom I am always pleased to give good news. Advice has reached me that confirms the point that I made to him somewhat tentatively when I responded to his intervention. The law does indeed make it clear that when it comes to the interpretation of statutes, the singular can be interpreted to mean the plural. Under the language that we have used in the clause, it will be possible to have either one ballot paper with multiple questions or several different ballot papers, depending on the circumstances at the time. That would obviously be a detailed decision that the Government of the day would have to make, taking, I would very much hope, the advice of the Electoral Commission into account.

It should be noted that neither clause 12 nor any other clause in the Bill sets any other explicit parameters on the framing of the question. However, it is a condition separately in clauses 2, 3 and 6 that, for a proposal in a referendum to be passed, the majority of those voting should be in favour of the ratification of the treaty or approval of the decision, whichever it may be. That condition would logically require that the question be framed as a simple choice between two options, rather than a menu of options to which the responses would be much more difficult to interpret. In other words, it is implicit in the Bill that the question would be a binary one. It is the Government's clear view that this should be the case for all and any referendums held under the provisions of the Bill.

**Mr Nuttall:** On the binary question, and whether we should have no/yes or yes/no, does the Minister agree that it is rather unusual that whereas individuals standing in an election are listed on the ballot paper in alphabetical order based on their surnames, when it comes to a referendum, for some reason the yes comes before the no? That is rather odd. I think that the no should be first and that the yes should come second.

**Mr Lidington:** I am sure that my hon. Friend means well, but I would urge him to have more confidence in our fellow citizens. In particular, I would point him to the referendum on the proposed assembly for the north-east of England. A yes vote was strongly supported by the then Labour Government, as well as enjoying the support of quite a number of public organisations in the north-east of England, but the proposition was resoundingly rejected by the public when it came to the ballot in that region. It is a good old Tory principle to trust the people, and I think that we should be content with that.

**Mr Nuttall:** I want to make it absolutely clear that I entirely agree with the principle of trusting the people. I have no doubt whatever that the people of this country are more than capable of working out which is which. I just thought it was rather odd that the "yes" should appear above the "no", and I wondered whether there was any reason why that should be so.

**Mr Lidington:** As far as I am aware, there is no particular reason for it. However, the Electoral Commission will have a duty to comment on the question that the Government of the day have chosen, and I am sure that, if the Commission felt that placing "yes" above "no" gave an unfair advantage in some way, it would so opine and the Government would take account of that. It is

quite difficult to envisage a ballot paper that did not have either "yes" or "no" at the top of the paper. At the end of the day, it comes down to a choice by the people: they have two options available to them, and I think that they will know which side they are on when it comes to the vote.

**Mr David:** I am tempted to ask the Minister whether Welsh will appear above English on the ballot papers in Wales, but I will not. Is there anything in the legislation that would prevent the Government from going back to the electorate if a no vote had been secured when the Government clearly wanted a yes vote? Could the question be put to the electorate for a second time, and, if so, what period would have to elapse before that could happen?

**Mr Lidington:** The Bill makes it very clear that the referendum condition has to be satisfied, in the circumstances in which the law requires a referendum to be held, before the Government are able to ratify the proposed treaty. I simply do not believe that any British Government who had been defeated at a referendum would then come forward and say to their electorate, "No, you've got it wrong. Let's dissolve the people and have a new one!" That really does not make political sense.

**Mr David:** This is an important, although admittedly hypothetical, point. However, let us not forget what happened recently in Ireland.

**Mr Lidington:** What happened in Ireland was that the Irish Government went back to their EU partners and received various assurances, which were incorporated into a protocol to the treaties. We can debate whether the Irish Government were right or wrong to be satisfied by those assurances, but I actually think that it is a matter for the Irish people, not for me, to decide. In such slightly far-fetched, hypothetical circumstances, were a British Government to do as the hon. Gentleman suggests, they would have to bring the protocol back here and go through the entire process again, including the assessment of the ministerial declaration and the Act of Parliament. There would then have to be a new referendum. I just think that any Government who tried to do that would be punished so severely by the people every time they got the opportunity to go to the ballot box that it would be the last thing on any Minister's mind.

**Mr Nuttall:** Will the Minister give way?

**Mr Lidington:** Before I give way to my hon. Friend, may I just say that I am very conscious that we have another important clause to consider, if we can, before the 10 o'clock deadline?

**Mr Nuttall:** I, too, am conscious of that. The Minister says that the Irish situation was a rare occurrence, but he will be aware that it also occurred in Denmark and France. It is therefore not all that unusual in the European Union for second referendums to be held on the same or a very similar question.

**Mr Lidington:** I go back to what I said earlier: I trust the people. If a Government wanted to ask people to vote again, they would have to go through the entire procedure again—assuming that a new protocol or slightly revised treaty wording were involved—as well as

having to persuade a pretty sceptical electorate that they should change their mind. I think that my hon. Friend is at risk of exaggerating the likelihood of those circumstances arising. While I do not think that the loss of a referendum vote on a European treaty amendment should determine whether a Government should fall, it would undoubtedly be a very severe political blow to that Government.

Once this Bill becomes law, I think the pressure will be the reverse of what my hon. Friend the Member for Bury North fears, as the pressure will be on any British incumbent Government to be very confident that they can carry support among the electorate for a treaty reform transferring new powers or competences to the European Union before they agree to it at the European Council. The arrangements we are putting in place thus provide safeguards against what my hon. Friend fears.

In any event, the Political Parties, Elections and Referendums Act 2000 requires the Electoral Commission to consider the wording of any referendum question when a Bill to provide for the holding of a poll is introduced in Parliament. In the case of a draft instrument, the Secretary of State is required to consult the Electoral Commission on the wording of the referendum question before any such draft is laid before Parliament for approval, and he or she is then required to lay before each House a report stating any views as to the intelligibility of that question which the Commission has expressed in response to the consultation. We have not sought to disapply that requirement, as we think the Electoral Commission plays an important role in ensuring both the neutrality of the question and that it is correctly and easily understood by voters.

Under PPERA, the Electoral Commission is required to consider the wording of the referendum questions for UK, national and regional referendums and for some local government referendums. Having done so, it is required to publish the statement of its views as soon as practicable and in such a manner as it may determine. Helpfully, the commission has developed guidelines to aid the drafting of intelligible referendum questions. In these, it says that a referendum question should present the options clearly, simply and neutrally so that it is easy to understand, to the point and unambiguous; and should avoid—I hope this helps my hon. Friend the Member for Bury North—encouraging voters to consider one response more favourably than another, and avoid misleading voters. In reaching its conclusions, the Electoral Commission adopts a systematic and thorough approach, which now has the advantage of some considerable experience behind it. It is also important that it publishes a report of methodology to enhance transparency and its credibility.

Clause 12 is thus a proportionate and sustainable provision to ensure that the voice of the British people can be heard on each question asked of the people. That, in turn, will help us with our commitment to rebuild the trust between Government, Parliament and the people, and to reconnect our people with decisions taken in their name on our continuing relationship with the European Union. For those reasons, the clause should stand part of the Bill.

**Charlie Elphicke:** I want to make a few brief points and hope that the Minister will come back to me on them. I note that after the Scottish elections of 2007,

the Gould report concluded that it was preferable for referendum questions not be done as a multiplicity, but to be put separately after separate campaigns. I am particularly concerned because there has been a tendency on the part of some Governments to play somewhat fast and loose on whether there should be a referendum at all or, indeed, in respect of asking loaded questions. We need to be careful to ensure that if there is a combination of questions, the key issues are not edged together and confused, leading to a muddle in the public's minds. That is a serious and substantial concern, so I would be grateful if the Minister would respond to it.

Also, I was not being frivolous when I asked the Minister how much it would cost if referendums were held on separate days—leaving aside the annoyance that voters might feel in being called time and again to the polls.

**Mr Lidington:** On my hon. Friend's second point, I do not have precise figures. Clearly, our experience of national UK referendums is limited—the last being in 1975, as the hon. Member for Caerphilly (Mr David) has frequently reminded us today. The referendum on the voting system planned for later this year will no doubt give us some guidance. I am happy to write to my hon. Friend if I acquire any firmer indication of what the costs might be. Clearly, there would be financial advantages in combining more than one poll, whether it be a combination of referendums or of a referendum and a local or devolved election on the same day.

Let me say in fairness to the Gould report, to which my hon. Friend alluded, that although it criticised what happened in 2007, it also recognised that there were benefits in the combination of polls, such as reduced costs and a higher turnout. A well-managed referendum, involving close co-operation between us and the Electoral Commission and others, should allow us to maximise those benefits while avoiding the problems that undoubtedly occurred in 2007. Let me emphasise again, however, that the decision would need to be taken in the future, and would depend on the circumstances at the time.

*Question put and agreed to.*

*Clause 12 accordingly ordered to stand part of the Bill.*

### Clause 13

#### ROLE OF ELECTORAL COMMISSION

*Question proposed,* That the clause stand part of the Bill.

9.55 pm

**Mr Lidington:** Clause 13 covers the role of the independent Electoral Commission in the administering of any future referendums held under the Bill. The clause would supplement the existing provisions of the Political Parties, Elections and Referendums Act 2000. The Neill committee originally suggested the establishment of such a commission to supervise the restrictions on spending by, and donations to, both political parties and third parties.

As I have explained, we have not sought to disapply or replace any of the general provisions of PPERA. There is, of course, nothing to prevent Parliament doing

[Mr Lidington]

so in any legislation that might be needed for a referendum in future, in order to reflect the context and the circumstances in which that referendum would be held. Significantly, however, the Act contains no provision to confer on the Electoral Commission power to promote public awareness and understanding of the subject matter of referendums.

We feel that, as part of the Government's firm commitment to helping to rebuild trust and reconnect the British people to decisions made in their name on the European Union, it is important that the administration of any future referendum to be held under this Bill facilitate the understanding and clarity required to enable the British people to make informed decisions on whether or not to approve a treaty change or decision that would transfer power or competence from Britain to Brussels. Clause 13 provides that if a referendum is triggered under the EU Bill, the Electoral Commission has an obligation to take whatever steps it thinks appropriate to promote public awareness of the referendum and how to vote in it.

**Mr David:** I hear what the Minister says about an appropriate public debate and a high degree of awareness, but the clause states that the Electoral Commission "may take whatever steps they think appropriate".

If the Minister thinks that public awareness is so important, why did he not ensure that the word "will" was used rather than the word "may"?

**Mr Lidington:** The Electoral Commission was rightly established as an independent body. I think it important for the Government not to issue instructions to it, and to be seen not to do so. Given that the commission's value to our political process is by virtue of its being a completely independent statutory body, I consider it right for us to give it these new powers without laying down rules requiring it to use them in a particular way. It is for the commission to make its own judgments. How it chooses to promote awareness is rightly a matter for it, but we are giving it a statutory duty to promote awareness before any referendum held under the provisions of the Bill.

**Mr Nuttall:** Perhaps I can help the Minister. Clause 13(a) says that the commission "must take whatever steps they think appropriate to promote public awareness"

of the existence of the referendum, but

"may take whatever steps they think appropriate to promote public awareness of the subject-matter of the referendum."

I suggest to the Minister that that may mean giving appropriate amounts of money to the yes campaign and to the no campaign.

**Mr Lidington:** My hon. Friend's helpful intervention will probably have given some reassurance to the hon. Member for Caerphilly (Mr David).

We are seeking to encourage greater participation, and providing clarity so that the people know what they would be voting for regardless of which way they choose to vote. We are following the practice adopted for the North East assembly referendum in 2004, and the approach taken in the Parliamentary Voting System and Constituencies Bill.

If I may, I refer the hon. Member for Caerphilly to the 2003 enabling Act for the north-east regional assemblies referendum. It included clause 8, supplementary to PPERA, on "encouraging voting", and that—

10 pm

*Debate interrupted (Programme Order, 7 December).*

*The Chair put forthwith the Question already proposed from the Chair (Standing Order No. 83D), That the clause stand part of the Bill.*

*Question agreed to.*

*Clause 13 accordingly 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

### EUROPEAN UNION DOCUMENTS

#### COTONOU AGREEMENT

*Motion made, and Question put forthwith (Standing Order No. 119(11)),*

That this House takes note of European Union Document Second Revision of the Cotonou Agreement—Agreement Consolidated Text March 2010 and supports this important revision of the key principles supporting implementation of the broader development agenda between the EU and the ACP countries.—(Mr Vara.)

*Question agreed to.*

## RAF Leuchars

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

10.1 pm

**Sir Menzies Campbell** (North East Fife) (LD): I am glad to have the opportunity to initiate the debate on the future of Royal Air Force Leuchars, which lies near St Andrews in my constituency of North East Fife. A number of other hon. Members have indicated a wish to make short interventions, and I am happy that they should do so. In addition, I have the authority of the right hon. Member for Kirkcaldy and Cowdenbeath (Mr Brown) to say that he supports the campaign for the retention of the base.

I want to begin with the recognition of the professionalism and commitment of the men and women who serve at RAF Leuchars, who in recent weeks have endured a period of unnecessary anxiety. I particularly wish to pay tribute to those members of 111 Squadron, whose time at Leuchars will come to an end in March, and who have served the defence interests of the nation with distinction and effectiveness. The reason why I say “unnecessary anxiety” is this. I believe that the case for the retention of RAF Leuchars is overwhelming. In short, Leuchars is in the right place at the right time and doing the right job. Geographically, it is uniquely positioned to fulfil the responsibility for the air defence of the northern half of the United Kingdom, a responsibility which, even as we have this debate, it fulfils 24 hours a day. In particular, that responsibility now has to deal with the terrorist threat, which is recognised in the strategic defence review as a tier 1 threat, and therefore one against which the most serious precautions need to be taken.

**Lindsay Roy** (Glenrothes) (Lab): Does the right hon. and learned Gentleman agree that that contribution has been further strengthened by the £27 million investment in the runway, the designation of Leuchars as the home base for the Eurofighter Typhoon squadrons, and the excellent performance of the quick reaction alert force? In other words, RAF Leuchars is a strategic necessity for the effective defence of the UK.

**Sir Menzies Campbell:** I certainly agree with the hon. Gentleman, and I shall come to all the elements he referred to in a moment.

Why was Leuchars chosen? It was chosen to fulfil the responsibilities that the hon. Gentleman has just described, and because 80% of the Scottish population lives within 80 miles of Leuchars. Aircraft from RAF Leuchars can be over Edinburgh and Glasgow, the two major cities of Scotland’s central belt, within a matter of a few minutes. Leuchars also has the capacity to protect the two most sensitive installations within that area: the nuclear power station at Torness, and the Trident submarine base at Faslane. But we would do wrong to consider that the responsibilities of Leuchars extend only to Scotland, because the arc of responsibility of this air defence base extends far into northern England—as far as Sunderland, some have said—covering substantial populated areas.

**Jim Shannon** (Strangford) (DUP): Is it not the right hon. and learned Gentleman’s understanding that the coverage also extends as far as Northern Ireland? I believe that it does, but perhaps he could give confirmation.

**Sir Menzies Campbell:** I have been approaching this matter on the basis of the speed of deployment within certain arcs. I understand that the approach is to take the base as the centre and then draw a circle, but there is no doubt that, because of its operations over the sea, there may well be occasions when RAF Leuchars would be deployed for the purpose of protecting interests in Northern Ireland.

I have heard no strategic argument for the closure of RAF Leuchars. The strategic case for its retention is exactly the same as the strategic case for its selection for the role that it now plays. It has been chosen to be the home of three Typhoon squadrons, one of which, 6 Squadron, is already in place there. It stood up on 6 September, a few days before one of the last surviving air shows, which drew a crowd of some 50,000 people. That made it the second largest non-sporting event in Scotland—the largest is a rock festival entitled T in the Park. The fact that 50,000 people are able to go and want to go is a reflection, of course, on the base’s geographical position adjacent to the main centres of population.

RAF Leuchars was chosen for its role because it has ready access to training areas over land and over the North sea. It was chosen because the local weather—its particular climate—is very suitable for flying operations. As the hon. Member for Glenrothes (Lindsay Roy) said, Leuchars has been chosen to perform two essential components of the quick reaction alert, or QRA. The first is to protect northern Britain from unwelcome and illegal intrusion into United Kingdom airspace, which it is called upon to do on an almost regular number of occasions as other air forces seek to determine the state of readiness of the Royal Air Force to defend the UK’s airspace.

The second part of the QRA is the duty that RAF Leuchars has to protect us from terrorist attack from the air and stop any malign effort to do damage to the fabric or population of the United Kingdom. Only a few years ago that possibility would have been thought so remote as not to be regarded but, unhappily, it now has to be given more serious consideration because of the attack on the twin towers and its consequences.

RAF Leuchars was chosen, therefore, because the established strategic considerations were favourable, and they remain so. It was chosen because the fact that 80% of the Scottish population live within 80 miles demonstrates that it provides the immediacy of protection required. As 111 Squadron, to which I have referred, comes to the end of its service at Leuchars, 6 Squadron will take over. The 111 Squadron has been flying the Tornado F-3, an aircraft that has given us valiant service since its introduction. It is to be replaced by the Typhoon, formerly the Eurofighter, the most modern and up to date of aircraft available to the Royal Air Force.

**Stewart Hosie** (Dundee East) (SNP): The right hon. and learned Gentleman is making an extremely strong case for the retention of Leuchars, which the Scottish National party supports. May I ask him to ensure that we do not allow the Government to play Lossiemouth off against Leuchars and to make the case for the retention of all the capacity we have and against the overall reduction of the RAF footprint in Scotland?

**Sir Menzies Campbell:** I am an advocate for my constituency, but I am also an advocate for the proper disposition of defence installations throughout the whole of Scotland. As the hon. Gentleman knows, when there have been occasions at Lossiemouth and opportunities for joint political action in Scotland, the leader of the Liberal Democrats in Scotland, Tavish Scott, has been present. The hon. Gentleman allows me to make another point, which is that the case for Leuchars and its retention is supported by members of all political parties and of none. I shall refer to that a little further when I come to discuss the impact on the local community. As 111 Squadron, flying the Tornado, has disbanded, 6 Squadron, flying the Typhoon, will take over. It is already fulfilling the responsibilities of the quick reaction alert. At new year, one of the Typhoons had to be scrambled to fulfil the obligation of the QRA. Between them, the two squadrons are working up to the point at which 6 Squadron will resume responsibility and 111 Squadron will stand down.

Leuchars is also a centre of defence excellence. Apart from 6 Squadron and 111 Squadron, it houses 71 TA Engineer Regiment—I know that will interest you, Mr Deputy Speaker, because of your interest in the Territorial Army—58 Squadron RAF Regiment, 612 Auxiliary Surgical Squadron, recently back from Afghanistan, the Universities Air Squadrons in Scotland, the air cadets and mountain rescue. Shortly, in March 2011, No. 6 RAF Force Protection Wing will accompany 58 Squadron to Afghanistan. I take this public opportunity to wish them Godspeed and a safe return.

Of course, the speculation has brought about great uncertainty in the local community. An economic impact study is in the course of being prepared by Fife council and I understand that it might be published within the next few days. I shall ensure that the Minister receives a copy hot off the press. We all know that the closure of any base has an impact, but let me illustrate the nature of the impact to which the closure of Leuchars might give rise. In the Leuchars primary school, more than 80% of the children come from RAF families, and in the nearby village of Guardbridge, a substantial percentage of the children are also from RAF families. There is a long history and tradition of integration between the base and the local community, with a heavy accent on charitable activity, all of which helps to create a bond of friendship and respect between community and base. A new community centre has recently been opened outside the wire so that it can be available to both military and civilians. I had the honour to open it in October of last year. A little more mundanely, but of great practical assistance, during the recent snowstorms, personnel from RAF Leuchars were deployed to Edinburgh to help to clear the environs of hospitals so that patients and ambulances could gain easier access.

The arrival of 6 Squadron did not take place without some consequences, which are to be found in the costs. As the hon. Member for Glenrothes said, the runway has been resurfaced. A new building programme has nearly been completed and I saw evidence of that on Monday when I visited the base in the company of my right hon. Friend the Secretary of State for Scotland. Reasonable estimates are that some £40 million has been spent on RAF Leuchars in recent years and as part of these preparations. In addition, there is intensive training not only for air crew but for engineer and

ground support. Leuchars is also to be subject to additional investment in information technology for the purpose of improving communications, which are so essential to the successful deployment of military force.

Ministers have consistently said that decisions about Royal Air Force bases will be made on sound defence principles. I have asked myself, and I ask the Government, what sound defence principle justifies reversing the recently made and paid for decision to deploy three squadrons of Eurofighter Typhoon at Leuchars, confirming Leuchars as an essential component of the UK's air defence? That responsibility has for many years been fulfilled from that base with professionalism, commitment and distinction. I have an alternative principle to offer the Ministry of Defence: if it's not broke, then don't fix it.

10.15 pm

**Thomas Docherty** (Dunfermline and West Fife) (Lab): I thank the Minister and the right hon. and learned Member for North East Fife (Sir Menzies Campbell) for giving me a short time to make additional comments. I congratulate the right hon. and learned Gentleman on securing the debate. He has been a long-standing champion of both the community and the military in Fife. He is respected a great deal on both sides of the House for his tireless work. He has mentioned the cross-party support that exists in Fife and Tayside, and it is comforting that Members from both sides of the House and from across the water are present.

I echo the right hon. and learned Gentleman's comments about the vital role that servicemen and women continue to play at home and overseas at this very difficult time. The Minister will recall that when we had a similar debate in November on the future of RAF Marham, I counselled Members on both sides of the House to conduct the debate in a sensible and considered manner so that we did not end up with communities being pitted against one another. The right hon. and learned Gentleman has done a superb job of articulating his case without seeking to disparage the case of another base that might be under threat.

The Minister will be aware of the concern among Members of all parties that there is some confusion about the Government's thinking and the priorities that might be afforded to decision making. The Chief Secretary to the Treasury has suggested that decisions might be made on a socio-economic basis, the Prime Minister and the Chancellor have said that the decisions will be financial and the Minister and the Secretary of State have said they will be defence-driven. I hope that the Minister will give some clarity as to the weighting that will be given to each of those categories.

The Minister will also be aware, as I am sure are you, Mr Deputy Speaker, of the Opposition's proposals to place the base closure programme on to a statutory footing in the Armed Forces Bill. I do not seek to rehearse the arguments that the hon. Member for North Wiltshire (Mr Gray) and I had on that Bill's Second Reading, except to say that all the communities up and down the UK under some threat of base closure would benefit if the Government accepted an amendment to the Bill that would provide a transparent and clear process. It would be helpful if the Minister could outline tonight the Government's latest thinking on whether they are prepared to accept such an amendment.



My final question for the Minister is about the continued uncertainty, which the right hon. and learned Gentleman has mentioned, about the time scales for the decision-making process. There was a rather regrettable incident before Christmas in which a Scottish newspaper seemed to have acquired fairly coherent information about decisions that might have been made. Hon. Members will recall the Standing Order 24 debate that we had about that. It would help if the Minister outlined what the timetable for any such decision will be. Will he also guarantee to do all in his power to ensure that the communities affected, rather than media outlets, will be the first to know?

10.19 pm

**The Minister for the Armed Forces (Nick Harvey):** I commend my right hon. and learned Friend the Member for North East Fife (Sir Menzies Campbell) for initiating this debate on the future of RAF Leuchars which, as the House will understand, is a subject of great importance to his constituency and more widely. My right hon. and learned Friend knows Leuchars very well, and I hope that during his visit yesterday with the Secretary of State for Scotland he saw once more what a fantastic job our personnel are doing.

I put on record my thanks to all those who work at RAF Leuchars and to the local community who have, over the years, given such strong support to the station, the RAF and the nation. I know this support is appreciated by all who are serving at the base.

RAF Leuchars has a long and honourable history. Aircraft from Leuchars have policed UK airspace for nearly 60 years, demonstrating the ability to intercept unidentified aircraft and thereby provide an effective deterrent. Given RAF Leuchars' history and contribution to defence, it is understandable that my right hon. and learned Friend has spoken so passionately about its retention, both here in Parliament and in representations to me and to the Secretary of State.

In October, we published the strategic defence and security review, which was based on two clear priorities: supporting our mission in Afghanistan and setting the path to a coherent and affordable defence capability in 2020 and beyond. This took place against the Government's clear determination to address the unprecedented fiscal deficit that we inherited. Every Department has had to make a contribution, and the Ministry of Defence is playing its part, but because of the priority that we place on security, the defence budget is making a more modest contribution to deficit reduction than many other Departments. Even so, this has regrettably meant tough decisions. It is painful, but we have to make sacrifices to get the economy and the defence programme back on track.

Our fleet of Harrier and Tornado air defence and ground attack aircraft have performed magnificently over 30 years, but those aircraft risk becoming outdated as threats continue to become more varied and sophisticated, and maintenance of the fleets will become an increasing challenge so the decisions to retire the Harriers and to reduce the number of Tornados were difficult, but we have to focus resources where they are most needed now—in support of our current operations.

The RAF plans to make a transition to a fast-jet force comprising the Typhoon and the joint strike fighter by the end of the decade. This makes both make operational

and economic sense. We know from our work on the SDSR that RAF Kinloss and two other bases will no longer be needed by the RAF. Public and parliamentary attention has focused on the consequences for Tornado ground attack bases at RAF Lossiemouth in Moray and RAF Marham in Norfolk, and the Typhoon and Tornado fighter base at RAF Leuchars.

Today, RAF Leuchars' mission is to deliver and maintain UK quick reaction alert (interceptor) north, concurrent with the growth of Typhoon, while supporting other military operations. The delivery of the northern element of quick reaction alert is RAF Leuchars' top priority and requires Typhoon and Tornado F3 fighter aircraft to hold high alert to scramble and intercept unidentified aircraft approaching UK airspace. RAF Leuchars is geographically well located for the delivery of QRA operations. However, it may be possible to mount northern QRA from another location. Lossiemouth and Leeming in north Yorkshire would be possible options.

As well as the support for RAF Leuchars offered by my right hon. and learned Friend this evening, I have had similar representations from the hon. Member for Moray (Angus Robertson) regarding RAF Kinloss and RAF Lossiemouth, and from my hon. Friend the Member for South West Norfolk (Elizabeth Truss) regarding RAF Marham. It is essential to stress once again to the House that a decision on which of these bases will no longer be required by the RAF should not be taken to mean that they will no longer be required for defence purposes. We are now taking forward work to analyse the basing and estate consequences of the SDSR in their entirety, and to develop a coherent plan for the future of the whole defence estate. This piece of work goes well beyond the bases directly affected by the SDSR. For example, the Prime Minister has announced our intention to accelerate the rebasing of the Army from Germany, which must also be taken into account, along with the greater efficiencies that must be made through broader estate rationalisation.

The Ministry of Defence will need to determine what makes the most sense for the structure of our armed forces, including where they are based, where they need to train and operate from and the need to ensure value for money for the British taxpayer. Contrary to media speculation, no matter how well informed Members might have believed it to be, no decisions have been taken on our future basing requirements beyond those I have outlined. It will take time to work out which bases we will retain and the uses to which they will be put.

We know that these are important decisions and that we must get them right. The Ministry of Defence has been clear, and I repeat, that we do not expect that work to be concluded for some time yet, but we hope it will be by the summer. I know and regret that that means uncertainty for the people and communities concerned, but we will not rush to a conclusion without deep and proper analysis. As the SDSR states, we will aim to do so in a way that is sensitive to economic and social pressures and the needs of our people and their families.

We also want to ensure that any decisions fully take into consideration the implications for Tornado personnel operating in Afghanistan over the coming year and for their families. We are consulting other Departments, the Scottish Government, local communities and relevant agencies, as appropriate, to manage the local impact of

[*Nick Harvey*]

our decisions. We must do further work to establish the detail of how to progress, but I am determined that at the end of the process the United Kingdom will have a coherent plan to deliver an estate that supports the capabilities we need to keep our people safe, meet our responsibilities to our allies and friends and secure our national interests.

As they were in the SDSR, our decisions have to be objective, unsentimental and based on the military advice we receive. I stress again that the military considerations are paramount among the factors that we will consider. We need to focus finite resources where they are most needed. We know that the RAF will be smaller and will inevitably need fewer flying stations. Although it will become leaner, we can maximise investment in new aircraft and also assure full support to current and contingent operations. The transition to the combined fast-jet fleet of joint strike fighters and Typhoon will certainly provide the RAF with world-class capability for the future.

**Thomas Docherty:** Will the Minister give way?

**Nick Harvey:** I think that I might be about to answer the point that the hon. Member for Dunfermline and West Fife (Thomas Docherty) wishes to raise. My right hon. and learned Friend has called on the Government to base our decisions on military necessity, the reality of the public purse and the socio-economic impacts on the areas affected, and I assure him that that is precisely what we will do. I have chosen carefully the order in

which I put those criteria: the military considerations come first. They must be in line with economic considerations, but we are in no way immune to the wider impact that those decisions will have and, of course, and will listen to representations from Members from both sides of the House on the impact they will have on communities. All three factors will be taken into consideration. I think that that was the point that the hon. Gentleman wished to raise.

**Thomas Docherty:** I am grateful for the Minister's clarification. Am I correct in thinking that there is perhaps a fourth factor that should be seen as part of the whole discussion, which is the consideration given to what other uses the surplus bases could be turned?

**Nick Harvey:** The hon. Gentleman is absolutely right that the other military uses to which bases can be put are part and parcel of the decision making, but I think that he is wrong to view that as a fourth factor. They are absolutely part and parcel of the military considerations that will inform us first and foremost, and of the economic considerations that will flow from that. Indeed, they will have considerable socio-economic impacts on the communities in each case. The SDSR is a process that will transform our armed forces to meet the challenges of the future. That includes the defence estate. We will now press on with that work.

*Question put and agreed to.*

10.29 pm

*House adjourned.*

# Westminster Hall

Tuesday 25 January 2011

[MR ANDREW TURNER *in the Chair*]

## Library Services

*Motion made, and Question proposed*, That the sitting be now adjourned.—(Mr Vaizey.)

9.30 am

**Lisa Nandy** (Wigan) (Lab): I initiated the debate because libraries are under threat. In the Wigan borough where I live, the library service faces a £1.1 million reduction and the 18 libraries in the borough all consequently have an uncertain future. Nationally the picture is even bleaker. An estimated 400 libraries have closed or are under threat of closure, and some predict that by the time the process is finished the number will run into the thousands. I am pleased that so many hon. Members are here for the debate, but I suspect that it is because many of them are also concerned about the libraries in their area. That should trouble us all.

The Government appear to have abdicated all responsibility for the matter. Time and again I have listened to Ministers, when questioned by hon. Members on both sides of the House, saying that local authorities bear legal responsibility for library provision. The Minister pledged, in the debate on the subject obtained by the hon. Member for North Swindon (Justin Tomlinson), that he would

“stand shoulder to shoulder with local authorities”—[*Official Report*, 7 September 2010; Vol. 515, c. 72WH.]

to protect library services. He must have been as surprised as I was to see that my local authority took a hit of £55 million in the spending settlement, front-loaded, thus allowing no time to find the Government’s much lauded efficiency savings. As a result the local authority is in no position to protect anything but the most essential services, such as child protection and care for the elderly. Urging local authorities to take responsibility for libraries while slashing their budgets is condemning libraries to closure. To suggest otherwise is disingenuous.

**Mel Stride** (Central Devon) (Con): I welcome the fact that the hon. Lady has secured the debate, because like her I believe that libraries are extremely important. Does she applaud the Government, as I do, for the future libraries programme? It is considering the future of libraries, involving communities more in how they should be shaped, whether through the use of technology, as community centres or by facilitating transactions and access to local services. Does she see that as a positive thing that the Government are doing as a commitment to libraries?

**Lisa Nandy**: I do not welcome the future libraries programme when the libraries in my area have, it seems, no future, because of the incredible reduction in the council budget. I shall talk later about ways in which libraries can be improved and about work that is happening. However, I urge the hon. Gentleman to understand that libraries cost money to run and cannot simply be run by volunteers on thin air.

We all know the value of libraries. That is not in dispute. It is clear that they have a particular impact for the disadvantaged. Catch22, a charity that works with young people, sent me in advance of the debate compelling evidence of the value of libraries for young homeless people in my Wigan constituency, particularly in relation to the internet. One in five people still does not have access to the internet. At a time when six people are chasing every job in Wigan, taking away internet access does not just feel like a kick in the teeth—it is a kick in the teeth. Catch22 sent me the story of Sam, aged 20, who said:

“My life is made more difficult by not having access to the internet or a PC...It seems that everything now requires the internet; often other organisations tell me to look online to find information. This includes the Job Centre, Housing Benefit, choice based lettings, Sure Start, health information. On occasions when I have not had enough phone credit to contact an agency by phone, they have suggested that I email them. If I can’t afford credit for my phone what makes them think I can afford the internet? I do not see how I will be able to save up to buy a PC in the foreseeable future as it is difficult to manage on benefits. I do want to better myself, but it is all a struggle.”

**Mr Andrew Smith** (Oxford East) (Lab): I warmly congratulate my hon. Friend on securing this enormously important debate. Further to her last point, does she agree that libraries are a sanctuary and haven for many young people where they can do their homework when they do not have the right conditions at home and the school library is not open? To deprive them of that, especially in the most disadvantaged communities, as Oxfordshire county council proposes to do with its closure of libraries in Blackbird Leys and Littlemore, as well as in Bury Knowle and Old Marston, is a disgrace.

**Lisa Nandy**: I agree with my right hon. Friend and know, having worked with many disadvantaged young people in the Oxford area, that people often make the mistake of thinking that Oxford is an entirely affluent area when in fact there are significant pockets of disadvantage. I am sure that libraries are a huge asset to those young people in trying to better themselves.

Libraries also obviously provide clear benefits for older people, children and single parents, but they are not merely havens for those groups. They are the heart and soul of communities. I shall not bore hon. Members with my love of libraries, which I expect is the same as theirs, forged since early childhood. I shall not explain how I have kept libraries going in my area by paying fines over years; they can rest assured that I have done my bit. The women from Standish library who are running a campaign to save it came to my surgery and explained eloquently why it is the heart and soul of the community and how it brings people together. They told me that removing the library would be like ripping the heart out of their community. That is why campaigns are springing up around the country and it is why the people of this country fought so hard in the first place for free public libraries to be established. We should pause to recognise what a struggle that was.

The Public Libraries Act 1850 was much disputed. It was a huge victory and marked a clear step forward in the advancement of working people. It was part of an era of enlightenment and social progress. It is a bitter irony that the Liberals fought for those libraries against their Tory counterparts, and that today we witness the spectacle of a Tory-Liberal coalition presiding over the unravelling of that landmark legislation.

[Lisa Nandy]

In the north-west, that history could not be more important. Manchester central reference library was the first free public library to be established under the Act. Salford colleagues would probably remind me that Salford managed to establish a free public library under an earlier museums Act, but Manchester's was the first free public library to be funded by public subscription under the 1850 Act.

Opening the library, the Conservative politician Sir Edward Bulwer-Lytton said:

"I call it an arsenal for books are weapons whether for war or self defence."

Incidentally, Charles Dickens also attended the opening of that library, and talked passionately about the advancement of working people, and the step that had been taken. It was in Chethams around the corner, the first free library in the English-speaking world, that Marx and Engels researched the "Communist Manifesto". I appreciate that that argument might not appeal to the Minister, but it is important to note that the history of working struggle was rooted in one of the first free libraries in the world. Free public libraries marked a huge advance towards a better, more enlightened society. We have continued to build on that legislation and progress ever since.

Now the Government seem hell-bent on unravelling 160 years of progress, but I want to tell Ministers that the evidence suggests that once those libraries are gone, they are gone for ever. Ministers should think carefully before they take such a step.

**Guto Bebb** (Aberconwy) (Con): I congratulate the hon. Lady on securing an important debate, although I am slightly disappointed that it has immediately become very partisan. In Aberconwy the library service faces cuts, but they have been happening since 2006. Indeed, the local authority has commented on a severe lack of investment in the past 10 years. How does she square that with her comments about the current proposals, or with her accusations against the coalition?

**Lisa Nandy:** I am sorry that the hon. Gentleman is upset that my remarks are partisan, but this is politics, and people make political choices, which is what I want to point out.

I am sure that many hon. Members and the Minister will want to point out that library use has declined and that some library services have declined as a result.

**Mr Andrew Smith:** To return to the point made by the hon. Member for Aberconwy (Guto Bebb), does my hon. Friend agree that the strength of the huge community campaign that is growing up around the country—more than 300 people met in Oxford town hall last week—is that it is non-partisan in the sense that the campaign supporters include many Liberal Democrats, Conservatives, Greens and others, as well as Labour supporters, who are appalled at what the coalition Government are doing?

**Lisa Nandy:** That is also the case in my constituency. Those people are all united in a desire to protect their library services. They do not care whether a Conservative, Liberal or Labour Government are doing this; they value their libraries and want to see them protected.

The argument that library use has declined has been much overstated. Last year, 83 million children's books were issued by libraries across the country, just 10% fewer than a decade earlier. If we consider the pressures that libraries are under—from cheaper books, online texts and different forms of borrowing—it is not their decline that is remarkable but their very survival.

In my Wigan constituency, library usage is up by a phenomenal 17% in six years as a result of the investment programme under the stewardship of Rodney Hill, the director of our culture and leisure trust, who himself used to be a librarian and who understands only too well the value of libraries.

**Alison McGovern** (Wirral South) (Lab): I congratulate my hon. Friend on securing this important debate. On the question of library usage, is she surprised to learn that at Bromborough and Eastham libraries in my constituency, the reading groups have waiting lists?

**Lisa Nandy:** I am delighted to learn that, if not surprised. I am sure that the people of Bromborough are extremely well read and passionate about reading. I certainly do not want to say otherwise.

User satisfaction with libraries in my constituency stands at an all-time high of 91%. That shows that libraries can be an enormous success and that they can go from strength to strength.

**Yvonne Fovargue** (Makerfield) (Lab): I congratulate my hon. Friend on securing this debate. In the borough of Wigan, which I also represent, there have been concerted campaigns, such as Bookstart, to encourage people to use libraries. People are already taking ownership of their libraries. When the residents of Ashton heard that their library was under threat, they almost immediately set up an online petition to prevent it from being taken away.

**Lisa Nandy:** I am aware of the campaign that my hon. Friend has mentioned, and she is a passionate supporter of it.

I gave the example of my Wigan borough, because it shows that libraries can continue to improve and to be relevant, but they need investment. In researching this debate, I was pleased to see that web hits on libraries nationally are up by 4%, which shows that libraries are starting to adapt to changing usage and that they can be a success. I say to the Minister that library usage is undeniably changing, so by all means let us debate the future and the improvement of such services, but let us not pretend that libraries can be run on thin air and that this Government are presiding over anything other than the unravelling of one of the great steps forward in civilised society.

I have heard a great deal of talk about volunteers, and the hon. Member for Central Devon (Mel Stride) has asked me about them. Coming from the charity sector, I am well aware of the value of volunteers, but we cannot run a service on volunteers alone. We need infrastructure and paid staff. To suggest that volunteers can take the place of skilled librarians is an insult and not something with which I want to be associated.

**The Parliamentary Under-Secretary of State for Culture, Olympics, Media and Sport (Mr Edward Vaizey):** Does the hon. Lady have a specific reference to someone saying that volunteers should take the place of librarians?

**Lisa Nandy:** I have heard a great deal of talk in this debate about the use of volunteers. I am interested to know whether other hon. Members share my sentiment about the use of volunteers. I presume that the Minister is dissociating himself from the view, and I am grateful to him for that, because it is insulting to skilled librarians to suggest that they can be replaced simply by volunteers.

**Mr Andrew Smith:** I know that in the Minister's own county, the leadership has suggested that volunteers could provide services that were previously provided by librarians.

**Lisa Nandy:** I thank my right hon. Friend for that. I expect that the Minister will go back and have strong words with his colleagues as a result of this conversation.

**Mr Vaizey** *indicated dissent.*

**Lisa Nandy:** In conclusion, this is a test of whether this Government value not just libraries but communities. If the Minister takes this step, there will be no way back for generations. I urge him to ensure that libraries are protected. If he will not, I urge communities to make themselves heard on the national day of action on 5 February.

9.45 am

**Justin Tomlinson** (North Swindon) (Con): I congratulate the hon. Member for Wigan (Lisa Nandy) on securing this 90-minute debate. She referred to the fact that earlier in the parliamentary Session, I had a Westminster Hall debate on the future provision of library services. I am delighted to see so many hon. Members here today to debate this important subject.

Libraries face challenging times. First, the funding of library services is not a statutory requirement. There are certain rules, criteria and aspirations that councils should change, but when facing challenging budgets and the need to make efficiency savings or cuts, they often see libraries as a relatively soft target. When I visited libraries across the country in my role as lead member for libraries on Swindon borough council, I found all too often that officers and councillors did not use the libraries themselves and so did not appreciate their value to local communities.

We must acknowledge falling usage. Five years ago, 48% of adults visited libraries compared with 39.4% now. Such a fall is against a backdrop of increased reading, particularly among children, so the decline in visits is a worrying trend. Plenty of surveys have been commissioned and much money has been spent on asking people how they would like to see their library service improved rather than on actually improving it. The surveys have showed that the public want good choice, convenient opening hours and a pleasant environment. That sounds obvious, but all too often local authorities do not embrace such factors. I will briefly touch on each of them and on how local authorities can embrace the new opportunities that present themselves.

Let me first turn to good choice. When I was preparing for my Westminster Hall debate, the fact that staggered me the most was that only 7.5% of a library budget is spent on book stock. Too much is spent on the corporate structure, different layers of managers and the bureaucracy of categorising and labelling books. We do not have a universal system. Imagine Amazon getting different

towns to categorise the same books; it is madness. That money should be released back into the local libraries. It should be given to local library managers, who understand their own individual communities, to spend on books to get people back in. We would not see a commercial bookshop spending only 7.5% of its turnover on books. We should also allow residents to have a greater say on the books that are stocked. When we opened our new £10 million central library—unlike many public sector projects, I am pleased to say that it was delivered on time and on budget—we allowed local residents to choose the book stock. Unsurprisingly, those same residents came to take out those books after it opened.

As for convenient opening hours, libraries must embrace the mentality of the retail sector. We opened the new North Swindon library on a Sunday. It is next to one of the largest Asda/Wal-Marts in the country and so Sunday is one of its busiest days. Moreover, the new central library is open on a Sunday. A community library should always match the footfall of the local area. Self-service equipment inside new facilities that are not traditional libraries also provide a good opportunity to improve services. For example, I have visited leisure centres and community centres that have installed self-service equipment. Such facilities offer an extension of the mobile library service project in the sense that they are taking books out to the community. Such facilities should not necessarily replace traditional libraries in an area, but if there is no library and there is not enough money to provide one, they can help.

Self-service equipment often costs only £5,000. If a mobile library service is already touring in similar areas, it does not take too much to replenish the stock. All too often, existing community libraries are open for limited hours—in many cases it can be between eight or 10 hours—so volunteers can step in and help to ensure that that facility is open for longer. Users who rely and appreciate the expertise and skills of the traditional core staff can still go to the library in the hours that already exist. If volunteers wish to open beyond those core hours, then more power to them, and such action is certainly something that the big society should embrace.

On the importance of having a pleasant environment, another challenge for libraries is that as much development has taken place in this country over the years, all too often libraries have been overlooked for section 106 contributions. If hon. Members look back at the history of many of their community libraries, they will struggle to remember the last time that they received a lick of paint or a modernisation. Too many libraries are not meeting customer expectations. I am delighted that in my constituency section 106 money was used to rebuild the Highworth library and it has just been announced that Moredon community library will have a major refurbishment on the back of a 350-house development just down the road. Those are the types of opportunities that local authorities should embrace and we as politicians should lobby to ensure that libraries are considered seriously where section 106 money is available.

We should also look to combine facilities. There is a very big national campaign for libraries. The right hon. Member for Oxford East (Mr Smith) talked about the 300 people who came to an event at Oxford town hall. We have had similar experiences in my constituency. There was a threat of closure to the Old Town library and my hon. Friend the Minister came to visit Swindon

[Justin Tomlinson]

during the campaign against that threat. The Old Town library was a very poor facility with limited opening hours and falling usage, but the local community passionately supported it. When I was still the lead member on the council for libraries, I challenged that community to get behind their local library and boy, they did so in droves. In the end, a compromise—

**Alison McGovern:** The hon. Gentleman is making a compelling case for a good future for libraries, and I am pleased to hear about the changes that he has described. What impact does he feel the current financial settlement that local authorities are dealing with, including the speed and depth of the reduction in their funding, will have on the ability of people doing the job that he used to do—being a lead member on the local council for libraries—to deliver the type of vision that he is outlining?

**Justin Tomlinson:** The obvious answer is that it is a challenge, not only for libraries but for any service. However, we are in the reality that we are—we have to tackle the public deficit. I do not want to get all political, but I think that any debate that we attend in Westminster Hall will show that all services face similar pressures. That is why libraries must look in particular at their corporate structures and at the fact that they are only spending 7.5% of their budget on book stock. It does not take a brain surgeon to realise that money is not being efficiently spent right across library services, so there is still a challenge ahead.

I was talking about the threat of closure to the Old Town library in Swindon. This is what we did. About 400 metres up the road, we had a relatively new and refurbished arts centre, called the Old Town arts centre, with a 200-seat theatre in wonderful condition. So we moved the Old Town library into the arts centre, and we transferred the core 18 hours of service that already existed in the old library, so that if people liked that traditional service they could go along to the arts centre in those core times. However, there was a much larger and more pleasant library environment at the arts centre. Also, because the arts centre was manned for 40 hours a week with box office staff, the self-service library machines could be left on and if anybody had a problem using them the box office staff could step in and say, “This is how you use this facility.” So the opening times for the library went from 18 to 40 hours. In addition, every time that there is an evening show at the arts centre, the theatregoers, if they are so inclined, can use the self-service machine, so sometimes we are looking at an extension of opening times from 18 hours to 60 hours.

Obviously, the usage of that library has increased—by 24%—and membership has increased by 193%. The arts centre café had kept opening and closing, because it did not have sufficient footfall in the daytime to make it viable, but it is now viable and the arts centre itself is now selling more tickets, because people come in to the library to take out a book of their choice, they see that the show that evening has not sold out and that it is their particular choice, and so they go and buy a ticket for it. It is an absolute win-win situation, and in these times of challenging costs the council has saved itself quite a lot of money, because it is paying for one building rather than two.

Furthermore, when we built the new Central library in Swindon we made sure that the opening hours were tied up with the footfall, which hon. Members have already discussed. Again, we ensured that there was a café environment at the heart of the library, so that people did not just pop in, grab their book and leave. Instead, people spend time using the café and the library as an enjoyable environment. We also created the library so that it could be opened in part, because I have seen some fantastic new flagship central libraries being opened across the country that have then proved to be simply too expensive to open for long hours. I went to one that had cost £15 million but it was only open for four hours on a Saturday in a town centre, which was dreadful. So, within the new Central library in Swindon an express zone has been built, so that at the non-peak times a chunk of the library can remain open, matching the available budget. Also, within the library there are areas for cultural events to take place, such as readings by authors and poets, and meetings involving different groups, because libraries should be a focal point for local communities.

To summarise now, I will talk about some of the opportunities for libraries. Many people have already mentioned volunteers, and they have an important role to play. It is right to say that volunteers cannot simply replace all traditional library staff. However, the best model is one where existing core library staff are transferred, so that those people who rely on an excellent library service in core hours can still go at those times. Nevertheless, we should not then lock the library doors for the rest of the week. We should empower local communities to take over the running of local libraries at those times.

**Yvonne Fovargue:** Does the hon. Gentleman agree that his view of libraries, where the librarians are actually in the library and simply giving out information and books, is rather narrow? I went to an excellent event run by local librarians for young children, where the librarians showed children books. The enthusiasm of those children and the professionalism of the library staff were unparalleled. Those children were then motivated by the visit of those librarians to go to their local libraries.

**Justin Tomlinson:** The hon. Lady must have spectacular mind-reading abilities, because that is my very next point. By empowering local librarians to run their local libraries and to participate in their local communities, libraries should be looking beyond their traditional facilities and urging their staff to go out into their local communities to encourage people, particularly young children, to embrace the wonderful services and facilities that are available in the libraries themselves. Part of that process involves reducing the corporate structure and trusting local librarians to understand their communities. We all represent very different communities with different challenges, and library services should be tailored on a localised library-by-library basis to suit local demands. So I agree 100% with the hon. Lady's comments.

The final point about volunteers is that where there is no alternative but to close a library—I am not advocating the closure of libraries, but when there is a “last chance saloon” situation—there are examples of volunteers stepping in and local authorities should be willing, at the very least, to say, “We will hand you that facility.” A good example of that process in the South Swindon constituency is the Walcot library. The local council decided that it was no longer viable, in part because the

Parks library, which was not too far down the road, had been refurbished on the back of section 106 money. However, the local community took over the Walcot library, and the library is now partly a charity shop, partly a community facility and partly a library, which is far better than having no library service at all.

I have already talked about extending self-service, both into non-core library buildings and within library buildings. I repeat that there is a need to refocus library budgets on book stock. The fact that only 7.5% of library budgets is currently being spent on book stock is simply unacceptable.

Moreover, as politicians we are always talking about empowering local people, but if we are going to empower local people we need to pass on local information and engage with local residents, and in turn local residents need to register their views. Where better to do all that than in a local community library? People can pop in, look at the notice board, see the latest grand scheme that elected politicians or communities have put forward and register their comments. There are many examples of such schemes. In my constituency, there is the "Connecting People, Connecting Places" scheme, which the council has introduced. Although the council is trying to push that scheme, it must understand that the best way to deliver it is through libraries.

Another point is that where there are facilities that are only open for eight or 10 hours, surely we should open them up to other community groups, whether they are youth clubs or different local organisations that can use the building in which the facilities are situated. The council has already paid the rent and the rates, and these days most bookshelves are on wheels. Consequently, if a youth club wants to attend a community facility in the evening, it does not take much to move the bookshelves to the edges of a room and the youth club can take on that facility and use it. It is a crying shame that local authorities and local council tax payers are paying for these wonderful buildings to be shut for the vast majority of the week.

My final point is that it is essential that local authorities do not sleepwalk into a situation where our much-loved libraries experience a steady and continual decline. I pay tribute to my hon. Friend the Minister, because he is a passionate advocate of libraries. We just need to convince all local authorities of all political parties that they need to make libraries a priority.

**Mr Andrew Turner (in the Chair):** I think that there are eight Members who are trying to catch my eye to speak. I am looking at their having about five minutes each to speak.

9.58 am

**Glenda Jackson (Hampstead and Kilburn) (Lab):** I am grateful for the opportunity to speak, Mr. Turner. I congratulate my hon. Friend the Member for Wigan (Lisa Nandy) on securing this important debate and on making such a cracking speech, which encapsulated the central arguments that are facing every single constituency in this country at the moment where there are people who are passionately concerned about the possible loss of their local library. I equally congratulate the hon. Member for North Swindon (Justin Tomlinson) on a splendid speech, detailing—in no small degree—the

kinds of changes that have already taken place within my constituency and other constituencies to improve our library services, so that they actively engage with the local community and become part of it in ways that are both imaginative and innovative.

However, the bottom line is that none of those improvements can be developed and none of our libraries can advance without some financial support, and this issue is going to spread beyond libraries. People in my constituency are concerned about not only the threat to local libraries, but the threat of closure of sports facilities. This is an example of what the Government have touted as central and essential to the big society: localism. Yet, when one looks at the local reaction, constituents' opinions are being ignored. My constituents are being ignored because my local authority simply does not have the money, however much the amount needed might be reduced by the engagement of volunteers and more imaginative opening hours.

As an aside, many of the libraries in my constituency are housed in historic buildings. Kensal Rise library, which is under serious threat, began part of its collection with a donation by Mark Twain of his own books. That gives an idea of how old the building is, and as we all know, older buildings are much more difficult to maintain.

There are legal issues involved in the opening and the public use of libraries, and it is not possible to provide that use without some financial support. It is fantasy on the part of the Government to sit there and say, "Well, this is a choice for local authorities. They have to balance their budgets. We've given them money in real terms," when the Government know absolutely that the authorities have not been given money in real terms to support the services that are central to local communities.

In my constituency, thank heavens there has been an election and the political colour of the council has changed. For the five years up to 2010, the budget, which was very generously donated to local authorities by the Labour Government, was balanced by a Lib Dem-Conservative council in my constituency. Well, if Liberal Democrats and Conservatives are supposedly much better at balancing their budgets than a Labour Government are, where has the money suddenly gone? Why are all the community facilities upon which constituencies such as mine will increasingly depend, under threat?

There is an irony in the Government's failure to think their own policies through. We are entering an era of something called welfare to work, and while no one argues with the pressing need to get people off welfare and into work, the Department for Work and Pensions says that it expects the majority of first contacts with those who are looking for work to be via the internet. My hon. Friend pointed out that that already happens in her constituency, as it does in mine. For young people who are looking for work, are very confused by the benefits system and have no computer access of their own, the local library is the first port of call, because the equipment and the information are there, and highly skilled and highly trained people can help them. With the best will in the world, in many instances volunteers will not be able to provide the multifarious layers of expertise and information that our libraries are capable of furnishing at the moment. I am not going to stand here and pretend that this is very often the case, but it is certainly the case at the moment that we value things

[Glenda Jackson]

only when we think we are going to lose them, and when it comes to things such as local libraries, this has certainly been the case for many years. People suddenly think, “My goodness, we might be losing this but it’s so valuable for our community.”

It has already been touched on that libraries provide services for the whole age range, from the very young to the very old. I remember that when I was a child we were not allowed to speak in a public library—it was a silent place—and it is fascinating to see that now there are special areas for children. Children are having stories read to them, and we have heard from the hon. Gentleman about local poetry readings. That is very big in my constituency, because I am fortunate to have a lot of poets there—quite apart from authors—who are very well recognised around the world. The central issue here is that if the Government are genuine in their talk of a big society, of localism and of passing power down to local people to make the decisions, they have to acknowledge that at the moment their stringent slashing of funding to local authorities—

**Mel Stride:** I realise our economic inheritance has been skated around very diplomatically in this debate, but it now needs to be raised. I understand that the hon. Lady’s argument is that there should be more funding and resources for libraries. We inherited a debt the interest alone on which is £43 billion a year—more than we spend on the education budget. For there to be more resources, would the hon. Lady increase the deficit, or cut expenditure elsewhere—in which case where? Or would she raise taxes and, if so, which ones?

**Glenda Jackson:** First, I would nail this gothic novel that runs through the Conservative-Lib Dem Government and has been expounded by all their adherents, that our present economic difficulties are the exclusive responsibility of the previous Labour Government, who spent excessively. Nothing could be further from the truth. The whole world went through a major economic crisis because the present Government’s friends—the bankers, whom I have not noticed taking any major cuts under this Government—threw the whole world’s economic structure into parlous peril.

What I am talking about is what this Government purport to be a basic principle: localism, in which it is the voice of local people that is overwhelmingly heard. The point that I was making before I gave way to the hon. Gentleman was that that voice cannot be heard if central Government stifle it and put a gag around it, as they are doing. It is an offence to us all to pretend to local people that they can have the same level of the services upon which they depend when there are massive cuts in the financial support for those services. It is equally an insult to all our intelligences to presuppose that volunteers—the charitable sector—will be able to take up the slack and continue to provide the services.

In concert with my hon. Friend, who was fortunate to secure this debate, it seems to me that the number of right hon. and hon. Members hoping to participate today is an indication of how important the issue is throughout the country, and the Government really should think about it again about.

10.7 am

**Annette Brooke** (Mid Dorset and North Poole) (LD): I, too, congratulate the hon. Member for Wigan (Lisa Nandy), and I agree entirely that libraries are, and should be, the heart and soul of our communities. I also agree with the point that volunteers provide an add-on, and we have to take on board the differences between our communities which mean that the services that volunteers can contribute will differ greatly from one community to another.

I have a distinct sense of déjà vu. Just four years ago I spoke in the House, to a Labour Minister at that time, about Dorset county council’s plans to close 13 libraries. The 13 libraries were saved after a long battle, with reduced opening hours at most libraries in the county, and new friends groups set up and existing ones strengthened. Usage at all those libraries has gone up over the four years. The current county council proposal is that funding will cease for up to 20 communities where there is currently a library—20 out of 34 libraries. Originally, those communities were asked to come up with a business plan, by May this year, on how the community could run the library, and yet very few details have been provided on what, if anything, the county council will contribute. A book fund is, of course, vital, and if there is no centralised book fund can a community actually say that it has a library? I do not think so.

Given the scale of things, Dorset county council has had a relatively good settlement. It is still not good for the county, but these are local choices. The council has made a decision to spend £1 million on a new library in Dorchester, which cannot be accessed easily from places in my community that might lose their libraries. Interestingly, in one of its reports, Dorset library service states that its vision is of a

“dynamic library service fostering the joy of reading, learning and a love of knowledge to enhance lives and build communities”.

Could we possibly disagree with that? No, we could not, but I hope that most of us would disagree with the closure of 20 libraries. Dorset county council’s own equality impact assessment talks about the impact on older people and children, and on people in rural communities. It also talks about providing mobile library services, but they are not a real substitute where children’s gaining a joy of reading and learning is concerned. Equally, the council’s report accepts that there is a risk that the reconfigured service will be deemed not to comply with the Public Libraries and Museums Act 1964, which requires library authorities to provide a comprehensive and efficient service. I ask the Minister to monitor closely what is happening in Dorset. We have been here before, and we had the support of the previous Minister.

In my constituency, it is proposed to seize the funding of four libraries. I use all of them for my surgeries, so I declare an interest. For the most part, they are in quite large communities rather than small villages; one is in a large village, and the others are for the most part in built-up urban areas. Those libraries are used, and there are plenty of potential users. Two of the libraries are now co-located with children’s centres, which is excellent. Parents come in to see the health visitor and then sign up their baby for a library membership card. We need those services and have been working on them for the



past four years, but now libraries are the first thing to be cut, because that is seen as an easy option, even though they are important for our children.

In the limited time available, I will concentrate on children. Our Government are committed to raising children's reading standards. The introduction of a standardised test is being discussed, although I have some doubts whether test results should be published. We want to equip our children with the skills that they need for later life. Surely we must build on the use of libraries. The Bookstart scheme was saved recently. I know that authors made many representations. I say this to them: a child gets a book at 11. It is great that one book will go into a household without many books, but children must have libraries to go with it. Libraries are the complement to the Bookstart scheme, so I hope that those authors will come along to Dorset to argue for the survival of our libraries.

Dorset has a high proportion of older people, and the importance of libraries to older people cannot be overemphasised. Libraries allow them to get out of the house and engage in activities. The number of book and reading clubs has grown enormously, which is excellent. As has been said, there are lots of innovative ways to get more people into libraries, and communities are willing to play their part, but that part must be reasonable and must be backed not by expensive offices at county hall but by skilled librarians and other staff. I want efficiency and joint use, and I want to work with the excellent friends groups within the county council to retain a dynamic library service, but we need a bit of help from the Minister, whom I commend for his commitment to the country's library service.

10.13 am

**Joan Ruddock** (Lewisham, Deptford) (Lab): I congratulate my hon. Friend the Member for Wigan (Lisa Nandy) on obtaining this extremely important debate and on how she presented her case. I will not repeat everything that has been said about the value of libraries, but I agree with the hon. Member for Mid Dorset and North Poole (Annette Brooke), particularly about libraries' value to older people—they help get them out of the house—and to children. In my rather deprived constituency, libraries are critical to the future of children and young people and help supplement their education.

Lewisham council is in a somewhat different position from some of the councils discussed today. My hon. Friend the Member for Lewisham East (Heidi Alexander), who, like me, has supported saving our libraries, would be here if she were not on a Standing Committee. Lewisham council has 12 libraries, which it has worked hard to reorganise and bring up to date. From 2005-06 to 2009-10, Lewisham invested £6.5 million in capital expenditure on libraries. It also entered into partnerships with Croydon and Bromley councils in order to negotiate jointly new e-book and e-audiobook services. The consequences have been increased library use, increased opening hours and general huge success.

In a constant drive for efficiency, Lewisham has also developed new models. We acquired three additional community libraries over those years. One, at the Pepys resource centre in my constituency, is run by ECO Computer Systems in partnership with Hyde Housing

and is supported by local volunteers and, crucially, by the council's library and information service, which supports new facilities by providing up-to-date stock, delivering professional advice, organising activities and promotions, training partner organisations and offering technical services such as access to online resources.

Lewisham was a beacon Labour council that innovated, widened participation and met the needs of the most vulnerable in the community while reducing costs wherever possible. However, the Tory-led Government have changed all that. Last autumn, like so many other councils, Lewisham was forced to propose closing five libraries as part of the programme of cuts imposed by central Government. Understandably, that led to public outcry with protests and marches as Lewisham council undertook a wide-ranging consultation on how best to meet the Government's demands. As in all other local authorities in the country, most of the budget was devoted to social care, so it was obvious that our libraries could not be shielded. My bottom line was that we must keep the buildings for community use. The last thing we need in Deptford is another betting shop.

The council agreed to consult further and draw on the experience of the three new libraries. The community response has been amazing. People are determined to keep their library service. Local Labour councillors and community activists are working with people who have never before stepped forward to find a solution to the problem.

**Geoffrey Clifton-Brown** (The Cotswolds) (Con): My library service faces severe cuts; eight libraries will be largely turned over to volunteers. The right hon. Lady touches on something that my hon. Friend the Member for North Swindon (Justin Tomlinson) mentioned. Does she not agree that it is incumbent on every local authority to consider its entire property estate to see whether it can combine services in one building in order to reduce maintenance and running costs?

**Joan Ruddock:** Of course. There is no doubt about it. One of the new libraries that I mentioned does exactly that. My council, under a Labour Government, did everything as Labour dictated in order to make the best use of community facilities and become as efficient as possible. That is why we were awarded beacon status.

The community members coming forward are ambitious. They want longer opening hours and further innovations. I am confident that New Cross and Crofton Park libraries in my constituency will be saved. They will certainly have my continued support. The council has received 10 expressions of interest from organisations wishing to take on one or more of the library buildings and run library services from them. It seems like a great success in the making, but we must remember that front-line library jobs will be lost, perhaps forever. Most importantly, community effort can be maintained only with council support and council tax payers' money. The installation of self-issue technology will be essential to the operation of the libraries, and that is likely to cost about £59,000 per building. The council's outreach unit will probably be required to contribute more than 100 hours a week to servicing the outreach offer.

The cost of Lewisham's service was already the lowest in inner London, and the cuts will bring it down to just over £14 per resident. Thanks to the Labour Government's

[Joan Ruddock]

investment, a new library is due to open in Deptford later this year. But what lies ahead? The cuts being imposed by this Government on Lewisham are already destroying other services. The Deptford job centre has been closed and a second employment advice service, Opening Doors, faces closure as a direct result of the cuts in Government grant. As my hon. Friends the Members for Wigan and for Hampstead and Kilburn (Glenda Jackson) have pointed out, it is the young and the unemployed in particular who need library services if they are ever to stand a chance of getting a job and a future career in the present climate.

I am proud of the way in which my community is endeavouring to meet the challenge of library closures, and I hope that the new ways of working will help us meet other challenges, too. However, let no one be in any doubt that this is not a panacea. None of us is going to become a volunteer brain surgeon very soon, and I doubt and would be surprised if many of us would volunteer to change incontinence pads. Whatever we may learn and/or achieve with our libraries in Lewisham, we will still face a Government who are bent on destroying our communities and their prospects.

10.20 am

**Guto Bebb** (Aberconwy) (Con): It is a pleasure to serve under your chairmanship, Mr Turner. I will be brief. I note that I am the only representative of a Welsh constituency present. I am surprised by the stories that Opposition Members have been telling about the land of milk and honey that existed in this country before 2010. The library service in my constituency of Aberconwy in north Wales has been under constant threat of closure for the past five or six years, a period in which we have had a Labour-led Assembly Government and a local authority led by either the Labour party or Plaid Cymru in coalition with Labour.

My point about partisanship is important, because the campaigns undertaken in my constituency to protect library services have been led not by political parties, but by communities. They are concerned about the future of the library service because they understand, as does the rest of Wales, how important libraries are. After all, not many countries can claim to have a pop group such as the Manic Street Preachers, who sang about libraries giving us power. Indeed, that lyric is now in place above Cardiff city library, so we take our libraries seriously in Wales. The libraries in Wales grew from the slate quarrymen of north Wales and the miners of south Wales—they grew from a feeling of society. I am astounded at the lack of confidence expressed by some hon. Members at the inability of our communities to contribute to the protection of library services.

My constituency of Aberconwy faces a threat to many rural libraries. There is no doubt that people in those communities would much rather ensure that the future of those libraries is fully funded and fully staffed from the local authority. However, we also understand that, over the past five years, despite repeated attempts to persuade the local authority and the Welsh Assembly to fund those libraries properly, that has not happened. We therefore face a challenge, and that challenge is to make the most of the resources available to us. I am confident that, if the rural communities in my constituency

—places such as Llanrwst and towns such as Llanfairfechan, which are pretty far from the main, central library in Llandudno—are forced to choose, they will work as a community to ensure that they protect the libraries. After all, even though the Welsh Assembly has said that the local library service in Conwy is underperforming, it is still a fact that, in an area with a population of less than 100,000, there were 500,000 visits to libraries in Conwy last year and more than 500,000 books were lent. Most importantly, there were 90,000 hours of internet use.

The communities that I represent fully understand that, despite five or six years of campaigning against the decisions made by a Labour-led local authority and Assembly, they will have to continue to fight in order to try to ensure a prosperous future for their libraries.

**Julian Smith** (Skipton and Ripon) (Con): I know from my experience in north Yorkshire that local communities are coming together and are excited about the opportunities provided by changes to library use. What does my hon. Friend have to say about the opportunities for libraries in rural areas to become hubs for internet usage by their local communities? It is a good opportunity for libraries to grow the range of their services.

**Guto Bebb**: I concur with those comments. I recently attended a town council meeting in Llanfairfechan that was held to try to ensure a future for the local library. One of the key issues at stake is that the internet services in that library are heavily used by local people who would not otherwise have access to the internet. Therefore, the provision of other services in libraries, and combining them with those offered by the local authority, offer a way forward. We thoroughly appreciate that libraries have to move forward.

I am surprised that this debate has been so partisan. Ultimately, we have seen an ongoing threat to libraries over a long period. If that was not the case in England, it was definitely the case in Wales. We, as communities, have to take responsibility for the services that we want. We should try to ensure that funding continues to be provided to ensure that we have a selection that appeals to people. We need a professionally led service, but the comments that have been made about the bureaucracy, the different labelling, the central cost and so on need to be taken on board.

Ultimately, however, the big difference between the coalition in Westminster and the Labour-led coalition in Cardiff is simple. The Minister has stated time and again that local authorities and communities should make decisions about the future of library services. That is in complete contrast with the Labour-led Welsh Assembly, which has basically told Conwy council to modernise—in Wales, modernise means “close things”—or it will take over the service. I commend the approach of our coalition Government and can only say that people in my constituency would be delighted if the Welsh Assembly Government took the same approach.

10.26 am

**Alison McGovern** (Wirral South) (Lab): I congratulate my hon. Friend the Member for Wigan (Lisa Nandy) on securing this debate. I have been struck by the remarks of all the hon. Members who have spoken so

far about how passionate we are about library services. In some sense, there is a shared vision that library services are part of our future and not a thing of the past.

A recent ten-minute rule Bill of mine argued that the 1964 Act, which covers library services, should be extended to cover related cultural services as well. That set down a marker and said that not only are cultural services important, but that the Act—limited though it is, and which protects library services—is important and that we should all stand up for it. During that debate, I explained that part of the reason why I am so passionate about libraries is because libraries were not always free in Liverpool. My grandfather used to steal books from Liverpool central library, but I have checked with my dad and apparently he put them back. It is good to use this opportunity to restore the reputation of the McGovern family.

I have two brief points that build on those that have already been made, and I hope that the Minister will respond to them. My first point is on the situation in which local authorities find themselves and how they might go about supporting libraries in difficult times. My second is on the role of the professional librarian and how we can support them and ask them to go further in what they do.

On local authorities, it was great to hear the comments of the hon. Member for North Swindon (Justin Tomlinson). I did not know that he was previously a leading member, but it is always important to hear from those who have been local authority members. I was a local councillor in the London borough of Southwark, and I learned a great deal from that experience. One thing that I learned is that the best way to make decisions is to consult widely, listen, marshal a great deal of research and think about a vision for the service that fits the needs of the locality. Never mind what central Government say, in dealing with a community, a town centre area or similar, we must ask what they need. We need to think hard about that, which is what the best local authorities do.

Unfortunately, local authorities face a crisis. If we think of local government as another Whitehall Department, it is the one that is under the most financial pressure, because it is being asked to make the deepest cuts and to deliver them in the shortest possible time. How will any leading member of a local authority have the time to do the work that I have just described in terms of understanding the picture of a locality and talking to community groups, especially in areas in which there is poverty? Those of us who have worked with communities that suffer great poverty know that one has to expend a lot of time getting to know people and understanding the issues. I am sure that that experience cuts across the Chamber.

That all takes time, effort and resources, which are three things that local authorities do not have. Local authorities are being forced to look at libraries from the wrong end of the policy telescope. Instead of working out how to deliver a long-term vision and to stack up the financial business plan behind that—either from co-location or from involving the private or voluntary sector—they are being forced to cut first and deal with a vision for the service after. Local authorities are being forced to say, “What can we possibly afford? Okay, well that is what we have to give people.” They do not really

have a choice here. As much as it is wonderful to hear comments about the different ways in which we can do things—I absolutely support that—we must be real about the situation that local authorities are in.

I accept the comments made by my right hon. Friend the Member for Lewisham, Deptford (Joan Ruddock), who is very experienced at working with local authorities. We cannot say that local authorities are in position to do the kind of visionary job that we want them to when they are facing such severe cuts. One thing that the Government have done regarding the role of professional librarians, for which I give them credit, is to re-establish that it is important for politicians to assert trust in the professional. They have talked about trusting GPs and teachers, and they are right to do so. So let us start talking about trusting librarians.

**Anne Marie Morris** (Newton Abbot) (Con): Does the hon. Lady agree that although the professional librarian is clearly a very important part of the make-up of the library service, the volunteer also plays a considerable part? As a result of reading the transcript of the debate, I would not want volunteers to feel undervalued because, at the end of the day, there are 17,000 people across the library service who give their free time and spend 500,000 million hours every year working in the service. Without them, some of the smaller rural libraries in particular would not survive. In Ipplepen in my part of the world, the old library has been closed and, without those volunteers, we would not be considering moving back to a new library resource in the local village hall.

**Alison McGovern**: Of course, volunteers are important. In fact, last Friday in my constituency, I met a volunteer archivist from Bromborough who does an amazing job. However, if she were here, she would say that, without a library service underpinning that work, it is impossible for volunteers to get the platform on which they need to stand to do the job they want to do. It is chutzpah to imagine that we can substitute volunteers for professionals rather than seeing them as an addition, as the hon. Member for Mid Dorset and North Poole (Annette Brooke) has said. That is what most volunteers themselves think that they ought to be. For example, the charity Volunteer Reading Help makes great play of the fact that it provides additional services to schools.

I shall move on, so that I do not take up too much time. We need to trust the professional librarian. In such difficult times, local authorities ought to listen to librarians. In my experience, the librarians that service my constituency in the areas of Heswall, Bromborough, Eastham and Bebington have been incredibly creative in getting other services—for example, the university of the third age—to use their buildings. The poet laureate, Carol Ann Duffy, has not once but twice visited Bromborough to encourage a love of poetry and reading. We want to support that kind of creativity but, at the end of the day, that takes a budget. I have already made comments about that. We need to say to local authorities that where they are looking to provide a better service, they must trust the professional librarians they have and encourage them to support volunteers. They should maintain the vision of the public library that hon. Members here today hold so dear and enable those professional librarians to do the job that they are qualified to do.

10.34 am

**Anne Marie Morris** (Newton Abbot) (Con): I will be brief, because I am sure that you will want to start the winding-up speeches fairly soon, Mr Turner. This has been a valuable and interesting debate. We all feel passionately about the future of the library service in all its different guises. The situation that we are discussing is as much an opportunity as a threat. We could debate for hours why we are in the economic climate in which we find ourselves, but the reality is that we are where we are, and we need to find a way forward.

We need to recognise that how people use libraries has begun to change and consider what we can do to respond. A sensible way forward is to try to identify those buildings, including the library, that are used for a number of community purposes. Such an approach would mean that we are more likely to keep library facilities than lose them. If we simply looked at the status quo, libraries would close day in and day out.

However, another challenge that the Minister might like to consider is that of e-books, which have been briefly mentioned. The trend towards the use of e-books is increasing. Amazon says—admittedly, we are talking about buying rather than borrowing—that it sells twice as many e-books as hard copy books. What are the implications of that for the library service? What innovative ideas can it come up with that will enable people to access those sorts of books? If we think about the matter, it is a no-brainer. There are 1 million free books on Kindle, which we ought to try to make available to local people. Kindle has another 500,000 books available to buy. The cost of a Kindle book is usually 50% or two thirds less than the hard copy. The issue is a challenge that we must face head on.

I am pleased that Devon county council has been chosen as one of the pilot areas for the future libraries programme, and it is healthy to start looking at what we should be doing on that. We need to draw a distinction between what we do in our towns and what we do in our villages. In Newton Abbot, I am lucky that £2.8 million has been spent on a state-of-the-art library. However, it is not only a library, because it will also provide adult learning and an opportunity for adults who want to know how to spend their care budgets to talk to a professional about how they can do that. Such an approach will provide an opportunity for children to link together and for individuals to take what looking at books is about to an educational level rather than them simply having an informative role. That is where the opportunity is.

As I have said, I will not make a long contribution. First, we need to look at the better use of buildings, which I am pleased to see we are doing. In rural communities, having one or two buildings rather than five or six—if an area is lucky enough to have that number—is the right way forward. Secondly, we need to consider how to move libraries from being knowledge based, which was where they started, to being education and community based. Thirdly, we need to consider the challenge of technology and how libraries can address that.

10.37 am

**Mr Iain Wright** (Hartlepool) (Lab): It is an honour to serve under your chairmanship, Mr Turner. I congratulate my hon. Friend the Member for Wigan (Lisa Nandy)

on securing an important debate. In the time I have, I want to focus on a number of points relating to Hartlepool's library provision. In our town, we are fortunate to have well used and much loved library provision. We have the central library in York road, Owton Manor, Foggy Furze, Seaton Carew, West View, Throston and the Headland, as well as mobile libraries serving communities that do not have ready access to fixed branch library provision. We also have a home library service that provides for people aged over 80 or with a disability to be regularly given books based upon their knowledge and preferences.

I want to focus on two things. First—this has been touched on already—libraries make an enormous contribution to instilling a love of learning among young people through working in partnership with nurseries, schools, Sure Start and children's centres. Fifteen years ago, Hartlepool children were well below the national average in GCSE attainment, but they are now well above the national average. The high quality provision that we have in libraries, coupled with investment from the previous Government, has played an important part in that.

At the other end of the age spectrum, good quality library provision can save money with regard to social care and NHS services for the older population. For example, the home library service involves people going into homes and talking to people, which reduces an older person's sense of isolation. Such a service can pre-empt problems and provide early intervention, so that more expensive and traumatic treatments from the NHS and social care are avoided.

I do not blame local politicians for the choices that will have to be made; I blame central Government. Hartlepool borough council faces cuts of 30% in its £90 million budget in the next four years. When people are dealing with social care budgets or child protection, it is easy to see library provision as a soft target. As I have said, I blame central Government, and I ask the Minister to think again. Foggy Furze library in my constituency is due to close next month, and the merging of Throston library with the community centre has also been proposed. We face big cuts to a high-quality and much-loved service. I ask the Minister to use his powers in government to ensure that libraries are helped as much as possible and that Hartlepool's excellent service is both retained and enhanced.

10.40 am

**Gloria De Piero** (Ashfield) (Lab): I congratulate my hon. Friend the Member for Wigan (Lisa Nandy) on securing this important and timely debate. Her fears for the future of the nation's libraries are shared throughout the country by people of all parties and none, as my right hon. Friend the Member for Oxford East (Mr Smith) pointed out when talking about the protests in his constituency. Libraries are popular: my hon. Friend the Member for Hartlepool (Mr Wright) discussed the popularity of libraries in his constituency, and my hon. Friend the Member for Wirral South (Alison McGovern) talked about waiting lists for reading groups. The hon. Member for Mid Dorset and North Poole (Annette Brooke) also said that library usage was up in her constituency.

I shall start my winding-up speech by focusing on the social progress and advancement for working people that libraries provide. That was alluded to by my hon.

Friend the Member for Wigan and by the hon. Member for Aberconwy (Guto Bebb). People have spoken passionately in favour of libraries because they facilitate social mobility. The Victorian pioneers who began the public library service were not a bunch of crazed public spenders. Many were hard-nosed men of industry who realised just how vital it was for both the economic and the moral health of their communities that ordinary men and women had the opportunity to learn from the great books and journals that were accessible for the first time to those without means. They gave that opportunity for self-improvement to so many.

That was a public value, which was given legal recognition by the Public Libraries and Museums Act 1964. That declared, as plain as can be:

“It shall be the duty of every library authority to provide a comprehensive and efficient library service for all persons desiring to make use thereof”.

Whose Government passed that legislation? None other than that of the 14th Earl of Home, better known as the Conservative Prime Minister Alec Douglas-Home. That was the age of one-nation conservatism, when even the Tory party believed in something real called society.

Let us talk about the people whom libraries serve. They serve millions of mums, such as those in my constituency who tell me that their youngsters cannot get through the contents of the local library’s children’s section fast enough. These mums are desperate to give their kids a head start through good reading skills and an understanding of the world gained through books.

**Ms Diane Abbott** (Hackney North and Stoke Newington) (Lab): We have heard about libraries as a leisure activity for people in their later years and as places housing computers, but does my hon. Friend agree that there are still communities for whom libraries are a window for their young people on the world of books and learning? I was brought up in a household in which there was one book—the “Encyclopaedia Britannica”. When I had just turned five, my mother took me to the library. She did not read, but she understood the importance of reading. We need to preserve libraries for communities in our cities and rural areas, where libraries give children their first introduction to the world of books and learning.

**Gloria De Piero:** My hon. Friend makes a good point about social progress, social mobility and advancement. Some of the mums whom I speak to do not have much money, so without easy access to a local library, their kids simply would not have books at home. Some of the mums are better off, but even those on middle incomes tell me that they cannot afford to keep up with their kids’ appetite for new books. The Minister can no doubt pop on to Amazon with his gold card whenever he likes, but that option is not open to millions of our fellow citizens, especially at a time when the cuts and tax hikes of the Government of whom he is a member are hitting family budgets throughout the land.

It is not just mums who are served by libraries. They also serve people seeking work and those looking for a better job. Jobseekers have told me that many big employers now advertise online only. As my hon. Friend the Member for Wigan has said, more than one in four households are not online, and the lowest earners are the least likely

to have internet access at home. Without access to the internet at their local library, they would struggle to find out about vacancies.

Those seeking new skills rely on their libraries, too. The actor Chris Gascoyne, who is from my constituency of Ashfield and is now a leading light in “Coronation Street”, told me quite plainly that much of the reason why he has become a successful actor is that he fell in love with the library in Sutton in Ashfield. If people slash the library, they are slashing routes into the world of work. How much of a false economy is that?

I have not mentioned the battalions of school kids who rely on their local library to do homework, to study for exams and to help to guarantee their future success, as alluded to by my right hon. Friend the Member for Lewisham, Deptford (Joan Ruddock). No one is saying that the library service cannot modernise and that it should not continually look for ways of achieving more bang for its buck. However, I am sometimes confused when I read speeches given by the Minister, because whenever he is in front of an audience that cares about libraries, he says that he will

“do my best to be a champion for libraries as your minister.”

He says that he will

“keep emphasising the importance of libraries”.

He also says:

“Libraries offer opportunities and sustainable solutions—they are not a service that is simply an easy cut in tough times.”

I do not know whether those words will reassure the hon. Member for North Swindon (Justin Tomlinson) or whether he shares my fear that they are warm words, which, as always, are charmingly spoken but which mean absolutely nothing when they come up against the reality of the pernicious local government settlement that is threatening libraries up and down the country. News is coming in from all over the country of threats to libraries. According to media reports, more than 400 libraries and 50-plus mobile libraries are currently under threat or have recently closed, and those are only the figures from half the local authorities that have done their settlements. I apologise for not having exact figures, but despite my repeated pleas to the Minister in written questions, he has not given me an exact figure.

Where libraries are not closing, they are reducing the service. Where I live in Nottinghamshire, the Conservatives reign supreme on the county council. They propose to reduce the budget for buying new books from £1.6 million to just £400,000—a cut of 75%. The average age of a book in a Nottinghamshire library will go from 5.4 years to 21.5 years, so when people sit in Notting Hill discussing the Booker shortlist, it will be two decades before those titles reach Sutton in Ashfield. What is the reason for that? The Conservative leader of the county council has summed it up. It is

“to meet the challenges of the financial settlement for local government”.

That is echoed by councils throughout the country, which many hon. Members have referred to during the debate.

If any part of my constituency reminds the world of the power of literature, it is the town of Eastwood, where my home is and where the adolescent D. H. Lawrence would borrow books on Thursday evenings from the lending library at the Mechanics institute, yet even there, where there is positive proof of the power of

[Gloria De Piero]

social mobility, the Conservative council is proposing to cut library opening hours by 40%. I feel sorry for budding Lawrences among today's residents of Eastwood.

The Minister often says, "Not me, gov."—he might put it more elegantly than that. He has written to every local authority, reminding them of their statutory duty on libraries, but he knows that such a letter is not worth the paper that it is printed on when his ministerial colleagues are ensuring that local councils simply do not have the cash to maintain, never mind improve, their library service. He will not get away with it, because voters throughout Britain can see that this good-value service on which they rely is under threat directly because of the coalition's policies, and when they look for the fingerprints on the murder weapon—as Agatha Christie, one of library users' favourites, might have put it—they will see that the Lib Dems' paws are all over it.

I hope that every local Lib Dem councillor realises that there is no point in rushing out a petition to save their local library when their MPs in Westminster are standing by as the service is slashed. As the Minister said on the radio on Wednesday, "You have to elect councillors who believe in libraries and you have to campaign in your local area to get councils to back their library service." Exactly, but there is only one party whose record in government locally and nationally shows that it can be trusted to protect our libraries, and I am proud to say that it is my party.

There can be no better indictment of the present Government's hypocrisy than their treatment of Britain's libraries. They spill out warm words of support while starving libraries of the cash that they need to continue. They pretend that these huge savings can be made without taking books off the shelves or turning the lights out as libraries close, although the Minister and his colleagues know that that simply is not the case.

It is time for the Minister to come clean. Will he accept that he is not a champion for libraries and that he is responsible for a reduction in services? Will he tell us whether he warned the Chancellor of the Exchequer and the Chief Secretary to the Treasury during the spending round that the cuts to local authorities would put them under pressure to reduce library provision? Will he tell us just how far he thinks library services can be cut while the law is fulfilled? Will he guarantee that the 1964 Act will remain in place for the lifetime of this Parliament? Finally, does he accept that librarians, such as the ones whose expertise we, as MPs, are lucky enough to draw on in the House of Commons, require special skills, or does he have plans for the House of Commons Library service to be staffed by volunteers? There are many questions for the Minister, and I hope that he will now provide some answers.

10.50 am

**The Parliamentary Under-Secretary of State for Culture, Olympics, Media and Sport (Mr Edward Vaizey):** I am grateful to serve under your chairmanship for what I think is the first time, Mr Turner. I congratulate the hon. Member for Wigan (Lisa Nandy) on calling this important debate.

I thank hon. Members for some extremely valuable contributions. I thank not only the hon. Member for Wigan, but my hon. Friend the Member for North Swindon (Justin Tomlinson), who showed how a go-ahead and visionary local authority can adapt its library authority. The hon. Member for Hampstead and Kilburn (Glenda Jackson) gave an impassioned defence of her local library service and called for more Government spending as we tackle the deficit. The hon. Member for Mid Dorset and North Poole (Annette Brooke) rightly said that her county council is making the decisions, some of which she disagrees with, and she is perfectly within her rights, as the local Member, to do so. The right hon. Member for Lewisham, Deptford (Joan Ruddock) gave an inspired review of what is happening in Lewisham and said the changes there are a great success in the making.

**Joan Ruddock** *rose*—

**Mr Vaizey:** I will just finish my review, if the right hon. Lady does not mind.

My hon. Friend the Member for Aberconwy (Guto Bebb) reminded us that local authority library services are often debated and that the debate about the future of local libraries did not begin on 6 May 2010. The hon. Member for Wirral South (Alison McGovern), who has introduced a ten-minute rule Bill, reminded us again of her passion for libraries. My hon. Friend the Member for Newton Abbot (Anne Marie Morris) mentioned e-books, which are very important indeed. There are complicated issues surrounding e-books, not least to do with the future of this country's publishing, which is our most important and successful creative industry. The hon. Member for Hartlepool (Mr Wright) ended the Back-Bench contributions by making an impassioned plea for me to intervene in the library service in his area.

The Labour party spokesman, the hon. Member for Ashfield (Gloria De Piero) made a wonderfully engaging speech, which ended with a series of questions for me, but let me also ask her a few questions. I would hate to think that her speech shared the same motivation as that by the hon. Member for Wigan, who revealed what was behind her speech in replying to an intervention when she said that "this is all politics". The hon. Member for Ashfield asked whether I would guarantee the future of the Public Libraries and Museums Act 1964. Yes, unlike the previous Labour Government, who showed rank hypocrisy in publishing a document on the modernisation of the library service just as they were running out of time. Their Minister with responsibility for libraries published a document asking whether we still need a statutory library service. If Labour had been re-elected, it would have got rid of the statutory library service, but Opposition Members now shed tears for the library service. When I campaigned against the closures proposed by the Labour council in the Wirral, where were Opposition Members? Again, rank hypocrisy.

**Alison McGovern** *rose*—

**Mr Vaizey:** I will finish my opening remarks.

**Geoffrey Clifton-Brown:** Will the Minister give way?

**Mr Vaizey:** I will give way to my hon. Friend.

**Geoffrey Clifton-Brown:** The hon. Lady has had a chance to speak. I have been sitting here, but I have not had a chance to speak. I congratulate my hon. Friend the Minister on the way in which he is approaching the subject, but I tell him that Gloucestershire has received the worst local authority settlement in the country. Seven of the eight libraries in my area face the prospect of being cut to volunteer-only services. Will my hon. Friend's officials work with Gloucestershire county council to make sure that it is given every possible support? Even a volunteer library requires seed corn to keep it going. Incidentally, this is not only about libraries being cut to volunteer services, because Gloucestershire's mobile library service is being cut altogether.

**Mr Vaizey:** I will certainly give my hon. Friend that commitment. I will explain exactly what the Government are doing in a minute. First, however, given that this is all politics, let me perhaps correct some of the impressions given by Opposition Members. The hon. Member for Wigan opened by saying that libraries in her local authority had no future.

**Alison McGovern:** I feel driven to intervene because the Minister mentioned Wirral, which is where my constituency is situated. Will he tell us why, if Labour is not committed to the 1964 Act, a Labour Secretary of State used it to inquire into what was happening in Wirral?

**Mr Vaizey:** The hon. Lady will have to ask him—first, because this is all politics and, secondly, because I asked him to do it; indeed, I had to push him, kicking and screaming, to do it.

Every local library is different, but there is a lot of good news on local libraries. For example, Wigan will potentially be part of the Greater Manchester future libraries pilot project, which has already identified 15% savings if the authorities involved work together. Despite the fact that the hon. Member for Wigan said that her libraries have no future, £1.5 million has been invested—

**Lisa Nandy:** Will the Minister give way?

**Mr Vaizey:** No, I will not give way, because I have only five minutes left.

The number of visitors to libraries in Wigan has risen by 13%. Tower Hamlets closed libraries, but it did so with a strategic vision, re-engineering them and turning them into idea stores. Calling libraries idea stores upset some traditionalists, but visits to idea stores have gone through the roof. Despite reducing its budget, Hillingdon has kept all its libraries open and refurbished them under the inspired leadership of Councillor Henry Higgins. This week, I met representatives of Havering, which is pioneering signing up kids and babies to libraries. The London Libraries Consortium—12 authorities working across London—has already made enough savings to increase opening hours substantially. Swindon, which I visited in opposition—I invited a prominent library campaigner to visit Old Town library with me, but he told me he was too busy—has invested £10 million in a central library and has moved the Old Town library to

an arts centre, where there have been more visits. Lancashire has pioneered the “Get it Loud in Libraries” scheme. What happens also depends on how people go about things. The local authority in Leeds is closing libraries, but it is doing so in a strategic way and bringing the local population with it.

I have not sat back. My first speech as a Minister was on libraries, when I communicated my passion and support for libraries. I said it was right—I think it is right—that local library users challenge a local authority that is planning to close libraries. My first executive action as a Minister was to set up the future libraries programme, because I felt passionately in opposition that much of the innovation in good library authorities was not being communicated to many authorities that were perhaps not so innovative and which did not have such a go-ahead approach. After the debate, I will meet some of the local authorities involved in the 10 pilot projects. I also made sure that the Local Government Association was involved in the project from the start, because libraries are a local authority service.

I recently wrote to every local authority in the country—there are 151 library authorities, and I have gone on record as saying that that is too many and that people should be thinking about cross-border working and mergers to reduce overhead costs—to remind them of the statutory duty, which still exists thanks to the election of a Conservative-Liberal Democrat coalition Government and despite Labour's plans to get rid of it.

At any one time, local authorities are considering their plans, and almost every library closure that has been mentioned today is a proposal—these things are being consulted on. In Oxfordshire, in my own backyard, the proposals will undergo a three-month consultation. In response to my hon. Friend the Member for The Cotswolds (Geoffrey Clifton-Brown), let me say that the Museums, Libraries and Archives Council—I pay tribute to Roy Clare, who is a fantastic leader of that organisation—is working with authorities to show them ways of moving forward without necessarily closing all the proposed libraries.

No hon. Member can say with all honesty that no library should ever close in any local authority area. We need a strategic vision. The good thing that came out of the Wirral inquiry, apart from the fact that the Wirral's libraries were saved, was that the Charteris report now provides local authorities with clear guidelines on how they should reorganise their library service, if that is what they want to do.

Some 75% of children and 40% of adults visit libraries. Unlike the hon. Member for Wigan, who introduced the debate, I think that libraries have a future. We talked about the potential closure of the Kensal Rise library, which was opened by Mark Twain, and despite the best efforts of Opposition Members, I have to say that the death of libraries has been greatly exaggerated. It is up to local communities, working with local councillors, to keep our libraries open, with volunteers supplementing and working with librarians, rather than replacing them. All of us who care about libraries must work passionately to save this service and make it as effective as possible, instead of spreading pointless scare stories.

## Property Market

11 am

**Richard Harrington (Watford) (Con):** I have an interest to declare, which is in my entry in the Register of Members' Financial Interests, because I have for many years been a director of a company involved in, among other things, the development of housing, although I have no active involvement in the company. I thank Mr Speaker for selecting my debate; it is much appreciated.

Housing is on the mind of most Members of Parliament, as much of our correspondence relates to it. I am pleased to see the Minister for Housing and Local Government here; I am sure that he will, as a Watford grammar school boy and former Watford resident—he has gone on to greater things and places—find some of the points I shall make very relevant to that place.

Housing has the attention of the media, and a recent article in *The Guardian*, following an interview with the Minister, was headed “Minister pledges an end to the housing price rollercoaster”, which I was pleased to read. However, for people who are struggling to get on the first rung of the ladder, things have never been more difficult. In my constituency in 1996, the average price of a house was more than £73,000. By last year, notwithstanding some reductions in prices, it had reached £234,000. It is easy to see how difficult the situation is for first-time buyers whose average age, calculated locally, has risen to 37 years old. I was delighted that it was announced in the comprehensive spending review that the Government will increase housing supply

“by reforming the planning system so it is more efficient, effective and supportive of economic development.”

I am delighted that the Government have recognised the problem and are committed to tackling it.

It is fashionable to place the blame for the current situation on the recession and the banks, but I believe that for many years, from before the recession, there has been a consistent structural problem—a fundamental demand for housing which greatly outstrips the supply. Only an increase in supply will meet demand, tackle the problem effectively and create greater opportunities for first-time buyers.

**Mr Lee Scott (Ilford North) (Con):** I congratulate my hon. Friend on obtaining the debate. Does he agree that while the blame does not rest totally with banks, they are making things increasingly difficult for first-time buyers and, indeed, for other people who want to move home?

**Richard Harrington:** That is correct, and a valid intervention, which I intend to discuss briefly.

The demand side of the equation is clear. Short-term economic factors may have reduced it, but the fundamentals are as bullish as ever. The south-east, according to all the research that I have seen, is expected to continue the population growth trend, and despite all the incentives that the Government may provide for a change in regional preferences I think that the trend is unstoppable. Without going into too much detail, the factors include migration, the social trend towards more households following divorces, the population getting older and the

great predilection for living in small households. Above all, I do not think that anyone can say that the demand side will change much.

My hon. Friend the Member for Ilford North (Mr Scott) mentioned lending. At the moment, one of the biggest obstacles is the decline in lending. The figures show that the contraction in UK mortgage lending since 2007 has been the most severe on record. In 2008 and 2009, about 500,000 loans were granted for house purchase. That is a lower figure than for any year since 1974.

**Mr Stewart Jackson (Peterborough) (Con):** I congratulate my hon. Friend on securing this debate. Is he as concerned as I am that the review being undertaken by the Financial Services Authority may not only stifle mainstream mortgage products but prevent the development of new products for intermediate housing, such as do-it-yourself, shared ownership and key worker schemes?

**Richard Harrington:** My hon. Friend makes a valid point on a subject that I intended to mention later. The Financial Services Authority is reviewing the mortgage market and, from all the indications that we have received, it intends to bring in, with the intention of protecting the consumer, various restrictions, such as appraising customers and reducing the type of mortgage available, that will significantly reduce the supply. I know that Ministers are aware of that, and I hope that they will bring as much pressure to bear on the FSA as they can. It is fair to say that the lending side is definitely a short-term constraint, but for the purpose of this debate, I will put it to one side. However, I am not trying to reduce its validity.

The core of my argument concerns the supply side of housing—the availability of land with planning permission to build social and private houses. Although I fully support the Localism Bill and its core values of local people and their representatives being responsible for their own actions, I believe that in respect of planning, it could significantly adversely affect the supply of land for housing. If the incentives on offer do not outweigh the anti-development sentiments of residents and their elected representatives, we are in real trouble.

Indeed, the Localism Bill will liberate local communities from stifling Labour targets, especially the well-intentioned but misdirected regional spatial strategies, because it is clear that they have not worked. New homes are being built at the slowest rate since the war.

**Alison Seabeck (Plymouth, Moor View) (Lab):** Does the hon. Gentleman not acknowledge that since the Secretary of State's letter went out saying that people could ignore the RSS and everything attached to it, planning applications, and therefore the build for housing, has actually gone off a cliff?

**Richard Harrington:** I agree to an extent with the hon. Lady, and I hope that my position will become clearer a little later.

Watford, like many constituencies in the south-east, is badly in need of housing supply; there is no dispute over that. Even during this recession, there has not been an overhang of unsold properties. If development does not come to such regions, a whole generation of people may find themselves priced out of the market for years to come.



The Localism Bill fails to address a serious issue with regard to policy and planning. A YouGov survey, commissioned by the New Homes Marketing Board, revealed that more than eight out of 10 people believe that Britain needs more housing for sale and rent, especially for first-time buyers. That is very much like a “hands up all those who are against sin” argument. The survey also showed that far fewer people—just about 50%—welcome the construction of more homes in their immediate neighbourhoods. Such a view is significantly understated, because when I send out surveys to my local residents, stopping nearby developments comes back as an important priority.

**Mel Stride** (Central Devon) (Con): I congratulate my hon. Friend on securing this debate. Like him, I believe that this is an extremely important subject, particularly in the south-west where affordable housing is a real issue. As I understand his argument, he is suggesting that incentives may not always work as a driver of development. Equally, however, does he accept that to go back to the regional spatial strategy scenario that we had under the previous Government, in which top-down diktat told local communities the amount of development that they could have and where it would be, would be a severely retrograde step?

**Richard Harrington:** I agree totally with the Minister with responsibility for planning that we should not return to Stalinist central diktat. My argument will hopefully show that there are more tools in the box other than just the financial incentives that the Government have bravely introduced as a core of our policy. I am very much against central targets because they have not worked, not to mention the issue of morality or believing in local government, which I do.

[MR LEE SCOTT *in the Chair*]

I agree that the Localism Bill has great potential to free local communities to decide for themselves the housing that they need. However, we must acknowledge that the other side of that coin: the Bill will empower those people who are opposed to development in all its forms, so there are two sides to the measure.

**Graham Jones** (Hyndburn) (Lab): Will the hon. Gentleman explain to the Chamber the difference between a supplementary planning document and a neighbourhood development order?

**Richard Harrington:** Again, if the hon. Gentleman has a little patience that difference will emerge as I make progress.

We have to do as much as we can to ensure that new homes are built, but there will always be people who oppose development. Sometimes, what is needed to meet the needs of the larger community can be stifled by those who, understandably, have their own personal interests at heart. It is not simply a hypothetical question. The issue has arisen in several places around the country, following the letter from the Secretary of State. Although regional spatial strategies were clearly not successful, evidence of nimbyism has also appeared, with the recent departure of those strategies. I will give some examples that right hon. and hon. Members may find of interest. In Bath, for instance, the number of homes to be built around the area has been cut by nearly 50% under the

city’s draft core strategy. Previous targets proposed by the South West Regional Assembly envisaged more than 21,000 homes being built during the next 20 years, but that figure will now be cut to 11,000. North Somerset is cutting its target for new homes from 26,000 to 13,000.

**Andrew Griffiths** (Burton) (Con): My hon. Friend cites a number of targets, saying that one region wanted 21,000 new homes and another region wanted more. However, the reality is that those targets were fantasy targets. Those new homes were not built. We can set targets as high as we like for the building of property, but under the old regime—under the failed Labour policies—houses were not built and, more importantly, the local communities that had those targets forced on them were very upset about it.

**Richard Harrington:** I cannot dispute the validity of what my hon. Friend says, as I am very familiar with his constituency and with my own. The demand for housing in Watford is significantly greater than demand in Burton, but both constituencies offer an illustration of how the RSS and those targets do not work. I am giving examples. My hon. Friend may say that the targets were fanciful, but they were aspirations. Now no-one will say that these new targets will be reached, because my hon. Friend’s argument is the same as my own—there is always a presumption against development locally. There are councillors who are elected, one after the other, on anti-development platforms. They come from all parties; I am not picking out one particular party in that respect. However, the fact is that targets have been reduced all over the place, in St Albans, in Wiltshire—I could go on, as I have a list of quite a few areas.

**Stephen Lloyd** (Eastbourne) (LD): I thank my hon. Friend for giving way; he has been very patient in allowing us all to intervene, which I appreciate. Does he agree that a measure that will help people to find homes is another change that the coalition Government are introducing, thereby moving to a default situation where it is easier for people in receipt of housing benefit to opt for it to be given directly to the landlord rather than having it go via the tenant?

[MR ANDREW TURNER *in the Chair*]

I know that my hon. Friend is talking about property sales, but does he agree that that change is another example of the coalition Government being practical and pragmatic, making it easier for people to have their own houses, even if in this instance they are rented houses.

**Richard Harrington:** I agree with my hon. Friend, except to say that he says that I am talking particularly about private housing. That is true, but in fact it is really the overall supply of housing that I am interested in and for whatever purposes, whether it is housing for private tenants or for social tenants, shared ownership or outright freehold ownership. I think that the principle is the same; we are talking about supply. However, I totally support that measure on rent that the coalition has introduced.

The core of the Government’s strategy is the new homes bonus, which was introduced as an incentive for councils to build. It may well succeed—I hope that it

[Richard Harrington]

does—but I have spoken to a number of people in the industry. My right hon. Friend the Minister might say that they have vested interests as planning officers, house builders and so on, but whatever their other interests, they certainly have an interest in supply. Their concern is that the bonus will not be sufficient in itself to encourage councils to build.

If a development of new houses is opposed by local residents, local councillors elected on a non-development ticket are unlikely to take action on an issue that might work against them at election time. I do not believe that five or six years of council tax will be a convincing enough reward. I say that not to discount the scheme but to raise obvious concerns to Ministers that other weapons, tools and policies might be needed as well.

My right hon. Friend the Minister believes that residents and their representatives will change their views because of the benefits that their communities will receive from the new homes bonus. He regularly cites a large brownfield site in his constituency of Welwyn Hatfield where the new homes bonus—the money that the council will receive for a housing development on that site—will pay for a renewal of the whole town centre. I can see that—after he mentioned it to me at a meeting in Hatfield, I went to visit the site, and I accept that it is a compelling argument—but most developments are much more controversial than that. In Watford and, I suspect, many other constituencies, the available development land comprises many small sites for which the NHB money would not make a sufficient difference to the community coffers to provide any incentive, although I can certainly see how the big flagship schemes would do so.

I am not negative about the new homes bonus, and I hope that what I am saying will not be interpreted as such. I just do not believe that it will necessarily be enough. I have positive suggestions to make. Some simple considerations might do much to ensure what we want and what the Minister has declared many times that he wants: an increased supply of land with planning permission.

It is crucial that PPS 3, which is under consideration, preserves the obligation of local planning authorities to maintain a five-year housing land supply and to take a five-year view. Although the process is made cumbersome by a lack of nationally accepted guidance on how to calculate land supply—it is a matter beyond my intellectual capacity as a Member of Parliament—I am sure that there are many professional people on different sides of the argument who have views. The implementation of such a measure—not a target, but a measure—would at least ensure an impartial intermediary. I suggest that the Government convene an advisory committee drawn from leading planners, housing and economic experts, Government and local government to draw up a suggested standard methodology for calculating land supply figures. I repeat that it would not be a return to the over-centralised approach of the past, but it could be a sensible way to ensure that best practice is captured so that local councils make informed decisions.

**Justin Tomlinson** (North Swindon) (Con): I thank my hon. Friend for giving way in this important debate. I understand the thrust of his argument, having represented

a new-build area as a councillor for 10 years while the number of houses rose from 1,800 to 8,000. However, does he agree that solutions to housing pressures must not come at the cost of appropriate development? The high-density housing typical under the last Government, lacking open space and parking provision, simply stores up problems for the future.

**Richard Harrington:** I agree that a balance is needed. We have all seen such developments in our constituencies—high-density blocks of flats with no greenery, no surrounding area and no provision for infrastructure. Yes, I agree absolutely.

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

**Richard Harrington:** May I make a little bit of progress first? I am not trying to ignore the hon. Gentleman; I am just trying to get my flow going.

I am against the centralised approach of the past. I am asking only for effect to be given to a measure proposed in the open source planning document as well as the Government's Green Paper. We have to carefully monitor the incentives that we are introducing, such as the new homes bonus, to ensure that they in fact do what they are intended to do. If development targets continue to be halved by local authorities, surely we have to consider other ways to encourage the increase of supply that we all believe necessary. It would be much better if the powers were put in place now, rather than when the problem manifests itself, when it might be too late.

It is very clear to me that the Bill must contain a presumption in favour of sustainable development, so that if the local community has not drawn up its own plan for development, businesses can get involved. The economy is a very important reason for increasing the supply and taking the initiative, but obviously it would have to be proved that the proposals were sustainable. I am most impressed by the presumption in favour of sustainable development. It was one of the most far-sighted proposals in last year's "Open Source Planning" Green Paper, and was reaffirmed with even more vigour in the local growth White Paper later in the year. It is really important that it is brought into effect as soon as possible.

**Alison Seabeck:** I thank the hon. Gentleman for giving way during his very thoughtful speech.

The presumption in favour of sustainable development is not in the Bill, and a number of witnesses have raised concerns about that in the Bill's first public evidence session.

**Richard Harrington:** I thank the hon. Lady for her intervention, and I hope to sit in on some of the future public sessions of the Bill Committee.

In the Minister's opinion, does the Bill remain in step with the White Paper statement about its three functions? The White Paper states that those functions are to allow people to shape their own communities—which I think it clearly does; to provide sufficient housing to meet demand; and to support economic development. I am not sure whether the new homes bonus is enough in respect of the second and third functions, and I think

that the Government should create a back-up plan to ensure that development continues.

I should like to take this opportunity briefly to consider shared ownership schemes, which are a very important way of increasing home ownership, and of helping the demand and supply sides to meet. On 21 October, I submitted a written question to the Minister for Housing and Local Government about the Government's plans to increase shared ownership and low-cost home ownership schemes, which, as I have seen in my constituency, are a very affordable and attractive prospect at the present time. The response was very positive:

"We announced in the spending review almost £4.5 billion investment...a new delivery model is expected to deliver up to 155,000 new affordable homes".—[*Official Report*, 2 November 2010; Vol. 517, c. 671W.]

To the best of my knowledge, the details that we have been promised have not yet arrived, and I encourage the Minister to give us some information on that. I very much support what the Government are trying to do with shared ownership, and would like to see progress on that as soon as possible.

**Paul Uppal** (Wolverhampton South West) (Con): I thank my hon. Friend for securing this debate. I have been involved in property for about 20 years, and so this is an area that has concerned and perplexed me many times.

I understand the premise of my hon. Friend's argument this morning, and have no issue with that; he is wholly correct. On the supply side, however, and particularly in terms of demand, in the UK we suffer from an exceptionally large number of people who aspire to own their own homes, compared with our continental neighbours in Germany and France, where there are much higher levels of renting. I have found that institutional investors often look for avenues through which they can get into the residential market, particularly from a letting perspective, and they have often approached Governments regarding the best way to do that. One area that is particularly talked about is the shared ownership vehicle. I do not know whether my hon. Friend, or the Minister later, will be able to comment on that, but I echo the sentiment of shared ownership as a way of solving the problem—not wholly, but certainly helping.

**Richard Harrington:** My hon. Friend has made an important point about the vehicles that can be used, and I am sure that the Minister will comment on that. I very much supported the introduction of the real estate investment trusts scheme into this field, but my argument today is about the supply of land for housing development, some of which—a greater percentage, I hope—will be for shared ownership; some of it will be for private ownership and private tenants, and the different forms of social housing. I do not think that my hon. Friend's point, valid though it is, is relevant to that argument.

I remind hon. Members that the lack of accessible housing for first-time buyers is not just a housing issue, or something to do with the idea that an Englishman's home is his castle, and people's desire for their own home. It has serious ramifications for the future of Watford, as for many other places. To use Watford as my example, as I should and must, it has for a long time been a popular place for young professionals, people working in and opening new businesses, and families

seeking a first step on the property ladder. It is quite near London, and a lot cheaper, and it is a nice place to live. I say that in my capacity as honorary president of the Watford tourist board—but it is a nice place, and people enjoy going there. It is close to London without London prices. However, I have a significant fear that without housing supply at reasonable prices, which is a function of supply—we know that the demand will always be there, or I at least believe it will—the area will have difficulty in attracting young professionals, and attracting people to open or engage in businesses. That is the most significant aspect of what is a serious matter, with huge implications.

I support localism and I applaud the Government's efforts to introduce it throughout the country, but my central argument, which I hope the Minister will accept, is that it must be part of a balanced package. We must avoid any trap; for the last Government it was their obsession with centralism—the Stalinism that I mentioned before—but that must not be replaced by a similar obsession with localism as the only way to obtain housing supply.

**Graham Jones:** I thank the hon. Gentleman for obtaining the debate; it is a great debate, which is primarily about the south, and under-supply of housing, and I am happy to engage in it. To return to the point about the Labour Government being a centralising Government, could the hon. Gentleman tell me the difference between a supplementary planning document and the new neighbourhood development orders? If Labour were centralising, what was an SPD?

**Richard Harrington:** I do not think that it makes much difference to the argument. In practice there is not much of a difference; I understand there is one, realistically. I look forward to the Minister's comments and the contributions of colleagues. I feel I have made my point.

**John Stevenson** (Carlisle) (Con): I am grateful to my hon. Friend for securing this debate, which is very useful. I agree with the general thrust of his argument that we need more supply, but he has not touched on the matter of empty properties, how we could bring them back on to the market, and whether there should be incentives to do that, which would increase supply.

**Richard Harrington:** That is a valuable point. In Watford there are several hundred empty properties. I keep an eye on that. To give credit to the local council, it is also trying. However, there is more to the question of empty properties than meets the eye. Some of them are transiently empty, not empty over the long term. Some are not in the condition that they should be, and some are in areas of town where people do not want to live. I had this very discussion outside the Chamber with my hon. Friend the Member for Burton (Andrew Griffiths), who mentioned that it was a particular problem in his constituency. I do not make it out as of no consequence—it is important—but it is peripheral to the main argument. We shall not merely need 100 or 200 extra homes in our constituencies—which might or might not be obtained by making progress with empty properties. The question is the fundamental supply of new housing land.

11.29 am

**Mr Stewart Jackson** (Peterborough) (Con): It is a pleasure to serve under your chairmanship for the first time, Mr Turner. I congratulate my hon. Friend the Member for Watford (Richard Harrington) on an excellent, well informed and intelligent contribution to an important debate. However, I fear I may unfortunately disagree with him on a practical and philosophical level.

Under the Labour Government the fewest houses since 1923 were built. Indeed, that Government tested to destruction the idea that centralised, top-down targets could be the way to engender growth in the provision of private sector, intermediate and social rented housing. Another issue, which has been disastrous in relation to social cohesion, is that, even the social housing that they did produce served, in a period of benign economic growth, to embed welfare dependency, to the extent that the number of people in social housing who are in paid work has shrunk every single year over the past 40 years or so. A mono-tenure culture in social housing cannot be right for the community, the economy or for our nation in general.

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

**Mr Jackson:** I will not at the present time, but I might give way to the hon. Gentleman later. I fear that the problem for my hon. Friend the Member for Watford is that he is looking through the wrong end of the telescope. The integral issue is mortgage availability and the fact that mortgage providers have failed to adapt and make progress in the market in terms of providing funding and mortgages to people.

**Richard Harrington:** I thank my hon. Friend for giving way, particularly after I have spoken for 20 minutes. If the banks decided suddenly to lend twice as much money to people who want to purchase houses—we hope that it will happen, so let us pretend for a moment that it will—what effect does he think that would have on the supply of housing?

**Mr Jackson:** As a Christian, I hope that sinners will repent and that the retail banking sector will lend. I think, however, that the issues are much more integral and institutionalised, as my argument will make clear. I welcome the new homes bonus, although I am slightly concerned about its top-slicing element from year three, which could have an impact on the propensity of local authorities to develop its potential—remember that the scheme is about developing housing appropriate for a particular area.

The situation reminds me of the emperor's new clothes—no one quite knows on what evidential basis we are to decide how many houses are needed. Is it the 2004 Barker report? Is it the misguided views of the then Office of the Deputy Prime Minister and the Prescott sustainable communities plan of 2003? We need to step back and carry out a full analysis of the demographic and social change. The hon. Member for Hyndburn (Graham Jones) has made the point—quite astutely, though in a roundabout way—that this should not just be about the south-east and the east of England and London, but that we should spread our country's wealth through the housing market throughout the

UK. In fairness, we are looking at mechanisms such as the regional growth fund, sustainable transport funding and, of course, high-speed rail, which seeks to bridge the gap between the overheating of the south-east and other parts of the country—the north-east, the north-west and Yorkshire and Humberside. We need to have a much more existential approach to why we think we need more houses.

It is also important to think in terms of the operational capacity of planning departments. One would struggle to find many people who would admit that their local authority's planning department is completely fit for purpose. The huge bureaucracy and time lags drive local and bigger businesses and developers mad, because there is not a high degree of accountability in this often technical area for local councillors and residents and, in particular, for business. That causes an enormous and inordinate delay to the development of projects.

**Graham Jones:** Will the hon. Gentleman accept that it is the responsibility of local authorities to fund planning departments and that local councillors have decided that they are a low priority—ditto building control? Will he also accept that the previous Government introduced planning legislation that allowed local authorities to determine what they did and how they did it in their area, but that, because local authorities chose not to resource planning departments, it was left to top-down Government guidance and advice?

**Mr Jackson:** I do not agree with that comment at all. What happened under the previous Labour Government was that central Government decided that councillors were not qualified to decide how much residential development should take place in their area or to co-operate on infrastructure projects. That is something we have made changes to through the Localism Bill, which received its Second Reading last week. In many respects, the previous Government undermined the autonomy and authority of local councillors and planning departments, specifically by adopting a completely crazy top-down and, as my hon. Friend the Member for Watford said earlier, Stalinist approach to the regional spatial strategy. Of course, that did not work. It would have been great if it had actually worked, but—

**Graham Jones:** Will my hon. Friend give way on that point?

**Mr Jackson:** I will not at the present time, but he is always my hon. Friend, especially if he wishes to cross the Floor.

Other operational issues stray into the area of regeneration. It is very difficult to put together a residential and commercial package for brownfield sites because of some of the institutional issues at which the Government need to look. One issue is that of European Commission procurement laws. If there is one thing guaranteed to scare planners off, it is the idea that it will take months and months to put together a package and that they must put the work involved—consultancy and other issues—out to European Commission procurement rules. As I said, that can cause massive delay in bringing forward good projects—for example, shopping centres with associated housing.

The other issue, which was touched on by my hon. Friend the Member for Carlisle (John Stevenson), is that of empty properties. I remain to be convinced that empty dwelling management orders were the right way to go about dealing with the matter. We really need to tackle the issue of empty properties. If we are going to develop on marginal sites—green belt sites and others—we should be able to satisfy ourselves that we have exhausted every other possibility of developing on brownfield sites. We also need to consider the whole area of brownfield remediation. That is an issue for the Department for Environment, Food and Rural Affairs, the Treasury and the Department for Communities and Local Government.

My hon. Friend the Member for Wolverhampton South West (Paul Uppal) made a very astute point about real estate investment trusts. That is a matter the Leader of the House was very keen to take forward when he was Housing Minister in 1996. Some pretty arcane legal and financial rules in the Treasury mean that it has not been possible to develop such a consumer friendly way of accessing private sector capital in the private rented sector. At the moment, such an approach is confined to the student market in university towns. However, we need to have a bigger philosophical debate on whether—I know it is heresy for any Conservative to say this—we have perhaps reached the limit of owner-occupation. If we consider comparative studies in Canada, Germany, Italy and France, people are happy to live in and pay rent for high-quality residential accommodation. We have not exhausted the possibilities of that here.

**Richard Harrington:** It is important that my hon. Friend accepts that although he might be right about housing penetration and such things, those matters are irrelevant to the core argument of the debate, which is that the supply of land is needed—whether it is for rental housing or any other form of housing.

**Mr Jackson:** My hon. Friend has a point. I should not mix my metaphors too much, but if the Government were taking the one-club golfer approach of only putting eggs in the basket of the new homes bonus—we will see from the regulations and secondary legislation how the details of that work out—I would accept the premise of his argument. However, the Government are also looking at community right to build and urban extensions to rural and semi-rural areas because people are very keen to save their post office, their bus service and their local shop. If we can envisage building 10, 15 or 20 houses, housing some key workers and some high-income people, which concurs with, for example, the Sustainable Communities Act 2007—that legislation was passed with cross-party support a few years ago—my right hon. Friend the Minister for Housing and Local Government is absolutely right: people will want to do that. If we do that cumulatively across boroughs and districts, we will drive up housing numbers.

I am mindful of the time, so I will move to a conclusion. We desperately need Treasury buy-in in the housing market to support the new homes bonus and other initiatives such as asset-backed vehicles, in which private sector capital can be accessed for regeneration schemes, including housing; tax increment financing—not just in town centres for retail but for housing-related issues as well—and the important accelerated development zones.

I recognise my hon. Friend's very sincere concern for those young people who want to get on the housing ladder in Watford, and I see the same in my own

constituency. We must not ignore the disparity between the joint income of young couples and the amount that mortgages are proffered at by lenders. That gap is huge, and we need to work with the Treasury and the FSA on the matter. I know that our right hon. Friend the Minister for Housing and Local Government is battling hard to make the FSA understand the practical ramifications of restricting the mortgage market, which will be disastrous for the housing market.

Although I support the views of my hon. Friend the Member for Watford, the picture is technical and very complicated. What we do not want to see is the son of regional spatial strategy. Compulsion has failed, and there is no evidence to suggest that it will work in the future. We all hope that we can build more homes for constituents of all incomes. We all support do-it-yourself shared ownership and intermediate housing to get people on the housing ladder so that we can become a property-owning democracy again.

11.41 am

**Oliver Colvile** (Plymouth, Sutton and Devonport) (Con): Thank you, Mr Turner, for inviting me to speak in this Westminster Hall debate and for giving me the opportunity to serve under your chairmanship. I congratulate my hon. Friend the Member for Watford (Richard Harrington) on successfully securing this very important debate. I need to declare an interest. Before I was elected to this House, I ran and was a director of a communications company, which specifically dealt with issues of public consultation. I no longer have an executive role in that company. I hope that over the course of the past 20 years, I have gained some understanding of the market.

The ability to deliver development hinges on the cost of land—how much it costs a developer to buy so that they can develop it. Last week, we debated the Localism Bill. I was delighted to be able to support it because it is exactly the right road for us to go down. I tried, unsuccessfully, to speak in that debate. Had I done so, I would have reminded the House that when it comes to reforming planning legislation, every Government have always thought that they could speed up the process. Unfortunately, that never seems to have happened, and the process has got progressively slower. If we monitor the whole process now and find that it is slower, will the Minister ensure that we can revisit it and try to reform it?

The key issue for developers is the land and the ability to put together land sites and attract political commitment for development so that regeneration and investment can come forward. The previous Labour Government started off on the right foot. They talked about how important it was to encourage both commercial and housing development. Unfortunately, during the course of their 13 years in power, the process got slower and slower to the point that we were literally looking at only one issue, which was making sure that housing development came forward. In any approach that the Government may take, it is important that they include not only housing but commercial development.

As has been said, we are now building fewer homes than we were in the 1920s and 1930s. The previous Government's top-down approach has not been as successful as we would have liked it to have been. That is

[*Oliver Colvile*]

why I feel that the coalition Government's proposals to introduce incentives so that local authorities can encourage development are incredibly important. I firmly support a carrot approach rather than the stick. It will encourage local authorities such as mine and that of the hon. Member for Plymouth, Moor View (*Alison Seabeck*) to bring brownfield sites back into use and fulfil their full economic potential.

In Plymouth, 38% of the local employed population works in the public sector. Although they do a good job, we have failed to ensure that we rebalance the economy, and we must try to do so. The largest private-sector employer is Babcock, at the dockyard, but that is of course public-sector employment by proxy. I am therefore keen to encourage more private investment in Plymouth. Just yesterday, the deputy leader of my council reminded me that Plymouth is open for business and can deliver. That is good news, but to achieve it in our part of the south-west, we must not only ensure that we have good transport and infrastructure, as my hon. Friend the Member for Peterborough (*Mr Jackson*) mentioned; we must ensure that we have a good skills base. If we are to attract inward investment, we need good infrastructure, a good skills base—people move where the jobs are—and the right general design for the area. Plymouth has a low-skills and low-wage economy. To rebalance it, we must ensure that we have the right conditions to attract inward investment.

Last Friday, Plymouth city council organised an event at which I spoke, as did the hon. Member for Plymouth, Moor View and, I am delighted to say, my hon. Friend the Member for Rossendale and Darwen (*Jake Berry*). We considered the whole business of how to attract investment and so on, and we discussed affordable housing. My hon. Friend did an excellent job and spoke incredibly well. All the reports that I heard said that he certainly hit the issue. It was an opportunity to consider the regeneration that has taken place in Devonport, which we all found interesting and worthwhile.

**Alison Seabeck:** Will the hon. Gentleman at least acknowledge that the development in Devonport, which has been fantastic in turning that community around, was the result of investment by the last Labour Government?

**Oliver Colvile:** Yes. I thank the hon. Lady for her intervention. That investment has continued, and it is impressive how the scheme is progressing. It is developing mixed communities with not only housing but business and commercial opportunities.

Plymouth has about 12,000 people, mainly single, sitting on the city council's housing waiting list. It has a significant population and a chronic shortage of affordable housing, and we must rebalance our public finances. Registered social landlords and housing associations will not necessarily have as much money available as they do at the moment, so we must consider other ways to develop an affordable housing market.

Many rural communities have decided to go down the route of creating community land trusts, and we should consider that for conurbations. I was elected on a campaign of saying to Ministers that Plymouth is not Portsmouth. We are not 20 minutes away from Bristol,

and we should not be ignored. We have a good story to tell. We would welcome a visit by the Minister to Plymouth, which is a happening place, as they say.

**Mel Stride:** Does my hon. Friend agree that in rural settings—particularly villages, where it is important that younger people can afford to stay in their communities in order to keep them vibrant and sustainable—land trusts could perhaps allow covenants to ensure that those who occupy the properties come from the local area and can stay there in perpetuity?

**Oliver Colvile:** I will not pretend that I have a brilliant knowledge of rural development—after all, I represent the largest conurbation west of Bristol—but my hon. Friend is quite right.

We have to look at an imaginative way of doing things, and I have one suggestion, which the Minister might like to take on board. Where we have community land trusts—where the local authority or the local community can own the land, and putting the housing, the bricks and the mortar on it is the least expensive aspect—we might look at returning to an old leasehold arrangement, under which developers could sell the building but hold on to the ownership of the land itself, which would mean that it remained in community use during the course of the leasehold.

I have two final points. If we are to do a significant amount of development and encourage inward investment, can we also make sure that we have good design? One big problem, which we have had in various parts of the country, is that we have not produced the design. Secondly, can we make sure that the local community gets involved? When I did some work in the royal borough of Kensington and Chelsea, I was struck by the fact that the local community was involved in the process of deciding what the master plan would look like. When the planning application was eventually submitted, it went through without touching the sides. My right hon. Friend the Minister has a civil servant in his Department who was very much involved in all that as the borough's director of planning, and that approach worked in a very big way. In this way, we can begin to undertake decent, sustainable development that combines housing and commercial opportunities that deliver employment.

11.51 am

**Peter Aldous** (*Waveney*) (*Con*): It is a pleasure to speak under your chairmanship, Mr Turner. I am grateful to my hon. Friend the Member for Watford (*Richard Harrington*) for securing the debate, which gives me the opportunity to raise issues that I did not have the time to raise during the Second Reading of the Localism Bill last week.

I make these comments having worked as a chartered surveyor for 27 years before arriving in the House. I am no longer practising and I have no ongoing consultancies. I have also been a district councillor and a county councillor. I support the Bill, although as my hon. Friend highlighted, some parts require further scrutiny.

A steady supply of sites needs to be made available for development so that we can not only build much-needed homes, but enable the construction industry to play its full role in securing the economic recovery. We need to ensure that the Localism Bill is a catalyst for growth and not an obstacle to it. Change is needed because the current system is not working. We are not building

enough houses. Patchy local plan coverage has helped to inflate residential land values, taking what were affordable homes out of the reach of so many. The country's infrastructure is also crumbling.

The Bill is radical and bold, and the Minister and his colleagues are to be congratulated on thinking outside the box, proposing a fundamental change in the way the planning system works and a move from a top-down to a bottom-up approach. There is a need to accept that the man from the Ministry does not know best, and there must be a shift of power and responsibility to individuals and local communities. They are, after all, the people who know their areas best.

I support the move towards local decision making, but decisions need to be made in a broad framework to ensure that sufficient land is available for development and to avoid piecemeal, unco-ordinated planning. I would like this framework to incorporate several features. First, we need to ensure that local decisions and local developments have regard to surrounding areas and fit into a countywide and regional framework. The regional spatial strategy was too rigid a straitjacket, but is local authorities' duty to co-operate, as proposed at present, sufficient to ensure an adequate strategic overview? This aspect of the Bill needs to be scrutinised further.

Secondly, to ensure that sufficient houses are built in a district, I propose that consideration be given to asking local planning authorities regularly to assess local housing need, which should be measured in the same way across the country. That will enable councils to monitor their success in providing for development land on which to build the new houses that are so badly needed. Thirdly, arrangements need to be put in place to speed up the whole planning process, including determining planning applications and preparing local plans. One of my complaints, in the past 10 to 15 years of working as a surveyor, is that the system has been getting slower and slower. I look forward to receiving details of how the Government intend to speed things up.

Finally, an issue that needs to be considered is whether the principle of sustainable development should be embedded in the Localism Bill, with the requirement for sustainable development explicitly stated. At present, it is proposed that the need to follow sustainable development principles will be implicit, because that will be included in the national planning framework. However, that has not yet been published, and for my part I believe that sustainability needs to be at the heart of the planning system.

I welcome the move towards neighbourhood planning, with communities being able to write their own neighbourhood development plans. That will give people a real say in how their neighbourhoods evolve, including what type of homes are built, and where they are built.

**Graham Jones:** For the third time I raise the point that under the previous Government, supplementary planning documents meant that, if local authorities wished, their planning departments could approach local communities to develop neighbourhood plans. That facility exists without neighbourhood development orders. I presume that the hon. Gentleman has served on a planning committee. Most of the powers in question exist and were delegated to local authorities. It is the failure of local authorities to develop supplementary planning documents that is the weakness.

**Peter Aldous:** The hon. Gentleman raises an interesting point, which I shall come on to, as I want to set out the issues that need to be addressed for neighbourhood planning orders to be successful. There is a need for capacity building in neighbourhoods, and for communities to have access to advice, training and funding. With that in mind, the ending of support to Planning Aid from March appears short-sighted and I should be grateful if consideration were given either to reviewing this decision or to putting new arrangements in place. It is also important to ensure that all communities participate, not just a few. I should welcome further information on how it is planned to promote neighbourhood planning in those deprived areas where it is most needed.

There is a concern, too, that that some developers might hijack the system. For example, a house builder might offer an enticing planning gain package in a particular neighbourhood, which might appeal to that particular community, but which could have a negative knock-on effect in surrounding areas. How is it intended to guard against such a scenario? Finally, to pick up the point that the hon. Member for Hyndburn (Graham Jones) made, there is no doubt that local planning authorities will incur additional costs in overseeing and promoting neighbourhood planning, and I hope that their funding settlements will ensure that they are not out of pocket in doing so.

The history of levies such as the proposed community infrastructure levy is not a good one. The betterment levy and development land tax resulted in a significant reduction in the amount of land coming forward for development. That is something that the country cannot afford at the current time. I think, however, that the new levy could be different. First, the money will be spent locally and will not be siphoned off by the Treasury. Secondly, much of it will be spent on infrastructure, which most people recognise is badly in need of improvement. Thirdly, an independent examiner will ensure that levies are not set at too high a level. I should welcome clarification from the Minister of why he and his colleagues did not go a step further and abolish section 106 agreements. They have, after all, often been abused over the years. All infrastructure and affordable housing needs could instead be funded out of one easy-to-administer roof tax, which would provide house builders with much-needed certainty.

I am concerned about funding the provision of infrastructure through such a levy, as the dynamics of the development process are such that there may be plentiful funds available for infrastructure improvements in high-value areas, but not in less affluent places, where projects are less profitable and less money is generated for works that cost approximately the same wherever they are built. I would be grateful for clarification of how the Minister will address that concern. The regional growth fund has a role to play, but it is only part of the solution.

The Localism Bill covers a lot of ground, and its objectives are to be commended. It has the potential to change planning in Britain for ever and to re-engage with many who have come to feel disenfranchised. However, the devil is in the detail, and for the legislation to achieve its objectives there are a number of issues that need to be addressed in Committee.

12 noon

**Mark Pawsey (Rugby) (Con):** It is a pleasure to serve under your chairmanship, Mr Turner. I congratulate my hon. Friend the Member for Watford (Richard Harrington) on securing this debate. Although I recognise that the debate so far has been exclusively about housing, its title is “Property Market” and I hope to raise a point about commercial property, when my declaration in the Register of Members’ Financial Interests will become relevant.

[HYWEL WILLIAMS *in the Chair*]

My hon. Friend and other Members are quite right to draw attention to the failure to build new homes at a time when our country needs additional housing. I want to talk about the factors involved, particularly those that relate to the planning system, and to raise the issue of price. My hon. Friend has rightly drawn attention to the link between the planning system and the supply of land for development. We know from a report that came out earlier this month that less land is being approved for development than before. As elected representatives, we all know about the fundamental contradictions that exist within planning. We know that individuals are generally conservative with a small c. They like the environment they live in and they do not want to see change; indeed, they fear change, so we often find communities that are inherently anti-development and which oppose proposals for development at the first opportunity. At the same time, those very people are often looking for places for their children, so that their children can remain within their community, and they are often looking for smaller residential units, too, where they might retire, and which they know in turn will free up family homes for their children in future. Part of the planning system is about the challenge to reconcile those competing influences.

The abolition of the regional spatial strategy was one of the very first acts of the new Government and it is one of the reasons why my hon. Friend the Member for Watford has concerns about whether enough land will be made available for development. However, I think that local authorities have thrown off those shackles as a completely natural reaction, as they were imposed on them by those at the top. If somebody demands or insists that a local authority do something and the local authority then does it with great reluctance, as soon as that demand ends there is an incentive for the local authority to say, “Well, we’re not going to have anything more to do with that, we are going to control our own destiny and take things forward in the way that suits us best”.

However, I believe that there are two measures in particular that will allay my hon. Friend’s anxieties. The first measure, to which my hon. Friend the Member for Peterborough (Mr Jackson) has referred, is the new homes bonus, whereby councils will retain the council tax for six years. It is not a simple concept. It has taken local authorities a great deal of time to work out how they will benefit financially from taking that action. I am delighted that my local authority in Rugby has made the calculations and recognised the benefits that will accrue to it from taking a progressive and positive attitude to the new homes bonus. I think that, as people look in detail at the proposals, more and more communities will say that this idea for dealing with development will mean that the community will benefit and the new homes bonus will start to make a great deal of sense.

The second measure is in the Localism Bill. Like many of my hon. Friends who are in Westminster Hall today, I would have loved to have discussed that Bill last week but I did not have the opportunity to do so. I want to discuss the effective consultation proposals in that Bill, which demand that developers undertake consultation with local communities before introducing development proposals. We know that good, sensible developers, who want to achieve what is best for the communities they want to work with, are doing that anyway. It is in their interests to do so; it is in the interests of a good developer to get the community working on the same side as them.

An example of a developer taking a proactive approach before the Localism Bill becomes law is the developer who is introducing proposals for 6,200 new homes in my constituency on the radio mast site in the west of my constituency. Many Members will be familiar with that site, because anybody travelling up and down the M1 will see the radio mast, with lights on it, which tells them that they are about an hour from London if they are driving south. The site is a sustainable urban extension, and the local authority continues to introduce plans that, in general, are supported locally. There is some immediate local opposition to the site, but I think that one reason why the ideas are making progress is the very effective consultation that the developers undertook in 2009. They held a detailed design inquiry lasting five days. Stakeholders were there for two days, but the weekend was allocated exclusively to the general public. People in the town and communities most likely to be affected by the development were able to talk to the developers about their vision for the site—what they wanted to see on the site and how they saw its future development.

A big part of the consultation was about learning lessons from recent developments in the town. One reason why people have a negative attitude towards development is that they can identify poor development that has taken place, which is often development that has been rushed through without effective consultation. Poorly designed road structures and poorly thought-out houses are built, leading to people being negative about development.

Another feature included in the design inquiry was respect for the site’s heritage. Signals were sent from the site to the British Navy in times of war, so its heritage is important and links into Rugby’s industrial heritage. That will be respected through the retention of existing buildings on the site. A significant issue for local people was the infrastructure and the ability of people in the add-on development, at the extremity of the urban centre, to find their way into the town centre. That was important if the development was to be seen in positive terms as contributing to the development of the town. Businesses will be attracted to our town because of the additional spend from people living in the new homes.

Local people have had their say. I might add that the time taken up in working on the proposals has been beneficial. In fact, the delay in bringing things forward caused partly by the state of the housing market means that we will get better planning. My hon. Friend the Member for Plymouth, Sutton and Devonport (Oliver Colvile) argued for speedier planning decisions. I think that we want better planning decisions, not necessarily faster planning decisions.



The price of land is a key factor in providing housing—in the rate at which housing is made available—because it is a very significant proportion of the eventual selling price of housing. An anxiety that may prevent land from being made available forward and about which my hon. Friend the Member for Watford may be concerned about is that, in many cases, developers have built up land banks at times when prices were rather higher than they are now. That acts as a disincentive to use the land for development now, because if prices are expected to rise in the future, the land value will be a smaller proportion of each house price than if development were undertaken now. It is a perfectly natural reaction for developers to hold on to their land bank in the hope that things will get better.

In respect of demand, reference was made to the uniquely or characteristically British view of home ownership. Homes are seen as an investment, as something to put one's money into to add to one's pension, rather than as somewhere to live. We have seen a massive growth in home ownership, to a peak of 71% of UK homes being privately owned by 2003.

**Mr Stewart Jackson:** Does my hon. Friend agree that one problem with registered social landlords not developing more schemes for shared ownership is that the existing business model is one with a constant stream of housing benefit income—and that has been the case for a number of years—while the Government's reform of housing benefit will use the market mechanism to develop more innovative ways of getting people into shared equity?

**Mark Pawsey:** My hon. Friend makes a very sensible point. Shared equity offers a real opportunity. I like to see variable rates of shared equity, so that people may start with a 25% equity stake and increase that as their circumstances change. That is not happening as often as it should.

Points were made about the availability of finance. People's ability to buy homes is very much driven by their ability to borrow, and there are real uncertainties in the market because of the current FSA proposals, which have been described as draconian. The harder we make it for people to get the level of finance they require, the less demand there will be for housing, and that will provide a disincentive for people to bid at a higher price, which in turn will lead to a further reduction in supply.

I wish to make a quick point on the supply of commercial property, because there is a specific measure that the Government could introduce to provide an additional supply of commercial property which, as we move out of recession, will be increasingly important, at it applies to the non-domestic rates for commercial property that have been in effect since April 2008. For decades before that date, Governments helped struggling businesses through the application of empty property rates relief as an incentive to bring empty commercial property into use; my hon. Friend the Member for Carlisle (John Stevenson) raised the issue of bringing empty housing into use.

If there is insufficient activity in the economy, it does not matter what the rent is, because very often the commercial property will not have a use. That leads to two things: the demolition of commercial buildings, and the fact that there is no speculative building of new

commercial premises, because if someone constructs a building they end up with an immediate liability for non-domestic rates on an empty building; they have an outflow before there is any inflow. As the economy recovers, it will be important to ensure that premises are available for our businesses to use. I again congratulate the hon. Member for Watford on introducing the debate, and I look forward to the Minister's response.

12.12 pm

**Alison Seabeck** (Plymouth, Moor View) (Lab): I need to draw Members' attention to the entry in the Register of Members' Financial Interests under the name of my right hon. Friend the Member for Greenwich and Woolwich (Mr Raynsford), because he is my partner.

This issue is of real importance, and I congratulate the hon. Member for Watford (Richard Harrington) on securing the debate, on developing a strong case for action, and on raising concerns that the Localism Bill will not do what it says on the tin. I look forward to the Minister's response to the hon. Gentleman's well-argued policy points.

House prices are falling and are projected to fall during this year in most regions. The Office for Budget Responsibility has significantly downgraded the prospects for house price growth throughout this Parliament. In December, there was a further fall in mortgage lending of 6% from the previous month, and money market rates are rising, which will have an impact on existing borrowers and create a potential for higher mortgage arrears and repossessions.

Some Government Members spoke with optimism, albeit muted, about the prospects for the housing market. Many raised concerns about the mix of the market, and asked genuine questions about the new homes bonus and the conflict between people not wanting new houses in their neighbourhoods but understanding that their children and grandchildren need housing. The hon. Members for Peterborough (Mr Jackson) and for Rugby (Mark Pawsey) raised those issues. The hon. Member for Waveney (Peter Aldous) reinforced, with some expertise, the points that he made in the Second Reading debate on the Localism Bill, and the hon. Member for Plymouth, Sutton and Devonport (Oliver Colvile) spoke with passion about the planning system, land assembly and, interestingly, the importance of design, a sentiment with which I concur. The importance of growth in sustaining the economy and the housing market was obviously mentioned, and Opposition Members will clearly be worried by the comments of the outgoing director general of the CBI, who said that the Government are not doing enough to encourage growth and that decisions are being taken for political reasons.

Politics in the housing market perhaps does not work well, and I suspect that previous Labour Governments learned that lesson too. Stability in house prices depends on a balance between supply and demand, complemented by a financing system that matches the aspirations of people who want to own their own homes and has the capacity to provide finance. We are not building enough homes to meet the demands of the population, and that goes for homes in the private market, homes for shared ownership and subsidised social rents. We are likely to see fewer additional affordable homes built than during the previous Parliament, when the housing industry

[Alison Seabeck]

was hit as hard as any sector of the economy from 2007-08 onwards, first by the credit crunch and then because of the recession. According to the Minister's figures—they were confirmed in a written answer from the Under-Secretary of State for Communities and Local Government, the hon. Member for Hazel Grove (Andrew Stunell) who, unusually, is not here as he is in Committee—in the previous Parliament, 199,800 additional affordable homes were built. In this Parliament, the Government are aspiring to build only up to 150,000, which is not particularly ambitious.

The Government tell us that development will be driven at a local level via the new homes bonus. The hon. Member for Watford raised concerns here. However, according to the analysis I have seen, if the new homes bonus will work anywhere, it will work in the south-east—not, as my hon. Friend the Member for Hyndburn (Graham Jones) has on many occasions said, in the north. I share the concerns raised by the hon. Member for Peterborough that perhaps impact assessments should have been done prior to the policy being brought forward, so that we really understood where housing needs existed. That reinforces Labour Members' arguments that the Government are moving too far too fast and that they are not looking at the evidence.

Only last week, the Conservative leaders of 21 councils in the south-east wrote an open letter to the Minister in which they declared their serious concerns. They said that they did not see how the new homes bonus scheme provided enough of an incentive to communities for them to welcome development. Again, those concerns were reinforced by Conservative Members. I am also a little surprised that the right hon. Gentleman the Minister of State, Cabinet Office, is not riding shotgun for the Minister today to ensure that he says all the right things and to protect his back from his own side. Perhaps the Minister will enlighten us on the right hon. Gentleman's contribution to his Government's housing policy—the secret review.

The supply of social homes is also relevant to preventing a build up of pressure on an already squeezed private rented sector, tempering rents and allowing potential first-time buyers in the private sector to build up a deposit. The Minister has overseen a process whereby the budget for building new homes has been more than halved and he has placed his faith in the intermediate rent model, which will see social rents charged at up to 80% of the market rent in a given area. In the rest of the country, there is considerable unease that the 80% model will fail to deliver the necessary homes, because for housing associations to move to that model will require a change in their entire business model and therefore necessitate a restructuring of their borrowing with the banks. That will drive up costs and make that method of financing home building unpalatable at best and unworkable at worst. Housing associations are, of course, important contributors to the low-cost home ownership market and shared-ownership markets.

We have noticed, housing experts have noticed and local government leaders have noticed—we have therefore now been told that Downing street has noticed—that the shine is coming off the Minister's policies. In addition to the developing crisis of supply, we have a similar situation with demand, which will also be affected. I

disagree to an extent with the hon. Member for Watford. Unemployment is rising, wages across the public sector have been frozen, mortgage interest rates are already increasing and, with inflation pushing higher because of the hike in VAT, I doubt it will be long before the Bank of England considers that an increase in the base rate is on the cards.

The FSA's review of the mortgage market, which many hon. Members have mentioned, has mortgage providers and house builders on tenterhooks. Although the Minister's press team made sure that we were all aware that he would be meeting the FSA—I have also met the FSA—I have not heard very much from the Minister about the meeting's outcome or what he would like to see out of that review. What did the Minister press Hector Sants to do? Did he ask him to tighten regulation, so that the market stagnates and prices remain low? Or did he argue that regulations should be loosened to encourage more people into the market to stimulate it? Which was it? A stable housing market is a noble aspiration, but it requires concerted action across the sector to deliver the homes we need. I look forward to the Minister's comments.

12.19 pm

**The Minister for Housing and Local Government (Grant Shapps):** I start by congratulating my hon. Friend the Member for Watford (Richard Harrington) on securing the debate, to which there has been an absolutely terrific response. There has been a great deal of support, particularly from Conservative Members, for the subjects being discussed. As my hon. Friend mentioned, I did not just go to school in Watford; I was born and brought up there. As I said, it has been a good and intelligent debate. I will try to address as many of the points made as I can, but I put hon. Members on alert that because some of them went into quite a bit of detail, I will study the transcript of the debate and get back to hon. Members on some of the specifics raised if I run out of time. I am particularly thinking of my hon. Friend the Member for Waveney (Peter Aldous), who raised a series of detailed points that I do not think I will have time to cover.

**Alison Seabeck:** Will the Minister provide that correspondence to other hon. Members who are present?

**Grant Shapps:** Yes, by all means. I have no objection at all to making this a completely open exercise, and my officials will have noted my comments.

As to what we know about the old system, several Members mentioned that it had completely and utterly failed. We did not get to the lowest house building levels since 1923 under the new system, but under a top-down, almost Stalinist approach, which said that we would be able to build the top number of homes that we had set out in the 10-year plan. The pledge was to build 3 million homes by 2020, but the number built crashed through the floor.

The problem was not just the total number of homes being built, but the number of affordable homes, which was derisory, and I know that the Opposition housing spokesman, the hon. Member for Plymouth, Moor View (Alison Seabeck), agrees. Concern was expressed about the amount of affordable housing that would be built under our plans, but despite the £17 billion pumped

into affordable house building over 13 years by the previous Government, the impact was a net loss of 45,000 affordable homes. I can assure the hon. Lady that the coalition Government will do better than that every single year.

**Sheila Gilmore** (Edinburgh East) (Lab): Will the Minister not accept that one reason for the net loss in housing is the right to buy? Is he at all interested in the steps being taken by the Scottish Parliament to restrict the right to buy with a view to increasing supply?

**Grant Shapps:** I cannot answer for the 13 years of the Labour Government, but they had adequate time to make whatever changes they wanted on that front. However, the argument about the right to buy is very much yesterday's argument; it is literally about the '80s and '90s. This year, no more than 2,000 people nationwide are likely to exercise their right to buy. The issue is not the right to buy, but the pathfinder schemes—the housing market renewal that destroyed homes and neighbourhoods. It was partly responsible for our ending up with fewer homes than we started with after 17 years.

I want now to make some progress and to answer the substantive points raised in the debate, which were really about whether the new homes bonus will be sufficient to ensure that we get out of the hole we were left in and back to a world where we can build a sufficient number of homes to look after our population. I accept the comment by my hon. Friend the Member for Watford that the new homes bonus will not be enough. Before I address that, however, I want to point out how powerful an incentive it will be.

The new homes bonus represents nearly £1 billion, which is funded through the spending review programme. It will ensure that, wherever a home is built for the next six years, the same amount as is collected on the average council tax band there will be paid to the local authority. Where an affordable home is being built, an additional £350 is proposed in the consultation document, which is currently in front of me and which I am considering. The new homes bonus is therefore potentially an incredibly powerful incentive to get out there and build homes.

For the first time, there is some real benefit for the community of the individual authority. My hon. Friend the Member for Rugby (Mark Pawsey) mentioned a potential development that I went to see a few years ago. That development could build homes, bring money and facilities in for local people and be a win-win. My hon. Friend the Member for Peterborough (Mr Jackson), who is not called Peterborough's champion for nothing, rightly said that housing can have a dramatic and important influence in terms of improving an area if it is done in the right way and not imposed from the top, but not if it is driven by a regional spatial strategy that takes no account of local needs and requirements.

The new homes bonus will be a powerful incentive. As my hon. Friend said, the billion will run out at some point, so the answer is to go and build homes and use as much of the money as possible now. It will then be top-sliced from the formula grant. That, in itself, will be an important incentive to ensure that areas are not left behind as their neighbours develop.

**Graham Jones:** In my constituency, we have 2,500 empty properties. The new homes bonus will not benefit us when the top-slicing comes in. I did not really want

to go down this road, because the debate is about under-supply, rather than over-supply, but the housing market renewal pathfinders, which the Minister has just described as disastrous, removed empty properties where few people were living in areas with an over-supply. Will the Minister briefly comment on that?

**Grant Shapps:** The hon. Gentleman and I have regular discussions on this subject in the Lobby. I can assure him that the new homes bonus will in no way disadvantage a community that finds it is having a net loss of population. In other words, it does not penalise it when its council tax base reduces from one year to the next, but it massively aids and helps when the base increases. Let us take, for example, a constituency in which a number of homes have been empty for a period of time. Sefton borough council, which I recently visited, has an area in which there are about 450 empty homes. When those homes are rebuilt and reoccupied, it will be able to claim the money from the new homes bonus. As that will be a guaranteed income stream for six years, it can borrow against that potential income and regenerate an area for which, I am afraid, the housing market renewal money has now dried up. It is possible, therefore, to use the new homes bonus in constituencies in the more heated parts of the country, which are perhaps not the most obvious locations.

In the remaining few minutes, let me return to the central theme of today's debate, which is that the new homes bonus is not intended to be the be-all and end-all. There is a whole variety of other mechanisms by which we intend to ensure that the housing market and the housing supply are increased. Let me take a few moments to list them. First, and most critically—the hon. Member for Plymouth, Moor View raised this herself—mortgage finance has been incredibly restrictive. If we look at the root of the problem of housing undersupply and oversupply, or rather of a heated-up market, we would find that between 1997 and 2007, there was no one calling time on the banks. They continued to lend even after they no longer had the balance sheets to sustain such activity. We can pin the blame on a number of factors. One factor in particular that has to be included is the moment at which the Bank of England was given control over interest rates while nobody was given control of regulating the banks. We need to ensure that the supply of credit from the banks is available. At the moment, it has gone completely the other way. The hon. Lady referred to my conversations with the FSA. I can tell her that I say exactly the same thing to the FSA that I say to this House and to the public, which is that there needs to be an adequate supply of lending, particularly to first-time buyers who are the motor that drives this whole issue and who are particularly relevant to housing supply. House builders are unable to build their product and sell it to anyone if there is no competition in the market place. Mortgage availability, therefore, is a very big issue.

Planning reform is another very large area. My hon. Friend the Member for Waveney mentioned the importance of reforming it. Let me reassure the House that the Localism Bill intends to do precisely that. There will be sweeping reform of planning rules. We will no longer have a system in which we go backwards and forwards and in which local communities are overridden by a planning inspectorate. Instead, plans will be put in place by the local community. Let me give one example.

[Grant Shapps]

The local development frameworks were only filed by 20% of councils because they were too complicated and they did not have local consent. Once local consent is built in to the heart of the system, there is every opportunity for planning decisions to be made much more quickly.

Let me refer to an intervention made by the hon. Lady with regard to whether this Government will be pro-development. The answer is that we will absolutely be pro sustainable development. We have never said that such an aim would be in the Bill; it would be the wrong place to put it. We have always said that it will be in the planning policy framework and that will make it absolutely clear that this Government are in favour of sustainable development. In fact, that is the default assumption.

The changes will create a new attitude towards planning. It will not be us against them—the developer against the local community. It will be people working together to try to improve their local communities through neighbourhood plans. We barely touched on the issue of community right to build, but local communities will be putting forward plans to develop their local areas. Ideas such as affordable rent and reform of the social housing market will help attract private sector finance for the first time. Ideas such as affordable rent and reform of the social housing market will help attract private sector finance for the first time. There is a whole range of options; I wish that we had more time to investigate them in greater detail. I will certainly write to all Members present with detailed answers to the points raised. I congratulate my hon. Friend once more on raising this important issue.

## Chilcot Inquiry (Civil Service Code)

12.30 pm

**Mr Elfyn Llwyd** (Dwyfor Meirionnydd) (PC): It is a great pleasure to see you in the Chair, Mr Williams, ably chairing this debate as always.

One of the vital prerequisites of a Government-initiated inquiry is that it should be utterly independent and devoid of any conflicts of interest that might undermine its credibility and the veracity of its conclusions and findings. I shall detail why I have grave misgivings about the independence of the Chilcot inquiry, and why I believe that the inquiry process may be flawed and even compromised from the beginning. I realise that those are grave allegations, but I do not make them lightly.

Before I detail the problems as I see them, I should mention that about three years ago, some documents were dispatched to my office from an unknown source, bearing a note saying that they were top secret. Some were British in origin; others may well have been from other intelligence sources. They showed that in 2001-02, active discussions were taking place on how to move in against Saddam Hussein using overwhelming military force. The term “regime change” appeared. The documents proved beyond doubt that the UK Government were on course for war even then.

The documents must have been copies of authentic documents, as two senior officers from the Metropolitan police visited me and questioned me and my colleague Adam Price about them. At the time of that visit, the documents were not physically in our possession. I decided to leave them where they were and not disclose them to anyone. I could not tell the police officers who had leaked them, as I simply did not know, and neither did Adam Price.

When the Chilcot inquiry was set up, I decided that I should surrender the documents to the inquiry. I took them to the inquiry's office in Victoria street and handed them to Mrs Margaret Aldred, the secretary of the inquiry. I said that I had evidence that might be of assistance to the inquiry and asked Mrs Aldred if the inquiry would write to confirm whether I would be called to give evidence. I told her that I had no intention of politicking if I were called. The response was an icy stare and the words “I should jolly well hope not.”

Months went by. I wrote on two or three occasions asking for a response, but no response was forthcoming until last autumn, some nine months later. I concluded that either the secretariat was not very orderly and professional or my letters had not been passed on to the chair of the inquiry, who eventually responded. I had been discreet. As a Member of Parliament for 19 years, I thought that I should have had the courtesy of a reply one way or the other within weeks rather than months.

I began to think that something might be amiss in the secretariat, and I made various inquiries about the process of appointing the secretary. I knew that the appointment fell under the civil service code, whose key values are openness, honesty, integrity and accuracy. Recent legislation has placed those values on a statutory basis. I then tabled some parliamentary questions, and I shall refer to two of them.

On 1 December, I asked

“(1) what skills and experience were identified as being required for the role of Secretary to the Iraq Inquiry; how many candidates were identified as having such skills and experience; and on what basis the successful candidate was selected;

(2) what steps were taken in the process of appointment of the Secretary to the Iraq Inquiry (a) to identify potential conflicts of interest and (b) to ensure that any such conflicts did not affect the independence of the inquiry.”

The Parliamentary Secretary, Cabinet Office, the hon. Member for Ruislip, Northwood and Pinner (Mr. Hurd), responded:

“The Cabinet Secretary decided to nominate the Secretary to the Iraq Inquiry and agreed the appointment with the Chairman of the Inquiry. Both the Cabinet Secretary and the Chairman of the Inquiry agreed that the Secretary to the Inquiry should be a senior individual in the civil service ideally with previous involvement in Iraq issues.”

The Chairman of the Inquiry has told the Cabinet Secretary that, in agreeing to the appointment, he was aware of the candidate’s role in the Foreign and Defence Policy (formerly the Defence and Overseas Policy) Secretariat in the Cabinet Office from November 2004, and, given the professional standards of the senior civil service, saw no potential conflict of interest with her appointment as Secretary to the Inquiry that would, in his view, affect the independence of the Inquiry.”—[*Official Report*, 1 December 2010; Vol. 519, c. 882W.]

It was, therefore, the Cabinet Secretary, Sir Gus O’Donnell, who put Mrs Margaret Aldred’s name forward for appointment as the secretary to the inquiry, and it was accepted, *nem. con.*, by its chair, Sir John Chilcot.

On 3 September 2009, Dr Chris Lamb, who has been very concerned about this issue, wrote a freedom of information request to the Cabinet Office asking for the precise details of the manner of the appointment. On 2 September 2010—one whole year later—a letter, signed off by Sue Gray of the propriety and ethics team of the Cabinet Office, was sent in response. It stated:

“The Cabinet Secretary himself decided to nominate Margaret Aldred, and agreed the appointment with Sir John Chilcot, shortly after Sir John himself had accepted his role as Inquiry Chair. Both the Cabinet Secretary and the Inquiry Chair felt that the Secretary needed to be a senior individual with the right experience and skills for the task. Her previous involvement in Iraq issues was balanced against that criteria, and the view taken was that it would be possible to manage any potential conflicts of interest. Margaret Aldred was assured of that position by the Cabinet Secretary from the outset. She took up the appointment full time on 1 September last year.”

The appointment did not follow the procedures outlined in the civil service code—it appears that no other candidate was considered by Sir Gus O’Donnell, and the process could not be described in any way as open and transparent. I will repeat what I believe to be the letter’s key phrase:

“Her previous involvement in Iraq issues was balanced against other criteria, and the view was taken that it would be possible to manage any potential conflicts of interest.”

Unsurprisingly, Dr Lamb was totally unsatisfied with the answer. He made a complaint to the Information Commissioner, and it was dealt with by Jonathan Slee, a senior case officer, who concluded in a letter dated 26 October 2010 that there were two possible scenarios. The first was that the Cabinet Office had no recorded information

“concerning the discussions in question. That is to say, such discussions took place orally (as opposed to in writing) and no written record of them was ever created. If this was the case presumably the narrative description of these discussions/deliberations which is included in the internal review was based purely on individuals’ recollection of them.”

On the second scenario, he wrote:

“Alternatively, the Cabinet Office did hold recorded information evidencing the nature of these discussions. The most obvious format for such recorded information would presumably be letters/emails exchanged between the Cabinet Secretary and Inquiry Chairman regarding Margaret Aldred, although such recorded information could obviously extend to meeting notes/memos/records of telephone conversations.”

The letter goes on to discuss another individual before noting:

“If this is the case, I suggested to the Cabinet Office that such recorded information was presumably used as the basis to provide the narrative description of the discussions which was included in the internal review. However, for the reasons set out above I suggested that Cabinet Office would not have not fulfilled your request simply by describing the content of these recorded discussions. Rather the request would only be fulfilled by provision of the recorded information about the discussions themselves.”

The pre-penultimate paragraph of the letter concludes:

“However, I appreciate that the manner in which the Cabinet Office has handled this request will no doubt have proved frustrating. I therefore intend to formally write to the Cabinet Office in order to highlight its errors in terms of handling this request, notably the failure to correctly determine whether it held information falling within the scope of the request when issuing its refusal notice; the very significant delay in conducting an internal review; and the fact that the content of the internal review was somewhat ambiguous in inferring that Cabinet Office did hold some recorded information.”

Despite the best efforts of a very experienced researcher using the Freedom of Information Act 2000, it appears that there is no paper trail relating to the appointment or that, if there is, the Cabinet Office resolutely refuses to disclose it, for whatever reason.

We are left with the appointment of the deputy head of the Cabinet Office’s foreign and defence policy secretariat, Margaret Aldred, as secretary to the inquiry that is inquiring into actions taken by her department during her tenure as its deputy head. So integral was she in policy development that she gave evidence to the Select Committee on Defence in June 1994 about whether weaponised biological agents were present. She was part and parcel of all the planning for Gulf war I. She regularly chaired the Iraq senior officials group, which co-ordinated Iraq policy across the Government.

The appointment process was unusual and unacceptable, and the irony will not be lost on the public. The process resurrected one of the worst features of sofa government, which was so criticised by the Butler inquiry, of which Sir John Chilcot was, sadly, a member. The inquiry secretary, who has a key role, is a Cabinet Office insider and was appointed because of her extensive previous involvement in Iraq policy. There is therefore a glaring conflict of interest. Some might say her position is untenable because the inquiry is looking into the period when she was active in Iraq policy, as I said.

The very same Cabinet Office has most to answer for over Iraq. The Cabinet Office, and Mrs Aldred’s section in particular, drew up plans for regime change—an unlawful concept in international law. The Cabinet Office—the Joint Intelligence Committee and its staff—produced the discredited Iraq dossier, one of the least persuasive documents in recent political history, which is of dubious provenance and even more dubious veracity. Can the inquiry be independent, or is it a Cabinet Office subsidiary? Mrs Aldred’s involvement and that of her section makes it difficult to know where the Cabinet Office ends and the inquiry begins.

[*Mr Elfyn Llwyd*]

Sir John Chilcot is leading an inquiry that is tasked with examining allegations that the previous Government was duplicitous towards Parliament and the public. Surely, when Sir Gus O'Donnell suggested his close colleague, so enmeshed as she was in the whole Iraq debacle, Sir John should have seen the obvious conflict of interest? Has Mrs Aldred played a part in the protocol that has limited the inquiry's scope? What steps have been taken to manage the conflict of interest? What steps could be taken to manage her glaring, obvious and painful conflict of interest?

During the period covered by the inquiry, the section of the Cabinet Office where Mrs Aldred worked was pivotal in the Government's policy towards Iraq. Margaret Aldred was deputy head of that section for four and a half of those eight years. The inquiry has not published a single document originated by the Cabinet Office. In July 2002, a briefing paper by the same part of the Cabinet Office expressed the hope

“that an ultimatum could be cast in terms which Saddam would reject”.

In September 2002, Mrs Aldred's predecessor at the Cabinet Office wrote to Sir John Scarlett, then chairman of the Joint Intelligence Committee, suggesting that the Iraq dossier and qualifications in the original assessment were to be removed. That document was not disclosed to the Hutton inquiry and the Cabinet Office spent years trying to prevent its disclosure. In passing, I remind the House that it was Sir Gus O'Donnell who recently denied the Chilcot inquiry permission to publish the correspondence between President Bush and Mr Blair, despite the fact that both men were happy to refer to the correspondence in their respective autobiographies.

To conclude, Mrs Aldred routinely chaired the Iraq senior officials group; she met US officials in October 2008 to discuss Iraq; she was implicated in or knew of the rendition policy; she had the leaked document showing that she was copied in with respect to the rendition policy; and she flew to Washington for discussions with counterparts three weeks before the inquiry was announced. The following questions must in my view be answered. It may be difficult for the Minister to do so today, but clearly if he can write to me in due course that will suffice. I do not want to put him on the spot.

Is Mrs Margaret Aldred's role at the inquiry as central as her role in Iraq policy at the Cabinet Office? Did Sir Gus O'Donnell detail Mrs Aldred's involvement in Iraq policy precisely to Sir John Chilcot, and when she was appointed and the appointment was announced why was there no mention of her previous experience with Iraq policy? She is the gatekeeper to the inquiry. Does she advise on lines of inquiry? Does she liaise with the Government about evidence? We know that she liaises with the Government about the publication of information. Was she involved in the drawing up of the protocol that has stymied the process? It was published a month after she took up her role. Is she likely to draft the report?

Obviously, justice must be seen to be done. Transparency and openness are paramount. They are concepts that are signally absent from the inquiry process. I regret that one conclusion that can easily be drawn is that the inquiry process is flawed and compromised from the very beginning.

12.47 pm

**The Parliamentary Secretary, Cabinet Office (Mr Nick Hurd):** Mr Williams, it is a pleasure to serve under your chairmanship for the first time. I know that my being English will not count against me in what would otherwise be a Welsh affair.

It is also a pleasure to respond to an important debate. The recent Iraq conflict, as we saw last week, stirs powerful emotions. We should recognise that the hon. Member for Dwyfor Meirionnydd (Mr Llwyd) has been one of the leaders of the debate on the legality of the war. He should be congratulated on his part in the democratic process. It is surely in the interest of all of us that the Chilcot inquiry should be conducted with impeccable impartiality and integrity. The hon. Gentleman obviously believes—and I listened to him carefully—that the process is, to use his words, flawed and compromised, principally by the process of appointing Margaret Aldred to the secretariat of the inquiry. As the hon. Gentleman was the first to admit, those are serious allegations, and should be responded to in like manner, not least for the sake of the reputation of the individual concerned, who cannot be here to defend herself.

I will simply disagree with the hon. Gentleman, not least because the chairman of the inquiry and his committee appear to be satisfied with their procedures, but I am happy to respond to the points that have been made. It might be helpful to provide some additional background context to the Iraq inquiry, in relation to the appointments that we are discussing.

The Iraq inquiry was launched, as the hon. Gentleman will know well, on 30 July 2009 with a remit to examine the United Kingdom's involvement in Iraq, including the way decisions were made and actions taken, to establish as accurately and reliably as possible what happened, and to identify lessons that can be learned. The committee is made up of Privy Counsellors, is chaired by Sir John Chilcot and has four other members: Sir Lawrence Freedman, Sir Martin Gilbert, Sir Roderic Lyne and Baroness Usha Prashar. I think that it is generally accepted—I certainly accept it, but I am not sure whether the hon. Gentleman shares my view—that each committee member is independent, non-partisan and committed to undertaking a thorough, rigorous and fair inquiry.

**Mr Llwyd:** It is no part of my view that any of the inquiry members should be impugned. I have no wish to denigrate them. I am discussing a conflict of interest specifically.

**Mr Hurd:** I am grateful to the hon. Gentleman for placing that on record and making it entirely clear. I am pleased that he has done so. Obviously, to some degree, their reputation and integrity are on the line, as the procedures for which they are responsible are being called into question. I am sure that they would take very seriously indeed any suggestion of mismanagement of a potential conflict of interest. As he says, it might undermine the integrity of the processes to which their names are attached. As I understand it, they have placed on record the fact that the committee and the secretariat work collectively. The committee is satisfied that its procedures are capable of dealing with any potential conflict of interest. The Privy Counsellors are supported by a secretariat staffed by civil servants who share their

commitment and are governed by the values of the civil service code, which I will address at the end of my remarks.

Having provided the background and context, I will address the role of the secretariat and the process of appointing the secretary, which is the crux of the hon. Gentleman's argument. The secretariat supports the chair of the inquiry and its members in carrying out their tasks. Its duties are varied and wide-ranging and include making logistical arrangements, requesting statements and papers and preparing papers for consideration by the committee.

The secretariat operates independently of the Department and is currently staffed by 16 civil servants drawn from seven Departments: the Cabinet Office, the Ministry of Defence, the Foreign and Commonwealth Office, Government Communications Headquarters, the Department for International Development, the Northern Ireland Office and the Serious Fraud Office. There are also two suitably cleared temporary support staff members supplied by a recruitment agency. Those appointments to the Iraq secretariat were made in line with Cabinet Office human resources procedures, which are similar to those used by other Departments to provide staff for inquiries. I understand that they were used most recently in relation to the Gibson inquiry. It is regular practice.

I will explain more. When the Government decide to establish an independent inquiry, the timing is such that it must often be done as a matter of priority and with a degree of urgency. Decisions about the chair and members of an inquiry are matters for the Government. It is usual for an inquiry secretariat to be staffed by civil servants on loan or secondment from Departments. Decisions about the secretary to an inquiry will normally be for the chair, and the secretary will then recruit the supporting team in consultation with the chair.

When considering individuals' suitability for secretariat roles, a number of factors are taken into account, ranging from availability to relevant skills and experience to the potential for any conflict of interest. I can confirm that that process was followed for the Iraq inquiry secretariat. The posts were not initially advertised, as they needed to be filled urgently. The secretary and the Cabinet Office human resources team worked with colleagues in other Departments to identify individuals considered suitable for the various roles, taking into account their availability, skills, knowledge, experience and any identified potential conflicts of interest. After the individuals had been agreed, the moves were made through the Cabinet Office human resources managed move policy.

Moving on from general recruitment, I will focus on the specific position in which the hon. Gentleman is interested, that of inquiry secretary. It is clearly a crucial role. The Cabinet Secretary discussed with Sir John Chilcot the experience, skills and background knowledge required and agreed that the secretary should be a senior individual in the civil service, ideally with previous knowledge and experience of defence and foreign affairs. The Cabinet Secretary proposed Margaret Aldred, who had been the deputy head of the Foreign and Defence Policy Secretariat—formerly the Defence and Overseas Policy Secretariat—in the Cabinet Office since November

2004. Sir John, after considering with others Mrs Aldred's background and experience, agreed. He did not call for more choices or more alternatives. He agreed with the proposal from the Cabinet Secretary. Given the professional standards of the senior civil service, he and the Cabinet Secretary concluded that there would not be a potential conflict of interest with her appointment, and it would not affect the independence of the inquiry. We strongly support his view.

Regarding Mrs Aldred's previous involvement in Iraq issues, which is the issue that concerns the hon. Gentleman, the inquiry has papers from the Cabinet Office covering the whole period of its terms of reference. Those include papers produced by the foreign and defence policy secretariat, in which Mrs Aldred was previously employed. In addition, it has heard evidence from the Prime Minister's foreign and defence policy advisers for whom Mrs Aldred worked.

Sir John and other committee members are fully satisfied that the secretary is discharging her role efficiently and effectively and with the highest levels of professionalism. Mrs Aldred is a highly experienced member of the senior civil service, with a deep understanding and knowledge of defence and foreign policy issues. Her previous work on Iraq has been handled by the inquiry in a way that is fair and open and avoids conflicts of interests. Again, I stress that the committee is satisfied that that does not have any negative impacts on the inquiry and does not call into question the independence of its work. It would be wrong to suggest otherwise.

Let me conclude by talking briefly about the civil service code and its values, because the hon. Gentleman suggested that this process cut across the bow of that code. The code and its values are clearly important in gaining a full appreciation of how they apply in relation to the secretariat to the Iraq inquiry. Let me start by covering the values. As civil servants, the inquiry secretary and other members of the secretariat are required to carry out their duties and responsibilities in accordance with the requirements of the civil service code, including integrity, honesty, objectivity and impartiality. They are also required to comply with the law and uphold the administration of justice. While working for the inquiry, the civil servants will be accountable to the inquiry for their work and actions.

To conclude, I have no doubt at all, if things are as the hon. Gentleman said, that some things should have been done better, not least in terms of the courtesy that should have been extended to him, and the length of time that it took to respond to the FOI request. I am sure that the people involved in that will think on it. But in terms of the core issue—the integrity and professionalism of the secretariat to the inquiry—I am pleased to have the opportunity to place on record my appreciation of the work done by the inquiry, which I am sure is shared by the House and the general public. I am also pleased to be able to put it on record that both I and the independent committee of Privy Counsellors who constitute the Iraq inquiry, and whose reputation and integrity are on the line in this process as well, are confident that the inquiry secretary and the other civil servants are providing impartial and objective advice to the inquiry in a way that upholds the impartiality of the civil service and preserves the independence of the inquiry.

## Historic Homes

12.58 pm

**Tony Baldry** (Banbury) (Con): In a speech recently, my right hon. Friend the Prime Minister rightly observed that one of the generators of new jobs in the UK would be tourism. Tourists come to the UK for many reasons. I am glad to report that Bicester village in my constituency is now the most popular destination for Chinese tourists coming to the UK. However, the fact is that many tourists and visitors to the UK, while they are here, want to appreciate and experience our heritage, and of course heritage is also important for all of us, because historic heritage has helped to shape what each of us thinks and feels about where we live—our sense of place.

An important part of our heritage in England is our historic houses. Historic houses provide character and distinctiveness, and help to create pride in the places where people live. When people talk about heritage properties or historic houses, they understandably immediately think of the National Trust and English Heritage, which are in charitable and public ownership respectively. What many of us fail to realise fully is that, out of the historic houses open to the public, those that are privately owned, managed, and funded outnumber the total of those belonging to the National Trust and English Heritage put together.

My particular interest in initiating the debate is because, just outside Banbury, we have Broughton castle, which is a moated castle of considerable history that has been lived in by numerous successive generations of the Fiennes family. Something that most people—indeed, people from all corners of the world—know about my constituency is the traditional nursery rhyme:

“Ride a cock horse to Banbury Cross,  
To see a fine lady on a white horse”.

It is generally believed locally that the “fine” lady was, indeed, a “Fiennes” lady and that the nursery rhyme relates to the Fiennes family at Broughton castle, otherwise known as the Saye and Seles.

Broughton castle has been a distinctive part of the history of north Oxfordshire throughout the centuries and was a parliamentarian stronghold during the civil war. Numerous Fiennes were, on different occasions, my predecessors as Members of Parliament for Banbury. The present Lord and Lady Saye and Sele have been exemplary over the years in their commitment to the community in which they live. Both have been very active deputy lord lieutenants and have always been incredibly generous in allowing the community to use the castle and grounds at Broughton for community events. There has been everything from traditional church fêtes to charity fund raising pop concerts. Broughton castle is a local jewel. The whole community benefits not simply from the public access that is afforded to Broughton, but from the numerous and various spin-off benefits the castle provides to my constituency more widely.

Nat and Mariette Saye and Sele have been extremely generous to the extent that they have allowed Broughton to be used in aid of many local charitable and community purposes. However, the stewardship of a building as large and as old as Broughton must be a struggle. I sometimes think that there must be a risk that owners of historic houses become something of a captive of the

house in which they live. For a stretch of nearly 15 years, one part or another of Broughton castle has been shrouded in scaffolding as the Saye and Seles have methodically maintained and repaired the castle. Indeed, any such historic house requires constant maintenance that never ends. Although the Saye and Seles at Broughton are exemplary stewards of an historic house, they are clearly not alone in what they do. Across the country, many such privately owned houses play a pivotal role in contributing to the local economy and supporting the local community.

The economic and social benefits of historic houses are considerable and quantifiable. Recently, the Heritage Lottery Fund published a report entitled, “Investing in Success: Heritage and the UK Tourism Economy.” That report made clear the scale of the heritage tourism industry in the UK, estimating that its gross domestic product contributed some £20.6 billion to the UK economy. Indeed, the research established that the sector makes a bigger contribution to the UK GDP than, perhaps surprisingly, the advertising or film industries or even car manufacturing. Indeed, the heritage tourism sector directly supports an estimated 195,000 full-time equivalent jobs. Four in 10 incoming visitors or tourists to the UK cited heritage as the primary motivation for their trip to Britain, which was more than any other single factor. Of course, a considerable amount of spending on UK heritage comes from UK residents on holidays and day trips. It is not surprising that the most recent report of the Historic Houses Association shows that the possibilities provided by historic houses are endless and range from ghost hunts to sculpture gardens, from art exhibitions to music festivals and from bat walks to an international jesters’ competition.

So why have I initiated the debate? Simply because, as I have indicated, it is a continuous struggle to find the money to ensure that many historic houses are properly maintained and repaired. The owners of historic houses in no way wish to be rentiers on the state, but in consideration of the fact that they continue to provide public access to their homes, and of the broader community and national benefit of historic houses, we all have an interest in trying to get the balance right.

I emphasise that what I am talking about here are historic houses that are open to the public and are regularly open to the public. For example, Broughton castle is advertised as being open to the public 50 days a year. In addition, it has booked groups on a further 50-plus days. Moreover, schools and other groups can book by appointment on pretty much any day of the year. These are historic houses that are regularly and frequently open to the general public.

Over the years, successive Governments have made honest attempts to provide support for historic houses. Heritage maintenance funds have been developed, the thinking behind which is straightforward and sound. The proposition is that it is not sufficient to protect designated heritage property from capital taxation if the supporting assets that are essential to maintain that heritage property are themselves whittled away by successive bites of capital tax.

The Finance Act 1976 provided that assets dedicated to supporting a designated heritage property, both in terms of maintenance and of the provision of public access to it, could be ring-fenced and settled in a heritage maintenance fund, which would itself be conditionally exempt from inheritance tax.



Comparatively few—135 or so—heritage maintenance funds have been set up over the past 30 years. The problem is that very few of them provide income and capital proceeds to support the maintenance and repair of historic buildings and land designated by the Treasury as being of national importance and usually with a public access condition. Very few are actively being used, and very few new HMFs are being created.

That is because income generated within HMFs is taxed at the trust rate, which is now 50%; capital gains generated within HMFs are subject to capital gains tax and there is now no indexation; and, as an unintended result of drafting of tax legislation in 2006, the active use of HMFs is effectively frozen for six to seven years every time there is a resettlement of the HMF. For every HMF in which the historic house is taxed as a business under case 1, schedule D, a resettlement is needed each time there is a transfer of ownership. It is estimated that about a third of HMFs are currently caught in this trap and many more will be sooner or later.

HMFs are not working as they were intended to work. That matters because HMFs were designed to help owners of nationally important heritage to maintain that heritage in the public interest. It is estimated that the owners of historic houses as a whole are putting £139 million into the maintenance of their own houses every year. That is a considerable amount of money, but not enough to stop the build-up of a backlog of urgent repairs worth some £390 million. An additional £20 million of maintenance a year is necessary just to keep up. All that happens is that the backlog of urgent repairs continues to grow, which is unsustainable.

The Historic Houses Association estimates that with some fairly modest improvements in the tax treatment of HMFs, one could generate an additional £12 million in maintenance each year, thus making significant inroads into the annual maintenance shortfall. Such a scheme would cost the Exchequer only about £6 million a year. The suggestions are to reduce the tax on income generated in HMFs to the basic rate, currently 20%, recognising that HMFs can be used only in support of the maintenance of the designated historic property; to exempt disposals of assets within HMFs from CGT so long as the proceeds are used for maintenance of the historic property, or reinvested in assets within the HMF; and to correct the drafting of the tax legislation so that HMFs would not be frozen each time there was a resettlement.

The cost to the Exchequer of the first two would be no more than £6 million per year, and the third—the technical correction—would be cost free. No CGT is being collected from HMFs caught in the trap because no disposals are being made.

Put shortly, HMFs have been on the statute book for more than 30 years. They need to be made workable and to fulfil the purpose for which they were intended—to provide a reasonable mechanism to enable owners of historic houses to maintain their houses and keep them open to the public. I hope that my hon. Friend the Minister's Department, as the sponsor Department for heritage and tourism, will work with officials in the Treasury and Her Majesty's Revenue and Customs to ensure that HMFs are made to work properly.

Will the Minister's Department have an overall look at how it is possible to reduce the regulatory burden and red tape on historic houses? Indeed, shortly after coming to office the coalition Government pledged to review

and reduce regulation. Five areas have been highlighted in which action would be relatively simple to take at little or no cost to the Exchequer, and which would bring worthwhile benefits not only to those promoting historic houses and tourism, but to the wider economy. The first is licensing and the implementation of the 2006 Elton review recommendations, which called for changes to the fee structures for larger events; permission for historic rural venues to host occasional events; and for a *de minimis* approach when the licence or activity is small in relation to the overall activity taking place.

The second area is tourism signage and the hope that it would be possible to develop a policy to encourage the use of brown signs not just to manage traffic, but to promote tourism. Even under the current policy, there are inconsistencies in Highways Agency and local authority interpretation, resulting in some historic houses not being allowed tourism signs, or even losing their signs.

Thirdly, on planning, we need to promote a more flexible approach to the way in which planning applications for temporary structures, such as marquees, are handled. Marquees house special events that can significantly enrich the experience of visitors to historic places without compromising the historic value of the site. Indeed, the Palace of Westminster has had temporary permanent marquees on the Terrace for as long as I can recall, but they are, by definition, temporary and reversible. For some reason, some local authorities treat marquees as though they are permanent developments.

The fourth area is the application of fire safety rules to listed bed and breakfast accommodation. While recognising that fire safety is, of course, paramount, one needs to ensure that the application of fire safety regulations recognises the peculiarities and realities of historic buildings. Finally, we need to rethink the application of health and safety regulations in circumstances involving natural hazards, because, at present, it is undermining voluntary efforts to open the countryside for public access.

Historic houses are not just stone and mortar. They should be living places. The soul of a historic house is the family who live there. Those families are the most committed, responsible and, dare I say, cheapest curators of these parts of our national heritage. May I therefore urge the Minister to note that modest changes to heritage maintenance funds can bring long-term benefits at a relatively tiny annual cost to the Exchequer? Moreover, will his Department please do what it can to tackle excessive regulation?

Historic houses are inspirational places. They brighten our lives, whether through a day out, an educational visit, attending a wedding or a concert, or even through enjoying the setting of "Downton Abbey". Historic houses are there to be enjoyed, but they require constant maintenance and repair, which are heavy costs. It is only fair that there should be some sensible compact between the community as a whole and the curators of such houses for the provision that they make of them to the community.

1.12 pm

**The Parliamentary Under-Secretary of State for Culture, Olympics, Media and Sport (John Penrose):** It is pleasure, as always, to see you in the Chair, Mr Williams, for this important and timely debate. I congratulate my hon.

[*John Penrose*]

Friend the Member for Banbury (Tony Baldry) on raising the issue. He clearly has a strong personal interest and, as he has made clear, a strong constituency interest in the issues that he has raised, which I will try to address point by point.

I am the Minister with responsibility for tourism and heritage, and I think that the Government accept that there is a very close and entirely appropriate link between those two elements of British life. I accept and agree with my hon. Friend's central principle that heritage is a tremendously important part of British national life not only from a tourism perspective, but because, as he has rightly pointed out, heritage assets—be they houses, museums, prehistoric monuments or any of the things that we are lucky enough to have in this country—create a sense of place and convey the individual history and sense of character of a particular village or town. They are an essential part of what makes us us. We would be the poorer if we tried to pretend that that was not so, and it would be foolish to ignore what is one of our most central and important national assets.

My hon. Friend has rightly pointed out that heritage is one of the most frequently cited reasons for tourists to visit Britain in the first place, and it would be perverse of us to ignore or downplay that. He is, therefore, absolutely right to put the issue front and centre, and I could not agree more with the central principle that he is enunciating.

My hon. Friend is also right to applaud the work of the Historic Houses Association, which represents about 1,500 owners of historic houses up and down the country. Those owners are incredibly careful and committed stewards of the properties for which they are responsible, looking after them for themselves and for future generations of not only their own family but the communities in which their houses are located and the wider public in general, because, as he has rightly pointed out, many of those houses are open to the public, either permanently or periodically, giving us all a chance to enjoy one of the things that makes Britain unique among countries.

The HHA does some tremendously good work and its members are tremendously important, particularly because—as my hon. Friend has pointed out—it is easy to assume that heritage is just something that the state or government do. I am pleased to say that nothing could be further from the truth. We are lucky in this country to have a variety of different types of ownership and stewardship of our national heritage in its various forms. First, there is public ownership of some essential assets. English Heritage's properties, which my hon. Friend has mentioned, are a good example of such assets. Secondly, there is ownership by charitable or third sector—the voluntary and community sector—organisations. The National Trust is the biggest, most prominent and certainly the most famous of those organisations, but there are dozens—indeed, probably hundreds—of other charitable trusts and other such organisations that run other parts of our national heritage, and they all do extremely good work. Thirdly and finally, as we have already mentioned, there is of course private ownership. It is instructive—is it not?—to note that all three of these types of stewardship or ownership

have extremely strong advocates and that all three perform tremendously good work in looking after our nation's heritage.

So there is not a preconception that only one system of ownership will work. In the UK, we are lucky to have a mixed economy—if I can call it that—in this sector and long may that continue. It is an essential part of ensuring that we do not have all our eggs in one basket and that our heritage is properly looked after in a number of different ways.

My hon. Friend made a series of points, and I will try to address them one a time. He began by explaining the background to heritage maintenance funds and some of what I think is their noble purpose. He said that a central theme underlies them, which he believes is, "Sensible is good sense," and I agree with him on that. However, he also pointed out that there is a fair degree of frustration, not only in the membership of the HHA but more broadly in the heritage world, about the limitations of HMFs and the fact that they are not necessarily working as many people would like them to.

I must say that, as the Minister with responsibility for tourism and heritage, nothing would give me greater pleasure than being able to turn around and promise my hon. Friend that all those issues concerning tax and the other details of HMFs can be dealt with by the wave of a magic wand or the stroke of a pen. Sadly, however, given the state of the national finances in particular, I cannot make that promise here today, although I suspect that my hon. Friend did not really expect me to do so. Nevertheless, it is important to note the concerns that he has rightly identified and outlined for us in the Chamber today.

It is also important to note some of the constraints on HMFs. It is worth while pointing out, as my hon. Friend did, that there are only 135 extant HMFs and that not all of them are active. Even if we were able to wave the magic wand that I have mentioned and remove some—or perhaps even all—of the constraints that he has pointed out, most estimates are that only another 140 or so HMFs would be established in the next five years. Given that the members of the HHA are responsible for 1,500 houses, we are talking about a comparatively small proportion of houses that would be affected, although some of them are tremendously important national assets—indeed, some are among our most famous and well recognised national assets. Nevertheless, the HMF scheme is quite a narrow one, as it currently stands. Therefore, there are many other assets—many other heritage properties—that are managing well without using that particular mechanism.

It is also true to say that the Treasury is rightly cautious about some of the proposals from the HHA. That is not because it dislikes the notion of heritage or trying to support it, but simply because it is concerned about the wider budget questions that this entire Parliament will be remembered for trying to grapple with and about the major issues that we face on the national deficit. It also needs to be clear that it cannot necessarily create a special deal for heritage charities, funds or trusts, because that might create the thin end of a rather larger wedge for other classes of asset.

The Treasury is interested, it is listening and it is concerned to address the issues that the Historic Houses Association has raised. I have spoken with the association, which has come to see me at the Department for Culture,

Media and Sport. I understand that there are also ongoing discussions between the association and my opposite numbers at the Treasury. I want to make it clear that my Department and the Treasury are also discussing these issues. A great deal of conversation is therefore going on, but it is subject to some fairly severe financial constraints, as I am sure that my hon. Friend will understand. Although, we both, I suspect, wish that those constraints did not exist, they are real, and it would be remiss and wrong of us to pretend otherwise.

Some of the proposals that the association suggests would be at least fiscally neutral are probably slightly easier for the Treasury to view more favourably than others, but I need to leave that to the Treasury, as I am sure my hon. Friend will understand. I am afraid that I cannot commit the Treasury in this debate, and there would be fairly serious repercussions if I tried. None the less, discussions are ongoing, and I hope that the association understands that it is being carefully listened to and that its audience is, wherever possible, being receptive to its concerns.

My hon. Friend has mentioned two issues concerning the broader deregulation agenda. One is licensing, particularly of live music and entertainment events. He gave some good examples of the great breadth of entertainment that is frequently provided by owners of historic houses up and down the country. The creativity and range of those events is continuously growing, and we can all cite examples of the events being held at historic properties in almost every constituency around the country, which is all to the good. The fact that such events take place is superb, because it provides a sustainable reason for many of these properties to continue to exist. It will make sure that they are living and thriving and that they are not just museums or mausoleums, but have a current purpose, which is excellent.

The second issue that my hon. Friend has mentioned is heritage signs—brown signs, as they are frequently called—on our motorways and other roads. In both cases—licensing and heritage signs—policy ideas are being discussed in my Department. I am afraid that I cannot give my hon. Friend a categorical promise at this stage, because the discussions are ongoing, and there would have to be sign-off all around Whitehall in the usual Cabinet government collective responsibility fashion, as I am sure that he understands as a former Minister himself. However, I promise that both ideas are under active discussion.

In the case of the licensing regime, a great many people have concerns. Musicians' unions, for example, are calling for deregulation. My hon. Friend will understand that if one chose to go down that route, it would be important to make sure that there were no unintended consequences. There are real risks associated with live entertainment of one kind or another, simply because it can involve a large number of people in a comparatively small space. There are therefore concerns about health and safety, the disturbance caused by people arriving at and leaving a venue, public order and so on. All those issues have to be dealt with, so the devil in deregulating, or reducing the amount of regulation involved in, the licensing of entertaining is very much in the detail.

I am, however, happy to reassure my hon. Friend that we are in the middle of discussions. I hope to have something to announce in due course, but that will rather depend on collective responsibility. My hon. Friend will understand that other Whitehall Departments

are concerned to ensure that the right things are done on, for example, health and safety legislation or public order. The Department for Work and Pensions would be involved on health and safety, while the Home Office would be involved on public order. They have to sign off and approve these things, which have to be carefully and properly considered so that everybody is sure that we are not creating an unintended consequence.

My hon. Friend also mentioned his concerns about the red tape surrounding fire and health and safety regulations. He is absolutely right that due to dramatic changes in building styles over many centuries, historic buildings often create and deliver a unique set of complexities and difficulties for fire and health and safety inspectors. Because they are, by definition, unusual and rare, they present issues that are not necessarily common or frequently encountered in modern buildings. Therefore, a degree of sensitivity is required on the part of health and safety and fire inspectors. A fire regulation solution that might be normal, natural and fairly straightforward in a modern building might be deeply antithetical to a historic building and fundamentally undermine its essential historic character. An approved and appropriate set of solutions to many problems commonly encountered in historic buildings is increasingly widely available.

Of course, it is not sufficient to say, "Well, there's one answer that suits historic buildings and one that suits modern buildings." The sad and difficult point is that an answer to the problem of fire doors and so on in a 19th-century building could be completely inappropriate for an 18th or 17th-century building, and a timber-framed building would need a different set of solutions again. It requires an in-depth understanding of heritage issues and of the available solutions, but a widely understood range of solutions is increasingly being developed. However, I am sure that my hon. Friend is absolutely right that it would not hurt for those solutions to be more widely known, simply because it is easy otherwise for an individual inspector to fall out with the owner or heritage guardian of a historic house, which is unhelpful for all concerned.

Increasingly, there is a trend toward a risk-based approach to fire and health and safety inspections. Five, 10 or 15 years ago, some parts of the country had a rotational system where everybody was inspected every year, two years, three years or whatever, whether the property in question was well or badly run. Nowadays, I am pleased to say that there is a move in many parts of the country—I am told that it is spreading steadily—towards a risk-based approach. For a property that is known to be well-run and can be checked as such, perhaps a longer time can pass, whereas a property that causes grave concerns should perhaps be inspected more frequently and regularly. Such a flexible approach, particularly toward many of our excellently run heritage properties, is entirely sensible and appropriate.

I hope that I have reassured my hon. Friend and given him answers to some of the issues that he has raised. I repeat that he is absolutely correct that heritage is crucial to this country. It is one of the things that makes us what we are and distinguishes us from any other part of the world. I know that he and I are both committed to ensuring that our heritage assets are kept in good hands for future as well as current generations. I am sure that he will hold me to account for how we do so as ably as he has done in the past half-hour.

## Neonicotinoid Pesticides

1.29 pm

**Martin Caton** (Gower) (Lab): Over recent years, there has been an alarming worldwide reduction in bee numbers. In the UK, similar declines have occurred in wild pollinators such as bumblebees, moths, hoverflies and butterflies. The causes of those losses have been much debated.

When I wrote to the Department for Environment, Food and Rural Affairs last month, Lord Henley replied to say that, in Britain at least, the combined factors included poor spring and summer weather, the varroa mite and other husbandry issues. My letter to the Department had been about the possibility that a group of systemic pesticides called neonicotinoids, and similar products, were contributing to the demise of bees and other pollinating insects. In response, Lord Henley said:

“In the UK, neo-nicotinoid insecticides are used primarily in commercial agriculture and horticulture production. Only a very small proportion is used in home garden products so the potential risk to bees, if any, from this type of product is negligible”.

He also assured me that the UK pesticide approval regime was robust and adequate.

I sought the debate today to urge the Government to be prepared to take a step back from that position and to look again at what is happening to the small creatures that contribute so much to our environment and food production. In particular, I ask them to examine, first, the growing weight of science that shows how neonicotinoid use and invertebrate losses are likely to be linked and, secondly, the evidence that the pesticide assessment regimes in Europe and the United States, as applied to systemics and the potential for environmental damage, are inadequate in identifying what is really going on.

In 2009 the British charity Buglife—The Invertebrate Conservation Trust conducted a review of all the available scientific literature about the effects of neonicotinoids and the Bayer product Imidacloprid in particular on non-target insect species. The report referred to 100 scientific studies and papers, and highlighted some real concerns that neonicotinoids are harmful to bees and other pollinating insects. It also identified a particular problem of insects ingesting tiny doses on repeated visits to treated plants. The testing methodology of the Imidacloprid draft assessment report under EU regulations was not sufficiently sensitive to detect that.

**Mr Andrew Smith** (Oxford East) (Lab): I congratulate my hon. Friend on securing this enormously important debate. He brings terrific expertise to the subject. Does he agree that, if there is any doubt about the adequacy of the regulatory regimes in Europe and the United States—and this is a classic instance—the precautionary principle should be applied? Given the crucial importance of bees and other insects in the ecosystem, it is a risk that we cannot afford to take.

**Martin Caton:** I go a long way with my right hon. Friend, but I do not think that the precautionary principle should be applied regardless of the degree of doubt; I shall come on to that a little later. However, if there is substantial doubt and good scientific evidence to give rise to doubt, the precautionary principle certainly should kick in.

**Mel Stride** (Central Devon) (Con): I thank the hon. Gentleman for obtaining the debate, because like him I believe that the issue of bees and pollination is extremely important, particularly in the west country where we have had problems with colony collapse. Does he agree that the evidence, circumstantial though it may be, to some degree, from France, Germany and Italy, where the substances have been banned, with a subsequent increase in the bee population, seems to point to a significant problem?

**Martin Caton:** I do agree. The evidence of increases is largely anecdotal, but I shall quote the president of the Italian Association of Beekeepers, because in the Po valley a ban was introduced. He said:

“On behalf of bee-farmers working in a countryside dominated by maize crops, I wrote to the Minister of Agriculture to confirm the great news, for once: thanks to the suspension of the bee-killing seed coating, the hives in the Po Valley are flourishing again.”

**Caroline Lucas** (Brighton, Pavilion) (Green): Does the hon. Gentleman share my concern that in European countries the initial licensing for such controversial pesticides is done by way of a draft assessment report organised by the manufacturer? Shockingly, the DAR for the commonest neonicotinoid used in Europe was put together by Bayer, who, surprise, surprise, did not find a problem with it. Does he agree that there is a problem with methodology?

**Martin Caton:** The hon. Lady has taken me to a point in my speech where I was intending to say the same thing; I may not have to say it now, thanks to her.

On the basis of its findings, Buglife called on the Government to reconsider the position of neonicotinoids, and to suspend existing outdoor approvals for the products pending the findings of a review. It also called for the development of international methodologies for assessing the effects of systemic pesticides and sub-lethal impacts on invertebrates.

**Neil Carmichael** (Stroud) (Con): There are a large number of beekeepers in my constituency, many of whom have contacted me about the issue, so I am pleased that the debate is happening, and grateful to the hon. Gentleman for securing it. It is important that the chemicals regulation directorate is encouraged to think about these issues and, if necessary, to research the health of bees in general. I certainly encourage the Minister to respond to that.

**Martin Caton:** That is a fair point. It is useful that the president of the British Beekeepers' Association issued a statement just a couple of days ago. Traditionally, that organisation has not been at the forefront of trying to get action taken, but it is now realising how serious the situation is and it is calling for an urgent review. We are all beginning to sing from the same hymn sheet.

The Government asked the chemicals regulation directorate to look at the Buglife report. In a letter to Buglife and the Soil Association, Lord Henley said that the Advisory Committee on Pesticides had conducted a further review. However, earlier this month, someone contacted the ACP to ask for a copy of the report and she was told that the ACP had not conducted a review of the Buglife report and that only the CRD had conducted the review. That same person then asked the

CRD for a copy of the review and she was told that it was not quite finished, as the directorate still needed to look at some data.

Even though the review was clearly not completed, Lord Henley felt able to tell Buglife that its report had highlighted a need in the risk assessment process for data on the impact of these pesticides on over-wintering bees and that the matter was being addressed. That was clearly a welcome step. However, he did not respond to the main thrust of that report on environmental damage, nor did he answer the main recommendations that I have just outlined. Buglife and the Soil Association have asked the Minister to supply a copy of the full report from the Advisory Committee on Pesticides, but that could be difficult because the report simply does not exist.

**Andrew George** (St Ives) (LD): The hon. Gentleman is making a very interesting case. Given that the problems of colony collapse and bee decline did not happen at the last general election and that the previous Government agreed welcome investment that went into research into the causes of colony collapse, has his research identified any evidence provided by DEFRA through the work that it has undertaken in examining the causes of colony collapse in the UK?

**Martin Caton:** Most of the research that I have looked at for this debate has been new research done by academic institutions that leads to further worries about the use of this particular group of systemics. I will come on to that in a moment.

Without a completed review of the report, DEFRA decided not to accept Buglife's interpretation of the current science and continues to maintain that

"We have a robust system for assessing risks from pesticides in the UK"

that is based on evidence. DEFRA goes on to state:

"current evidence shows that...there is not an unacceptable risk to bee health"

from these products. That statement was made as recently as last month. But how robust is a risk assessment regime that takes 16 months to deal with a report? That worries me because things have moved on considerably since the production of the Buglife report. Further scientific evidence has been produced over the past 15 months that strengthens the case. Four significant pieces of published research have emerged during that time. The first is a paper in *Ecotoxicology* by Nils Dittbrenner. It demonstrates a damaging impact on earthworm growth and activity at field level use of Imidacloprid. Secondly, work by the toxicologist, Dr Henk Tennekes, shows that low-level exposure to neonicotinoids by arthropods over a long time is likely to be as damaging as high exposure over a short time and hence more harmful than had been thought. Thirdly, work done by James Cresswell of Exeter university published in *Ecotoxicology* makes the case, from various pieces of lab work done by others, that a 6% to 20% reduction in honey bee performance is associated with the use of neonicotinoids. However, none of the field studies used to assess the impact of systemic pesticides would be able to detect a change in performance at that level.

Fourthly, a paper by Cedric Alaux of the French National Institute for Agricultural Research published in *Environmental Microbiology* demonstrates a clear

link between neonicotinoid exposure and increased susceptibility to fatal nosema infections that could threaten pollinators. In addition, there is unpublished work that adds to the picture. One piece of work from the Netherlands shows widespread contamination of water bodies in that country and raises concerns about the impacts on the health of freshwater invertebrate populations. The other, from the USA, was the subject of the lead story in *The Independent* last Thursday under the headline, "Poisoned Spring".

In an exclusive, Michael McCarthy, the environment editor of *The Independent*, revealed work from the US Department of Agriculture's bee research lab, showing that neonicotinoid pesticides make honey bees far more susceptible to disease—even at tiny doses. Therefore, they have to be in the frame when we consider the causes of the colony collapse disorder that is having a devastating effect on bees around the world.

**Julian Sturdy** (York Outer) (Con): I congratulate the hon. Gentleman on securing this debate. Everyone in this Chamber, I think, agrees that bee health is a very important issue for the whole environment and for the environmental cycle. He has mentioned a number of factors that affect bee health and he has talked about pests and diseases. Does he not think that we should look at bee health as an overall issue and the impacts that are riding on that, rather than just focus on specific issues?

**Martin Caton:** That is exactly my case. The evidence against the neonicotinoids now is that they make bees and other pollinating insects more susceptible to diseases, so it is not just one factor. We cannot rule out the effect of these systemic pesticides. That is the mistake that has been made so far.

Dr Jeffrey Pettis and his team at the US Department found that increased disease infection happened even when the levels of the insecticides were so tiny that they could not subsequently be detected in the bees, although the researchers knew that they had been dosed with it. Those findings are completely in line with some of the other research that I have already mentioned. That research evidence from the other side of the Atlantic follows hard on the heels of the "leaked memo" from the US Environmental Protection Agency, which is about a newer neonicotinoid called Clothianidin. It is highly critical of the risk assessment process used in the US. It states:

"Information from standard tests and field studies, as well as incident reports involving other neonicotinoid insecticides, suggest the potential for long term toxic risk to honey bees and other beneficial insects."

Alarm bells should be ringing by now. Neonicotinoids are a group of relatively new compounds that mimic the insect-killing properties of nicotine. They are neurotoxins, attacking the central nervous system of the invertebrates. They are systemic, which means that they get taken into every part of the plant, including the pollen and nectar. In turn, that means that bees and other pollinating insects can absorb them and carry them back to their nests or hives.

In 2008, total neonicotinoid use in Britain involved more than 2.5 million acres—some quarter of the arable cropland in this country—and they are big earners for

[*Martin Caton*]

the chemical companies that produce them. According to the article in *The Independent*, the German company Bayer earned more than £500 million from the sale of its top-selling insecticide, Imidacloprid, in 2009, which fits in with the point made by the hon. Member for Brighton, Pavilion (Caroline Lucas). As she said, there is no independent monitoring of the process of gathering and assessing results by the manufacturer. When that is the foundation of the approval system, is it any surprise that we find disparities between the findings of subsequent independent research on this systemic pesticide and the research in its own 2005 draft assessment report?

We need to look again at the approval mechanism for crop protection. In doing so, we should be employing the precautionary principle.

**Caroline Lucas:** Does the hon. Gentleman not agree that DEFRA seems over-complacent about the issue of the ill health of bees? In 2005, I asked the European Commission to comment on cuts that were being made that would halve the number of seasonal bee inspectors. Given that it has been estimated that beekeeping contributes £165 million a year to the UK economy in direct costs and unquantifiable value to the health of our ecological systems, one would have thought that keeping a high number of seasonable bee inspectors would have been a good precautionary measure.

**Martin Caton:** I would not disagree with that. That leads me on to my next point. We are not just talking about honey bees. I am sure that all our hearts go out to beekeepers in these very difficult times, but only 8% of insect pollination is from honey bees; other pollinators contribute enormously to our food security and to the quality of our ecosystem.

As I have given way so many times, I will not be able quite to complete my speech, but I would like to make some points for the Minister to respond to. If he cannot do what I would really like him to do, which is to suspend the use of all new neonicotinoids from tomorrow, I request that he commit today, or in writing as soon as he can, to reviewing the new research that I have referred to, and to reconsidering the licences that have been granted. I request that he withdraw the licences that allow neonicotinoids to be used on plants that produce nectar and pollen until the evidence is clear that they have no impact on the environment, and that he establish a national monitoring system for pollinators and pollinating rates. I ask him to produce a formal response to the scientific papers to which I have just drawn attention, stating what concentrations of neonicotinoids are found in UK water bodies and whether the levels are routinely monitored. I also request that he ask the Environment Agency to work with other agencies to undertake a review of those levels, commissioning research that would be scientifically robust enough to clarify any link between the pesticides and UK populations of wild pollinators.

A Government who aim to be the greenest ever cannot ignore a hugely significant threat to arguably the most important tier of animal life on this planet. They need to act; now is the time to wake up and smell the coffee.

1.46 pm

**The Minister of State, Department for Environment, Food and Rural Affairs (Mr James Paice):** I, too, congratulate the hon. Member for Gower (Martin Caton) on securing the debate. I say that seriously, despite the fact that I am in the position of having to reply.

None of us, as MPs, is unaware of the widespread concern, which has existed for a number of years, about our bee population. As the hon. Gentleman has rightly said, colony collapse disorder is not something new. Soon after the Labour Government were elected in 1997, I took part, in my earlier incarnation as Opposition spokesman challenging the Government, in a debate about bee health, on the specific issue of varroa. Unfortunately, the Government took no notice at all, and the varroa mite is now widespread—some would argue endemic—with the real long-term impact unknown.

The issue to which the hon. Gentleman has specifically drawn our attention—neonicotinoids—has recently returned to the headlines, and he is absolutely right to raise it. I certainly do not want to portray any suggestion of complacency on the matter. I will not go over the points, which we all fully understand, about the importance of honey bees and other non-vertebrate pollinators to our agricultural crop and horticultural industries. We must not be complacent; we must take things very seriously.

I appreciate that the hon. Gentleman was running short of time, but he concluded his speech by rushing off a long list of questions, which I am afraid I did not have time to write down. I will happily undertake to respond to them when I read them in *Hansard*, but forgive me if I do not reply to them all now. One thing that is probably blatantly obvious, but which underlines all this, is that all pesticides are toxic. Even the naturally occurring ones that are approved in organic farming are toxic at some level. The question is about the level of usage, the accumulation and the other factors that determine whether that toxicity is a threat. Of course we accept that neonicotinoids, as much as any other pesticide, are toxic at certain levels and in certain doses.

**Martin Caton:** The fundamental point is that we have very strong evidence that even in tiny doses those particular systemic pesticides contribute to the demise of invertebrate populations. That has to be of great concern, and it often cannot be picked up in field trials, on which, understandably, most of our assessment is based.

**Mr Paice:** I have taken the hon. Gentleman's point on board. I understand it and will try to deal with it as best I can, because I certainly do not want in any way to imply that I am ignoring it or, to use his words, that the Government are being complacent about it. As he and others have said, the Government take pesticide regulation very seriously. All pesticides are rigorously assessed before they are approved for use, although I accept the point made by the hon. Member for Brighton, Pavilion (Caroline Lucas) that much of that information comes from the industry that developed them. However, the matter is open to public scrutiny after that by the advisory committee and the regulators, so if there were any implication that somehow those trial results were distorted intentionally, it would quickly come to light.

The conditions of use of a pesticide are set so that pesticides do not pose an unacceptable risk to people or to the wildlife in the countryside, which, of course, includes bees and other pollinators. I emphasise that there is a statutory code of practice about guidance to people who use pesticides on minimising the exposure of bees, including notifying local beekeepers 48 hours before their use.

We continue to fund research on pesticides and pollinators and in relation to monitoring the real-world impact of pesticides on bees. It is being considered as part of the wildlife incident investigation scheme, and we are adding those neonicotinoids that are not already covered to the programme of residues monitoring for honey.

The hon. Gentleman has rightly and understandably referred to the 2009 Buglife report. As he has said, Buglife basically took all the information that was available and reviewed it before publishing the report. The then Government fully reviewed that report and took advice from the independent Advisory Committee on Pesticides, and all the key research references were scrutinised and the implications considered. That involved drawing on the regulatory data set and any other publicly available information. The conclusion drawn at that time was that the Buglife report did not raise new issues—it would have been surprising if it had, given that it was simply going over all the information already held—and that it did not require changes to pesticide approvals.

**Martin Caton:** Is the Minister not concerned that we have discovered this month that the chemicals regulation directorate of the Health and Safety Executive, which was given the job, on behalf of the Government, of assessing the Buglife report, has still not completed its report and has not even completed collating the data? If we are really serious about dealing with this problem urgently, that is an appalling record. I do not blame the current Government alone—it is a failure of government.

**Mr Paice:** I shall write to the hon. Gentleman on the detail. His assertion is news to me, and I shall have to take it away with me. As he obviously appreciates, this is not my normal portfolio; I am covering for my noble Friend Lord Henley, who normally deals with bees.

What the Buglife report did do—there is no question about this—was indicate a gap in our knowledge on the effects of neonicotinoids on over-wintering bees. The point about that was right. We have supported the addition of studies on that issue to the European data requirements for pesticide regulation.

We continue to work with other regulators and to consider all the new evidence that emerges. We have discussed with James Cresswell of Exeter university his work on sub-lethal pesticide doses and bees, especially in relation to over-wintering. That is of interest, but as he himself fully acknowledges, questions remain about the environmental relevance of predominantly laboratory-based results. That is particularly relevant to the work to which the hon. Gentleman has referred by Henk Tennekes.

We are also, of course, aware of the work by Jeff Pettis in the United States, which is the origin of the article in *The Independent* to which the hon. Gentleman has referred. However, we have to recognise that Dr Pettis

himself has challenged *The Independent* publicly about some of the assertions that it made. He has published the points on a website on that newspaper's own blog. Forgive me, Mr Williams, but I think that I need to read out some aspects of that. Dr Pettis has stated:

“I noticed in your article that there is an implication that my research findings are perhaps being suppressed by the chemical industry. As the author of this study, I can tell you that the truth is that the review process on the paper has simply been lengthy, as is often the case, due to various factors, but that no outside forces are attempting to suppress this scientific information. The findings of an interaction between low level pesticide exposure and an increase in the gut pathogen *Nosema* were not unexpected; many such interactions are likely within the complex life of a honey bee colony. It is not possible to make a direct comparison with a lab study and what might occur in the field. Lab studies can give us insights into what may be occurring with beehives but we have yet to make this link. Honey bee health is complex and our findings support this. They do not provide a direct link to CCD colony losses but these results do provide leads for further study.”

I say that not to reject what has been claimed, but to put it into proportion. Even the work's author rejects some aspects of the article that has caused so much understandable public concern recently.

**George Freeman (Mid Norfolk) (Con):** Will the Minister give way?

**Mr Paice:** I am afraid I cannot give way any more.

The author has repeatedly said that finding such an interaction does not tell us what might happen in the field. Nevertheless, as the hon. Member for Gower has rightly said, it causes us to think about what further work needs to be done.

The European Commission is developing proposals for bee health, including research, surveillance and measures to understand and tackle the decline of wild and managed bees. Only yesterday, we discussed the issue at the Agriculture Council in Brussels, where I publicly supported the need to develop such measures. In particular, I raised the issue of neonicotinoids, which must be researched on a European basis. As several hon. Members have said, the situation is not unique to this country and applies elsewhere in Europe. In that respect, I need to correct the assertion made by several hon. Members that those products have been banned by some of the countries that have been mentioned. Germany, France, Slovenia and Italy have introduced various restrictions, but none has totally banned the use of those products. We will work with Europe heavily on this issue.

The insect pollinators initiative will provide £10 million—that was decided by the previous Government—to look at the decline of pollinators. DEFRA is contributing £2.5 million to that work, which will include a project run by Dundee university to look at the effect of sub-lethal pesticide exposure on the brain and behaviour of bees during navigation and communication. DEFRA and the Welsh Assembly launched the healthy bees plan in 2009 to protect and improve the health of honey bees over the next 10 years. As part of that, DEFRA recently announced funding to train beekeepers to protect colonies against pests and diseases. The National Bee Unit, which is part of our Food and Environment Research Agency, has also announced scientific research in conjunction with Aberdeen university on varroa.

[Mr Paice]

I congratulate the hon. Gentleman, because it is important that we have had this opportunity to debate the issue. The fact that so many of my colleagues from all parts of the House have been present for a half-hour Adjournment debate underlines the fact that this is a matter of interest across the House. I will undertake to answer all the questions that the hon. Gentleman raised in his concluding remarks. I must stress that we are certainly not complacent, and I would be very angry if there were any implication that we were. From my perspective as the Minister with responsibility for agriculture,

I fully recognise the importance of bees to food production in this country. The last thing that I want to do is to jeopardise the role of bees in any way.

I will take away the hon. Gentleman's remarks and am grateful to him for raising this issue. I hope that I have been able to give him some comfort that we are taking the issue seriously and that a number of actions are in play. Clearly, however, we still need a lot more information.

*Question put and agreed to.*

1.59 pm

*Sitting adjourned.*



# Written Ministerial Statements

*Tuesday 25 January 2011*

## TREASURY

### Banking Act 2009 (Reporting)

**The Financial Secretary to the Treasury (Mr Mark Hoban):** The Treasury has laid before the House of Commons a report required under section 231 of the Banking Act 2009 covering the period from 1 April 2010 to 30 September 2010. Copies of the document are available in the Vote Office.

## CULTURE, MEDIA AND SPORT

### Media Ownership

**The Secretary of State for Culture, Olympics, Media and Sport (Mr Jeremy Hunt):** On 3 November 2010 News Corporation notified the European Commission of its intention to acquire the shares in BSKyB that it does not already own. On 4 November 2010 the Secretary of State for Business, Innovation and Skills issued a European intervention notice in relation to the proposed acquisition. He asked Ofcom to investigate and report back to him by 31 December 2010 providing advice and recommendations on the public interest consideration in section 58 of the Enterprise Act 2002. This public interest consideration concerns the sufficiency of plurality of persons with control of media enterprises.

On 21 December 2010 the European Commission cleared the proposed acquisition of BSKyB by News Corporation. The Commission concluded that the transaction would not significantly impede effective competition in the European economic area or any substantial part of it. The Commission made it clear that its decision did not prejudice my jurisdiction in relation to the merger's impact on the separate question of sufficiency of plurality in the media.

Following receipt of Ofcom's report and in the interests of transparency I want to inform the House of the timeline and process that I have followed to date in my considerations of the relevant public interest.

As such I am today publishing the following documents, copies of which will also be deposited in the Libraries of both Houses:

Ofcom's report on the public interest issues relating to News Corporation's proposed acquisition of BSKyB that was sent to me on 31 December 2010 (with redactions for confidentiality).

The OFT's report on jurisdiction that was sent to me on 30 December.

My letters to News Corporation and BSKyB of 7 January 2011.

BSkyB's response of 13 January 2011 with confidential information redacted.

News Corporation's response of 14 January 2011 with confidential information redacted.

After careful consideration of the Ofcom report which recommends referral to the Competition Commission, and as provided by section 104 of the Enterprise Act 2002 that sets out my duty to consult adversely affected parties, I met with News Corporation on 6 January to set out the process that I would follow and briefly explain Ofcom's conclusions. Having informed them of the process I then wrote to News Corporation and BSKyB on 7 January enclosing a copy of Ofcom's report. In this letter I explained that I was minded to refer the case to the Competition Commission but that I would receive written, and if necessary oral, representations from them if they wanted to challenge my thinking.

On 10 January I met with Ofcom to seek clarification on a number of aspects of their report.

In response to my letter of 7 January BSKyB and News Corporation provided written representations challenging elements of Ofcom's report on 13 and 14 January respectively.

These documents have today been published. After considering these responses and consistent with section 104 of the Enterprise Act I therefore met again with News Corporation on 20 January to hear representations on the issues they highlighted.

As a result of these meetings and my consideration of the Ofcom report and subsequent submissions from the parties involved I still intend to refer the merger to the Competition Commission. On the evidence available, I consider that it may be the case that the merger may operate against the public interest in media plurality.

However, before doing so it is right that I consider any undertakings in lieu offered by any merging party which have the potential to prevent or otherwise mitigate the potential threats to media plurality identified in the Ofcom report.

News Corporation says that it wishes me to consider undertakings in lieu which it contends could sufficiently alleviate the concerns I have such that I should accept the undertakings instead of making a reference. It is appropriate for me to consider such undertakings. In considering whether to accept undertakings in lieu, I will ask the OFT under section 93 of the Enterprise Act 2002 as an expert public body with experience in negotiating undertakings in lieu to be involved in the process from this stage. I will also ask Ofcom under section 106B for advice whether undertakings in lieu address the potential impact on media plurality.

If this process produces undertakings in lieu which I believe will prevent or otherwise mitigate the merger from having effects adverse to the public interest, and which I propose to accept, I will then publish the undertakings in lieu and (as required under the Act) begin a formal 15-day consultation period during which time all interested parties will be able to express their views.

It is in the nature of this process that I cannot give clear dates for each step as we move forward. My main concern is not to work to an arbitrary timetable but to ensure that I reach my decision in a fair and even-handed way which is transparent and ensures that all concerns are properly considered.

## ENVIRONMENT, FOOD AND RURAL AFFAIRS

### Agriculture and Fisheries Council

**The Secretary of State for Environment, Food and Rural Affairs (Mrs Caroline Spelman):** My right hon. Friend the Minister of State with responsibility for agriculture and food represented the United Kingdom at the Agriculture and Fisheries Council in Brussels on 24 January.

There were three items on the agenda relating to agriculture. Discussion took place on the following:

Presidency work programme: a routine presentation from the new (Hungarian) presidency of its plans and objectives.

A presentation by the Commission of its analysis of the state of honey bee health and what can be done to improve it. This is an important issue for the UK and we are already undertaking our own programme.

CAP reform: this debate will focus on the issues around natural resource protection and climate change.

There were five items under any other business:

Cross-border infectious animal diseases—a paper from Latvia flagging its action to prevent cross-border transmission of African swine fever from Russia and calling for EU support.

Current dioxin situation in Germany—a report from Germany on their current problems with dioxins in feed and the actions taken. The UK was one of the few member states directly affected (receiving some contaminated eggs).

Situation on the pig meat market—Belgium asking for Commission action to help farmers in the current difficult situation in the pig meat market and the setting up of a pig high-level group.

Foresight project on the future of food and farming—a UK item.

International agricultural markets—an update from the Commission on the current state of global food commodity markets.

## WORK AND PENSIONS

### Incapacity Benefit Reassessment

**The Minister of State, Department for Work and Pensions (Chris Grayling):** The trial for the reassessment of incapacity benefit customers in Aberdeen and Burnley has been under way since October last year. Over 1,000 customers have now been informed of the outcome of their reassessment.

The trial has tested a new process providing a number of additional support measures for customers as they go through their reassessment journey. At key points, Jobcentre Plus staff telephone customers to inform them about what is happening and to ensure they have access to appropriate help and advice. Customers also have the opportunity to discuss the decision on their case with a decision maker, putting into practice one of the key findings in Professor Harrington's recent review of the work capability assessment. These additional support measures have been welcomed by staff and customers.

We want to ensure that the experience gained in the trial is shared across all of the centres that will be dealing with the reassessment of incapacity benefit claimants before we move to the full, national roll-out in April. So we intend to have a limited, introductory phase in every centre carried out in the same controlled

conditions as Burnley and Aberdeen. This will ensure the process remains robust and we continue to learn valuable lessons as more customers are involved in more areas across the country.

At the end of February, we will begin this introductory phase. Letters will be sent to 1,000 customers a week nationally, marking the commencement of their reassessment. So a total of around 300 people will be assessed in each reassessment centre over this period. In April, we will step up the implementation and increase the number of cases to around 7,000 a week. From May we will be processing the full case load of around 11,000 cases per week. This steady ramp up of activity will ensure that Jobcentre Plus and its partners are ready and can deal with the volume of cases as it builds. Customers' reactions to the changes will be closely monitored and lessons applied.

Our plans are on track. Reassessment remains a key priority for this Government. We cannot allow people to be trapped on benefits, but we will ensure people get the benefits and support that they are entitled to.

### Employment and Social Policy Ministers (Informal Meeting)

**The Minister of State, Department for Work and Pensions (Chris Grayling):** The Informal Meeting of Employment and Social Policy Ministers took place on 17 to 18 January 2011 in Budapest, Hungary. I represented the United Kingdom on day one of the meeting and the Under-Secretary of State for Business, Innovation and Skills, the Minister with responsibility for employment relations, consumer and postal affairs, my hon. Friend the Member for Kingston and Surbiton (Mr Davey), attended the second day.

The themes for this two-day informal meeting were tackling youth unemployment and creating an employment-friendly recovery, which were discussed in workshop sessions. In the first workshop, tackling youth unemployment, the presidency underlined the importance of increasing youth labour market participation. Possible solutions included: raising skills, better careers advice, incentives to employ young workers, strengthening entrepreneurship and use of European Union funds especially the European social fund. The Employment and Social Affairs Commissioner highlighted some of the ideas in its "Youth on the Move" flagship initiative, including open-ended contracts and a youth guarantee and encouraged member states to take up these proposals. For the UK, I intervened to state that the European Union should prioritise a broad-ranging growth and competitiveness agenda and remove unnecessary regulation. I stressed the vital importance of impact assessments for any new regulation and early action to tackle unemployment by increasing labour market participation and improving skills. I outlined key UK policies that supported this agenda and highlighted the potential for member states to learn from each other through the open method of co-ordination. I also stressed that it was not necessary to apply the same solution in each member state. We needed flexibility around common goals. Many delegations broadly welcomed the Youth on the Move initiative although some argued that European Union-level action should not specify solutions and respect the differences in member states' industrial relations systems. Otherwise, there was a broad consensus on the need for education reform and improving skills levels.

In the second workshop, the presidency noted that while the economic outlook was brightening, employment rates were not improving and that meeting the Europe 2020 employment target would be a significant challenge. It emphasised the importance of promoting labour demand through labour-intensive investments focusing on those furthest from the labour market. The Employment and Social Affairs Commissioner argued for doubling of effort to avoid a jobless recovery. The “New Skills and Jobs” flagship initiative, the joint employment report and the annual growth survey were all recent Commission initiatives aimed at promoting growth. The Commission would adopt guiding principles to assist job creation later this year, focusing on addressing administrative and legal obstacles to hiring and firing; reducing non-wage labour costs; and measures to assist the move from informal and undeclared work into regular employment. Finally, the Commissioner argued the case for more and more visible ESF funding and better use of the EU microfinance. For the UK, the Under-Secretary with responsibility for employment relations, consumer and postal affairs, my hon. Friend the Member for Kingston

and Surbiton, agreed with the emphasis on skills and training and stressed the importance of apprenticeships and benefit reform to help vulnerable workers. He also highlighted UK plans to simplify employment law, thereby reducing regulatory burdens on business as well as retaining a fair deal for workers.

#### Parliamentary Written Question (Correction)

**The Minister of State, Department for Work and Pensions (Steve Webb):** I regret to inform the House that there were inaccuracies in my written answer 15130 given on 4 October 2010, *Official Report*, columns 1346-48W. The response provided the number of winter fuel payments made in England, Dudley Borough and Dudley North constituency. The age breakdowns supplied for England were incorrect and figures were only provided up to 2008-09 instead of 2009-10. In addition there were some discrepancies in the figures for 2005-06. The correct information is below:

	2009-2010	2008-2009	2007-2008	2006-2007	2005-2006
<i>Arealage</i>					
England	10,810,140	10,592,900	10,345,380	10,028,780	9,864,190
Under 60	14,220	10,090	9,930	9,750	9,520
60-64	2,852,580	2,802,640	2,690,280	2,478,860	2,338,040
65-69	2,265,860	2,183,790	2,133,960	2,110,630	2,133,240
70-79	3,498,400	3,457,650	3,412,500	3,372,870	3,356,210
80 and over	2,179,080	2,138,730	2,098,700	2,056,680	2,027,190

	2009-2010	2008-2009	2007-2008	2006-2007	2005-2006
<i>Arealage</i>					
Dudley local authority	70,450	69,270	67,950	66,170	65,250
Under 60	100	80	70	70	60
60-64	17,940	18,040	18,000	17,040	16,570
65-69	15,670	15,100	14,650	14,580	14,760
70-79	23,650	23,210	22,930	22,480	22,120
80 and over	13,090	12,830	12,310	11,990	11,750

	2009-2010	2008-2009	2007-2008	2006-2007	2005-2006
<i>Arealage</i>					
Dudley North parliamentary constituency	19,890	19,690	19,490	19,220	19,180
Under 60	40	30	20	20	20
60-64	4,620	4,610	4,660	4,500	4,500
65-69	4,290	4,320	4,290	4,400	4,570
70-79	7,320	7,180	7,100	6,990	6,860
80 and over	3,620	3,550	3,410	3,310	3,230

#### Notes:

- Figures are rounded to the nearest 10 and therefore totals may not sum.
- Constituencies used are for the Westminster Parliament of May 2005.
- The “under 60” category contains cases where an income support/jobseeker’s allowance claimant receives a payment on behalf of their partner who is aged 60 or over.

4. Figures for 2005-2006 have been revised. I have arranged for the full revised table to be placed in the Library today.

#### Source:

DWP Information Directorate 100% data.



# Petition

Tuesday 25 January 2011

## OBSERVATIONS

### TRANSPORT

#### Bus Fares (Bristol, Bath and surrounding areas)

*The Petition of Laura Ann Friend, Adam Heard and residents of South Gloucestershire, Bath and North East Somerset, and Bristol,*

Declares that the Petitioners are concerned about the high cost of bus fares for travellers needing to use services that extend beyond the boundaries of the cities of Bath and Bristol; notes that the costs of travel can be substantial where special city day fares are not available; and further notes that reducing bus fares can act as a means of reducing traffic pollution, easing congestion, promoting healthy lifestyles and even reducing the cost of living in these difficult economic times.

The Petitioners therefore request that the House of Commons urges the Government to take all possible steps to reduce bus fares in Bristol, South Gloucestershire, Bath and the surrounding areas.

And the Petitioners remain, etc.—[Presented by Chris Skidmore, *Official Report*, 21 December 2010; Vol. 520, c. 10P.]

[P000874]

#### *Observations from the Secretary of State for Transport:*

The Government do not control the fare prices of local bus services, which are generally provided by commercial bus operators, in a market environment, or procured by Local Transport Authorities as “tendered services”.

Local Transport Authorities can impose a limit on fares upon an area as part of a statutory Quality Partnership Scheme. Such a proposal is currently being proposed by Bath and North East Somerset Council for the route corridor between Bath and Midsomer Norton via Odd Down, Dunkerton, Peasedown St John, Radstock and Westfield. The proposals would see fares capped in line with bus industry costs. This is part of the Greater Bristol Bus Network improvement scheme, which includes a further nine route corridors. The lead authorities for these route corridors intend to consult on similar arrangements.

The Government encourage Local Transport Authorities and commercial bus operators to work together to ensure that bus services meet the expectations of the travelling public.



# Written Answers to Questions

Tuesday 25 January 2011

## WOMEN AND EQUALITIES

### Departmental Visits Abroad

**Priti Patel:** To ask the Minister for Women and Equalities how many visits were undertaken overseas by (a) officials and (b) Ministers in the Government Equalities Office in each year since its inception; what the cost of each such visit was; how many officials attended; which hotels were used; and which class and mode of travel was used. [22059]

**Lynne Featherstone:** The Government Equalities Office (GEO) was established on 12 October 2007. The total expenditure on all travel and subsistence by officials and Ministers in each year for which figures are available is as follows.

<i>Travel and subsistence</i>	<i>Total expenditure (£)</i>
2007-08 <sup>1</sup>	18,880
2008-09	79,891
2009-10	129,542
2010-11 <sup>2</sup>	43,874
Total	272,187

<sup>1</sup> From 12 October 2010

<sup>2</sup> As at 31 October 2010

The vast majority of this relates to visits in the UK. All travel is subject to approval by senior managers but the GEO's accounting systems do not record any distinction between international and domestic travel and isolating precise figures for the number of visits overseas and their cost before 2009-10, when returns to the Cabinet Office on ministerial travel overseas became necessary, could be done only at disproportionate cost. However, the GEO estimate that a quarter of the travel and subsistence expenditure incurred since GEO was established, some £68,000, was spent on visits overseas by officials and Ministers.

Details of expenditure incurred by Ministers on visits overseas in 2009-10, totalling £7,879, are available on the Cabinet Office website at:

<http://www.cabinetoffice.gov.uk/resource-library/ministers-overseas-travel>

Ministers representing GEO would have travelled in First or Business class and would normally be accompanied by a member of their Private Office staff. We do not have information relating to the accommodation used.

Once the GEO have moved on to Home Office accounting systems, precise distinctions between the costs of international and domestic travel will be possible, along with more detail about the costs incurred by individuals.

## HOME DEPARTMENT

### Animals: Smuggling

**Mark Tami:** To ask the Secretary of State for the Home Department how many protected and endangered animals were seized at UK airports and ports in each year since 2008-09. [35543]

**Damian Green:** The number of protected and endangered animals seized at UK airports in each year since 2008 is as follows:

<i>Period</i>	<i>Number of seizures</i>	<i>Number of items seized</i>
2008-09	37	1,212
2009-10	21	563

**Mary Creagh:** To ask the Secretary of State for the Home Department what assessment she has made of the effects of implementation of the outcomes of the comprehensive spending review on the UK Border Agency's ability to enforce anti-smuggling controls at UK ports of entry on the importation of products of animal origin. [35752]

**Damian Green:** The operating model at the border uses risk models and intelligence to determine how officers are deployed. Deployment decisions are based on an assessment of the risk and officers are supported in products of animal origin (POAO) activity by detector dogs.

Following the spending review, the UK Border Agency (UKBA) along with other Government Departments, is looking critically at ways in which to modernise the workforce to deliver best value for money. This is increasingly important in the current financial climate. This programme of workforce modernisation will include the development of a smaller, more flexible core workforce. By combining this with smarter ways of working UKBA will continue to contribute to the important anti-smuggling agenda.

We work closely with the Department for Environment, Food and Rural Affairs (DEFRA) (who are responsible for developing and implementing the UK Government's animal health strategy) to ensure our POAO border targeting activities continue to be responsive to new or changing animal disease spread risks to maximise their efficiency and to ensure they focus on the most high risk routings and goods.

### Asylum: Finance

**Dr Huppert:** To ask the Secretary of State for the Home Department what assessment she has made of the effectiveness of the operation of the Azure card system; what estimate she has made of the level of unspent credit on such cards; and what plans she has to review the system. [35987]

**Damian Green:** The Azure pre-payment card is administered for the UK Border Agency by Sodexo Ltd Sodexo provides regular updates on the card's performance to the UK Border Agency's chief executive.

From November 2009 to December 2010 there have been over 1 million successful transactions which represents 85% of the total. Only 0.25% (3,600) of the unsuccessful transactions were due to technical faults, with 14% due to users not having sufficient funds in their account and the remaining 0.75% due to service users attempting to use their card in non-affiliated stores.

The estimated amount of unspent credit recovered from the Azure card for the first year of its operation is £650,000. The figure is not collated monthly.

Beyond this, the UK Border Agency has no plans to review the Section 4 payment card system.

### Deportation: Human Rights

**Mr Stewart Jackson:** To ask the Secretary of State for the Home Department pursuant to the answer of 18 January 2011, *Official Report*, column 676W, on deportation: human rights (1) for what reason the UK Border Agency does not record centrally the information on removals which did not proceed as a result of the application of provisions of the European Convention on Human Rights; and if she will make a statement; [35927]

(2) what estimate she has made of the indicative cost of collecting the information requested; what methods she used to make that estimate; and if she will make a statement. [35929]

**Damian Green:** In responding to these questions, I have assumed 'deportations' to mean 'removals'.

Data relating to removals is recorded on the Case Information Database (CID), which is the main information technology system used by the UK Border Agency (UKBA). For the purposes of reporting, CID records removals cancellations under standardised categories such as Judicial Review, Injunction, Medical Representations, and Further Representations received. Cases considered under the European Convention on Human Rights (ECHR) Article 3 and Article 8 would fall under the further representations category.

The only way to identify these specific ECHR cases would be to undertake a search of the individual case notes or the electronic files for all cases with removals cancelled due to further representations, in the time period requested.

The number of removals cancelled as a result of further representations from 1 April 2008 to 15 January 2010 was 600.

Based on previous case by case searches we have estimated it would take it would take on average 10 minutes to review each individual case. The appropriate grade to carry out this type of work would be an executive officer, whose salary is £144.87 per day.

Therefore to search 600 records would take 100 hours (i.e. 14 working days) and cost £2,012.00.

This expenditure is over the disproportionate cost threshold.

### Deportation: Offenders

**Mr Scott:** To ask the Secretary of State for the Home Department what plans she has to increase the number of foreign prisoners deported from the UK at the end of their prison sentences. [35311]

**Damian Green:** This Government are committed to exploring ways of removing these individuals earlier. This will include working with the prisons, courts and the police to build on our capacity to gather intelligence information on nationality at an earlier stage.

Foreign national prisoners are considered for deportation against the following criteria:

A court recommendation;

For non-EEA nationals—a custodial sentence of 12 months or more either in one sentence, or as an aggregate of two or three sentences over a period of five years or a custodial sentence of any length for a drug offence (an offence other than possession only);

For EEA nationals—a custodial sentence of 12 months or more for an offence involving drugs, violent or sexual crimes or a custodial sentence of 24 months or more for other offences.

The UK Border Agency makes every effort to ensure that a person's removal by deportation coincides, as far as possible, with his/her release from prison on completion of sentence. Where sentence length allows, the UK Border Agency will consider deportation up to 18 months prior to the earliest point of removal. Foreign nationals who are served with a deportation notice have the right of appeal against the decision before the courts.

### Entry Clearances: Overseas Students

**Pete Wishart:** To ask the Secretary of State for the Home Department whether international students enrolled at UK institutions will be eligible to remain in the UK under tier 1 post-study work arrangements for two years after completion of their studies. [35875]

**Damian Green:** On 7 December, we published a public consultation—'The Student Immigration System: A Consultation'. One of the proposals on which we are inviting views is what changes we should make to the tier 1 post study work route, as well as the timing of any changes and any transitional arrangements which may be necessary. We will announce our final decisions on the future shape of tier 4 in due course, following the closure of the consultation on 31 January. Those students in tier 4 of the points based system will, as now, be able to work in the UK after graduation by switching into tier 2, provided they meet the applicable requirements.

**Mr Bain:** To ask the Secretary of State for the Home Department what assessment she has made of the effects of her policy to reduce levels of immigration on the further education sector. [34863]

**Damian Green:** The consultation on the student immigration system will close on 31 January. The consultation is seeking the views of all respondents on the effect of the proposals on their organisation or sector.

### Human Trafficking

**Michael Connarty:** To ask the Secretary of State for the Home Department what plans she has to launch a successor to Operation Pentameter II for the purposes of reducing the incidence of human trafficking. [35551]

**Damian Green:** This is an operational matter for the police and the Serious Organised Crime Agency, and will be determined by operational priorities.



**Michael Connarty:** To ask the Secretary of State for the Home Department what assessment she has made of the effect of operations Pentameter I and II in reducing the incidence of human trafficking. [35552]

**Damian Green:** During the operational phase of the Pentameter 1 and 2 investigations, 638 people were arrested for human trafficking related and other offences and 257 potential victims, including five for trafficking for forced labour, were recovered.

A key objective of these operations was to build knowledge of human trafficking amongst law enforcement agencies in order that anti-trafficking work could be continued at force level as part of core police business. Forces now have the knowledge and capability to run anti-human trafficking operations, and where necessary can be supported by the operational co-ordination and tactical advice capacity of the UK Human Trafficking Centre.

**Mr Bone:** To ask the Secretary of State for the Home Department if she will make an assessment of the extent to which the UK complies with the provisions of the Council of Europe Convention against human trafficking. [35628]

**Damian Green** [*holding answer 25 January 2011*]: We are confident that the UK meets or exceeds the standards required by the Council of Europe Convention against human trafficking.

The Command Paper CM 7465 laid before Parliament in September 2008 details the operational and legislative changes and impact on the UK as a result of ratifying the convention.

#### Immigrants: Detainees

**Priti Patel:** To ask the Secretary of State for the Home Department how many and what proportion of persons detained under Immigration Act powers have (a) convictions for offences in the UK, (b) served prison sentences in the UK, (c) convictions in other countries and (d) served prison sentences in other countries. [36216]

**Damian Green:** While the UK Border Agency records information on the convictions of those who meet the criteria for deportation, we do not record information electronically on the convictions of those who do not meet the criteria nor do we record information on convictions in other countries. To obtain this information would exceed the cost threshold.

However we can advise that in 2010, for an average month, approximately 635 foreign national prisoners were detained in prison and 1,135 in immigration removal centres, beyond the end of their custodial sentence while deportation was considered. These average figures are based on internal management information and are subject to change.

We recognise the risk posed when foreign nationals with a history of offending overseas enter the UK. The proactive transfer of information across borders that would alert border or law enforcement agencies when such individuals travel is a complex and challenging area, particularly within the EU where freedom of movement is an established right for all citizens.

However, we are currently seeking to reduce this risk by working with our European partners and law enforcement organisations such as Europol and Interpol to encourage improved police co-operation. We are also investigating how member states within Europe approach offender management and particularly whether comparable systems to our Multi Agency Public Protection Arrangements (MAPPA) exist. Through this work we will assess whether we can seek to extend these MAPPA principles across borders to reduce the risk posed by travelling offenders.

**Priti Patel:** To ask the Secretary of State for the Home Department what the 20 longest recorded lengths of time are of a person who is currently in detention under Immigration Act powers. [36217]

**Damian Green:** As at 30 September 2010, management information shows that of the 2,890 people detained solely under Immigration Act powers, the 20 longest recorded lengths of detention are:

<i>Length of detention in days</i>	<i>Number of detainees</i>
1,793	1
1,507	1
1,395	1
1,345	1
1,311	1
1,238	1
1,214	1
1,175	1
1,140	1
1,125	1
1,115	1
1,109	1
1,049	1
1,034	1
1,031	1
1,023	2
1,011	1
1,001	1
988	1

*Note:*

Figures exclude persons detained in police cells, Prison Service establishments and those detained under both criminal and immigration powers. They relate to most recent period of sole detention. The period of detention starts when a person first enters the UK Border Agency estate. If the person is then moved from a removal centre to a police cell or Prison Service establishment, this period of stay will be included if the detention is solely under Immigration Act powers. These figures are based on management information and are not subject to the detailed checks that apply for National Statistics. They are provisional and may be subject to change.

The Home Office publishes statistics on the number of persons detained solely under Immigration Act powers on a quarterly and annual basis, which are available from the Library of the House and from the Home Office's Research, Development and Statistics website at:

[www.homeoffice.gov.uk/rds/immigration-asylum-stats.html](http://www.homeoffice.gov.uk/rds/immigration-asylum-stats.html)

#### Immigration

**Mr Offord:** To ask the Secretary of State for the Home Department what steps she is taking to end the link between (a) temporary routes and (b) permanent settlement. [35498]

**Damian Green:** The Government will introduce an interim package of changes, in April 2011, which will tighten the current settlement criteria.

There will be a new criminality threshold, requiring all applicants to be clear of unspent convictions when they apply for settlement.

Skilled and highly skilled migrants applying for settlement will need to meet the income criteria that applied when they last extended their permission to stay.

If an economic migrant fails to pass the Life in the UK test, their application for settlement will be refused.

We will remove the ability for new entrants into the Intra Company Transfer route to extend their leave beyond five years.

These measures are a first step in ensuring that we break the automatic link between temporary and permanent migration. We will bring forward further proposals later this year.

#### Immigration: Aso Mohammed Ibrahim

**Mr Bain:** To ask the Secretary of State for the Home Department what further legal steps she plans to consider in respect of the immigration status of Aso Mohammed Ibrahim. [35966]

**Damian Green:** The UK Border Agency was notified on 17 January 2011 that the application for permission to appeal to the Court of Appeal has been refused by the Immigration and Asylum Chamber of the Upper Tribunal. The UK Border Agency will now exercise its right to make an application for permission to appeal direct to the Court of Appeal.

#### Migration

**Mr Burley:** To ask the Secretary of State for the Home Department what recent progress she has made on the reduction of net migration. [35141]

**Damian Green:** We have already announced that we will be introducing a new permanent limit on non-EU economic migrants, with a reduction in visas in the next financial year from 28,000 to 21,700. These 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.

#### Personation

**Dame Anne Begg:** To ask the Secretary of State for the Home Department whether her Department has commissioned any research on a potential link between closing passport offices and the incidence of identity theft. [35671]

**Damian Green:** Passport security is of extreme importance. The UK passport is a secure and highly respected document both nationally and internationally because of the integrity derived from the processes of dealing with applications and issuing passports. The proposed closure of a passport application processing centre and local interview offices are in response to excess capacity within the Identity and Passport Service (IPS). The closure programme will not impact on the operational practices within IPS to ensure that the passport remains secure. Research is not planned in this

area. Instead, IPS will continue to look at ways in which to improve and enhance the security of the passport and minimise the potential for fraudulent use of identity.

#### Police: Finance

**Ed Balls:** To ask the Secretary of State for the Home Department if she will estimate the average percentage real terms change in funding allocated to police forces between 2010-11 and 2012-13 using the gross domestic product deflator set out in the forecasts made by the Office of Budget Responsibility in November 2010, and excluding funding allocated (a) under the counter-terrorism grant and (b) to fund a freeze in the level of council tax. [31505]

**Nick Herbert** [*holding answer 20 December 2010*]: Total Government funding to the police will reduce by 13% in real terms between 2010-11 and 2012-13, using the GDP deflators produced by the Office of Budget Responsibility in November 2010.

Counter-terrorism grants and the council tax grant are key elements of total police funding and therefore should not be excluded from calculations of changes to police funding.

#### Police Recruitment Freeze

**Mr Hepburn:** To ask the Secretary of State for the Home Department what estimate she has made of the number of police forces which have frozen their recruitment. [35099]

**Nick Herbert** [*holding answer 24 January 2011*]: This is a matter for individual chief constables and their police authorities. It is a priority of this Government to ensure that the police retains and enhances its ability to protect and serve the public.

## DEFENCE

#### Afghanistan: Peacekeeping Operations

**Mr Jim Murphy:** To ask the Secretary of State for Defence (1) how many times each (a) VC10, (b) C-17 and (c) TriStar that has operated in the Afghan theatre landed at the Camp Bastion Aerial Port of Debarkation in each month since January 2010; [34956]

(2) how many flights each (a) VC10, (b) C-17 and (c) TriStar that has operated in the Afghan theatre made in each month since January 2010. [34957]

**Nick Harvey:** No VC10, C-17 and TriStar aircraft are based in Afghanistan. The number of flights in support of Operation Herrick could only be broken down to individual airframe level at disproportionate cost, but is recorded centrally for each fleet.

A small detachment of VC10 and occasionally TriStar aircraft are based in the wider Op Herrick area on a rotational basis to support Air-to-Air refuelling operations over Afghanistan. They do not land in Afghanistan during these missions. The number of Op Herrick Air-to-Air Refuelling sorties undertaken by VC10 or TriStar aircraft for each month since January 2010 are shown in the following table:

	<i>Number of VC10 Herrick AAR sorties</i>	<i>Number of TriStar Herrick AAR sorties</i>
January 2010	18	2
February 2010	35	0
March 2010	25	0
April 2010	14	0
May 2010	23	0
June 2010	27	0
July 2010	29	0
August 2010	29	0
September 2010	32	0
October 2010	32	0
November 2010	30	0
December 2010	29	0

TriStar and C-17 aircraft operate into airfields in Afghanistan as part of the Op Herrick passenger and freight Airbridge. TriStar aircraft land at Kandahar, C-17 aircraft land at both Kandahar and Camp Bastion. The number of TriStar and C-17 flights arriving at Camp Bastion and Kandahar in each month is shown in the following table:

	<i>Number of C-17 arriving Camp Bastion</i>	<i>Number of TriStar arriving Kandahar</i>	<i>Number of C-17 arriving Kandahar</i>
January 2010	33	25	5
February 2010	40	21	4
March 2010	40	23	4
April 2010	39	20	5
May 2010	29	18	4
June 2010	42	20	4
July 2010	36	24	5
August 2010	40	24	4
September 2010	48	24	4
October 2010	48	25	5
November 2010	36	23	4
December 2010	38	13	4

**Mr Jim Murphy:** To ask the Secretary of State for Defence what repair or reconstruction work has taken place on the Camp Bastion Aerial Port of Debarkation runway since January 2010; and what the cost to his Department of such work has been. [34962]

**Nick Harvey:** Maintenance costs for the runway at Camp Bastion since January 2010 have been approximately £700,000. This covers a variety of tasks such as runway repair, airfield ground lighting repair, drainage maintenance and dust suppression maintenance.

#### Air Force: Military Bases

**Sir Menzies Campbell:** To ask the Secretary of State for Defence pursuant to the answer of 7 December 2010, *Official Report*, column 221W on Air Force: military bases, when he expects the data for RAF stations in Scotland to be available. [35077]

**Mr Robathan:** I refer the right hon. Member to the letter I wrote to him on 19 January, which was published on 20 January 2011, *Official Report*, columns 903-4W.

#### Aircraft Carriers: Crew

**Thomas Docherty:** To ask the Secretary of State for Defence what the anticipated normal ship's company will be for the Queen Elizabeth class carriers whilst on operational duty. [33794]

**Nick Harvey:** On operational duty, a Carrier Variant-configured Queen Elizabeth Class Carrier is currently planned to be manned by a crew of around 760, who would be responsible for the running of the ship and its systems. The number of additional air wing personnel would vary according to the nature of the operational deployment and the aircraft on board at the time.

#### Armed Forces: Compensation

**Bridget Phillipson:** To ask the Secretary of State for Defence (1) what the (a) average, (b) highest and (c) lowest annual compensation payment made to service personnel who served in world war two was in the latest period for which figures are available; [35291]

(2) what the (a) average, (b) highest and (c) lowest annual compensation payment was to service personnel who served in world war two in the latest period for which figures are available. [36034]

**Mr Robathan [holding answer 21 January 2011]:** Annual compensation payments to world war two veterans are made under the War Pension Scheme. I refer the hon. Member to the reply I gave on 19 January 2011, *Official Report*, columns 823-24W.

#### Armed Forces: Pensions

**Bridget Phillipson:** To ask the Secretary of State for Defence how many service personnel who served in world war two were in receipt of both an armed forces pension and a compensation scheme payment in the latest period for which figures are available. [35023]

**Mr Russell Brown:** To ask the Secretary of State for Defence how many service personnel who served in world war two are in receipt of the armed forces pension. [35365]

**Mr Robathan [holding answer 20 January 2011]:** Details of the number of service personnel who served during world war two in receipt of a pension under the Armed Forces Pension scheme are not held centrally, and could be provided only at disproportionate cost.

Service personnel who have an injury or illness attributable to, or aggravated by, their service can receive compensation by way of a war disablement pension under the War Pension scheme. Although data is not held specifically for world war two veterans, as at 30 September 2010, 33,630 war disablement pensions were in payment to veterans aged 85 or over.

#### Defence Vetting Agency: Manpower

**Hugh Bayley:** To ask the Secretary of State for Defence how many staff were employed by the Defence Vetting Agency (a) in York and (b) elsewhere in (i) May 2010 and (ii) December 2010. [35821]

**Mr Robathan:** Staff numbers are shown in the following table:

Location	31 May 2010	31 December 2010
York	301	261
Elsewhere	158	151
Total	459	412

#### Defence: Sales

**Mr Scott:** To ask the Secretary of State for Defence whether he has any plans to offer armoured fighting vehicles deemed surplus to the requirements of the army for sale to foreign governments. [35270]

**Peter Luff:** Any decisions on the disposal of armoured vehicles will be in line with the Ministry of Defence's policy for handling surplus equipment. A government to government sale is usually the first option that is explored. This has the benefit of strengthening international relationships and generating income that can be re-invested in defence. It also allows other governments to contribute to international security and can also provide UK industry with opportunities to undertake some of the regeneration work.

#### Departmental NDPBs

**Michael Dugher:** To ask the Secretary of State for Defence (1) how many fixed-term appointments each of his Department's non-departmental public bodies has made since May 2010; [31641]

(2) what the average salary was of staff of each of his Department's non-departmental public bodies on fixed-term contracts in (a) April 2010 and (b) each subsequent month; [31642]

(3) what the total cost to his Department was of staff on fixed-term appointments in each of his Department's non-departmental public bodies in (a) April 2010 and (b) each subsequent month; [31643]

(4) what the total cost to his Department was for staff of each of his Department's non-departmental public bodies on fixed-term contracts in (a) April 2010 and (b) each subsequent month; [31644]

(5) how many full-time equivalent staff were employed in each of his Department's non-departmental public bodies in (a) April 2010 and (b) each subsequent month. [31645]

**Gemma Doyle:** To ask the Secretary of State for Defence (1) how many full-time equivalent staff were employed by each of his Department's non-departmental public bodies in (a) April 2010 and (b) each subsequent month; [31566]

(2) what the staff cost was of each of his Department's non-departmental public bodies in May 2010; and what estimate he has made of the likely cost in (a) financial years (i) 2010-11, (ii) 2011-12 and, (iii) 2013-14 and (b) each year of the comprehensive spending review period. [31569]

**Peter Luff:** The Minister for Defence Personnel, Welfare and Veterans, my hon. Friend the Member for South Leicestershire (Mr Robathan), will write to the hon. Members soon after the Christmas recess, to enable officials to collect the required data.

*Substantive answer from Andrew Robathan to Michael Dugher and Gemma Doyle:*

My hon. Friend, the Minister for Defence Equipment, Support and Technology, undertook to write to you in answer to your Parliamentary Questions on 20 December 2010 (Official Report, column 987W) about fixed-term appointments in the Ministry of Defence's (MOD) non-departmental public bodies. I am now replying.

The following table shows the number of fixed-term appointments that have been made in each of the MOD non-departmental public bodies (NDPB) since May 2010:

<i>Number of fixed-term appointments made since May 2010</i>		Number
National Museum of the Royal Navy (NMRN)		4
National Army Museum (NAM)		4
Royal Air Force Museum		4

The museums have their own legal identity and employ their own staff. They are supported by the MOD by grant-in-aid which includes a provision for salaries.

The total cost to the NDPBs and the average salary of staff on fixed-term contracts in each of the MOD non-departmental public bodies in (a) April 2010 and (b) each subsequent month is shown in the following table:

	£		
	NMRN	NAM	RAF Museum
Total cost of staff on fixed term appointments in:			
April	8,670	30,770	10,260
May	13,360	28,650	10,260
June	13,360	31,920	10,260
July	13,360	28,650	10,260
August	13,360	32,610	11,390
September	13,360	34,870	13,310
October	12,070	38,320	13,310
November	9,820	36,050	13,990
December	9,820	36,050	15,340
Average annual salary of staff on fixed term contracts:			
April	18,410	28,000	15,000
May	18,410	27,660	15,000
June	18,410	28,000	15,000
July	18,410	27,660	15,000
August	18,410	28,500	15,000
September	18,410	27,940	15,000
October	18,990	28,890	15,000
November	21,540	29,540	15,000
December	21,540	29,540	15,000

The fixed term contracts are for a range of staff which includes seasonal guides for HMS Victory at the NMRN, Senior Executive Officer (Civil Service equivalent grades) and below at the NAM, and apprentices at the RAF Museum.

The number of full-time equivalent staff employed in each of the MOD non-departmental public bodies in (a) April 2010 and (b) each subsequent month is shown in the following table:

<i>Number of full time equivalent staff</i>			
	NMRN	NAM	RAF Museum
April	9	73	177
May	10	72	175
June	10	73	173
July	10	70	172
August	10	71	173
September	10	72	171
October	9	72	172

	Number of full time equivalent staff		
	NMRN	NAM	RAF Museum
November	8	68	173
December	8	68	n/a

The figures for full time equivalent staff cover staff employed at the National Museum of the Royal Navy Central, the main NAM site at Chelsea and a small number of staff at Sandhurst and 2 RAF museums at Hendon and Cosford and a small number or curatorial staff at RAF Stafford where items not on display are lodged.

### Military Aircraft

**Angus Robertson:** To ask the Secretary of State for Defence how many planned flying training missions have been cancelled as a result of the recent grounding of the TriStar fleet in its role as an air-to-air refueller. [33450]

**Nick Harvey:** No training sorties were cancelled while Tristar flying was temporarily suspended. However, the duration of some fast jet training flights undertaken between 17 and 31 December 2010 were curtailed. This had only minimal impact on the quality of the training provided.

**Angus Robertson:** To ask the Secretary of State for Defence how many and what proportion of flights of (a) military aircraft and (b) aircraft chartered by his Department to and from Afghanistan have been delayed by more than six hours in each month since December 2009. [35894]

**Nick Harvey:** Officials are collating the information requested. Once this work is complete I will write to the hon. Member.

### Ministry of Defence Police

**Bob Russell:** To ask the Secretary of State for Defence what assessment has he made of the (a) effectiveness and (b) efficiency of the Ministry of Defence Police against the key outputs identified by its Statement of Requirement; and if he will make a statement. [35304]

**Mr Robathan:** The Ministry of Defence Police Committee's Annual Report for 2009-10 dated 21 July 2010 provided me and my ministerial colleagues with an assurance that the MOD Police (MDP) was pursuing the strategic direction as intended in the Statement of Requirement. This is achieved through the MDP's provision of high value and high calibre capabilities which continue to reflect defence interests and are not available from other forces. I met personally with the independent chair of the Committee to discuss this report on 21 October 2010.

The Committee also provides an independent scrutiny and assurance to Ministers that the MDP is exercising its powers and authority lawfully, impartially and meeting the standards required of a police force. The MOD Police and Guarding Agency Owner's Advisory Board has regular oversight of the MDP's performance.

**Bob Russell:** To ask the Secretary of State for Defence to which countries Ministry of Defence police officers are currently deployed; what the role of the personnel deployed to each country is; and if he will make a statement. [35305]

**Mr Robathan:** The Ministry of Defence Police (MDP) deploy a relatively small number of experienced officers overseas in support of HM Government objectives, and have done so for 10 years. They are currently deployed in Afghanistan, acting as mentors and trainers; Kosovo, acting as mentors and advisors; Georgia, in a monitoring capacity and Occupied Palestinian Territories in an advisory role.

**Bob Russell:** To ask the Secretary of State for Defence what assessment he has made of the effectiveness of the international policing activities of the Ministry of Defence Police; and if he will make a statement. [35306]

**Mr Robathan:** The Ministry of Defence Police (MDP) are an important part of the UK police response overseas on behalf of HM Government (supporting the Foreign and Commonwealth Office, the Department for International Development, and other Whitehall Departments). This reflects their considerable experience and expertise in international policing over the last 10 years. They also train and equip UK police officers deploying overseas. They have made valued contributions to the creation of a police force in Kosovo, free and fair elections in Sierra Leone, and training programmes in Afghanistan, including community policing.

**Bob Russell:** To ask the Secretary of State for Defence what assessment he has made of (a) the criminal investigation capability of the Ministry of Defence Police and (b) the Ministry of Defence Police fraud squad; and if he will make a statement. [35307]

**Mr Robathan:** The independently chaired Ministry of Defence (MOD) Police Committee, which reports to MOD Ministers, routinely receives a summary of Criminal Investigations Department (CID) and fraud cases investigated by the Ministry of Defence Police at its quarterly meetings and has given advice to MDP and MOD about performance targets for CID. The Committee will continue to keep under review the capability and performance of MDP CID having regard to the MOD's defined requirements.

The MOD has established a Defence Crime Board, chaired by the Director General Finance, to provide strategic direction to the defence-wide effort to reduce the harm done to the defence budget, safety, security and military operational capability by crime and fraud.

### National Defence Medal

**Mr MacShane:** To ask the Secretary of State for Defence if he will publish the terms of reference of his review of the creation of a National Defence Medal. [35292]

**Mr Robathan:** There is no specific review regarding a national defence medal.

### Unmanned Air Vehicles

**Mr MacNeil:** To ask the Secretary of State for Defence what support his Department plans to provide to the Hebrides Range Task Force diversification programme for civil Unmanned Aircraft Systems (UAS) future co-utilisation of range assets and capabilities; and what plans he has to co-ordinate that support with the UAS civil and military market development initiatives under consideration by the Department for Business, Innovation and Skills. [36148]

**Peter Luff:** The Ministry of Defence (MOD) has no objection to civil diversification plans or the Hebrides range including commercial unmanned aerial systems (UAS) as long as this does not interfere with MOD operations at the range. Officials are involved in the work of the Department for Business, Innovation and Skills with industry to develop and maintain capability in the future UAS market and the potential ways to improve business awareness of the civil market opportunities that exist at ranges such as the Hebrides. However, it would not be appropriate for the MOD to provide direct support to a commercial activity.

#### War Widows: Pensions

**Mr Jim Murphy:** To ask the Secretary of State for Defence what is the (a) average, (b) highest and (c) lowest annual pension payment to (i) widows and (ii) widowers in receipt of a war widows pension from the Armed Forces Pension Scheme. [33993]

**Mr Robathan [holding answer 17 January 2011]:** As at 5 April 2010, the highest, average and lowest annual pensions in payment to widows and widowers under the Armed Forces Pension Scheme were as set out in the following table:

	Highest	Average	Lowest
Widows	80,313.02	4,367.04	13.03
Widowers	20,118.66	4,134.88	316.34

War widow(ers) pensions are paid under the War Pension Scheme (WPS). This scheme provides no fault compensation to former service personnel and their dependants for injuries and death as a result of service before 6 April 2005. As at 30 September 2010, the average weekly WPS dependants' pension (of which widow(er) pensions are the majority), including allowances, was £218.31. Separate figures for widows and widowers and average, highest and lowest pension could be provided only at disproportionate cost.

Annual compensation to widows and widowers from 6 April 2005 is payable under the Armed Forces Compensation Scheme (AFCS), and payments are known as Survivors' Guaranteed Income Payments (SGIPs). As at 20 January 2011, the highest, average and lowest SGIPs in payment were as set out in the following table:

	Highest	Average	Lowest
Widows	49,581.57	13,807.58	1,444.15
Widowers	15,419.30	13,697.33	10,731.00

*Note:*

Data for widows and widowers under the AFPS and the AFCS also include benefits in payment to eligible partners.

**Nicholas Soames:** To ask the Secretary of State for Defence what pension arrangements are in place for the widow of the late Sergeant Matthew Telford of the Grenadier Guards. [34264]

**Mr Robathan:** Sergeant Telford died tragically in Afghanistan in 2009, whilst holding acting rank. His widow is in receipt of a pension that reflects his substantive rank.

I announced on 16 December 2010, *Official Report*, columns 116-17WS, that I would amend future pensions payments to recognise acting rank. This change came into effect on 3 January 2011. For those who died prior to this date (but after 6 April 2005) a lump sum payment will be made to dependants through the Armed Forces Compensation scheme, which will bring their total settlement into line with the changes to the pension scheme.

The amounts awarded are considered personal data and are therefore protected from disclosure under the Data Protection Act 1998.

#### CULTURE, MEDIA AND SPORT

##### Arts: East Midlands

**Ms Bagshawe:** To ask the Secretary of State for Culture, Olympics, Media and Sport (1) what estimate he has made of the number of people employed in the arts sector in each local authority area in the east midlands; and if he will make a statement; [34746]

(2) what estimate he has made of the number of people employed in the arts sector in each local authority area in the east midlands; and if he will make a statement. [35193]

**Mr Vaizey:** The Department does not hold this information. However, Arts Council England has provided figures relating to the number of arts sector staff, in each employment category, in their regularly funded organisations (RFOs). The 2009-10 figures for the east midlands are set out in the following table:

Local authority	Permanent full-time	Permanent part-time	Number	
			Contractual	
Amber Valley	0	0	6	
Blaby	0	2	4	
Bolsover	4	1	49	
Charnwood	8	6	276	
Chesterfield	0	1	6	
Derby	85	93	1,046	
Derbyshire Dales	3	3	8	
East Lindsey	0	6	22	
High Peak	25	21	194	
Leicester	111	83	323	
Lincoln	14	12	90	
North Kesteven	13	30	110	
North West Leicestershire	2	1	68	
Northampton	68	79	251	
Nottingham	114	135	442	
Rushcliffe	5	0	3	
South Derbyshire	1	3	20	
South Holland	6	18	58	
South Kesteven	13	44	43	
Wellingborough	15	32	60	
Total	487	570	3,079	

##### Arts: East of England

**Kelvin Hopkins:** To ask the Secretary of State for Culture, Olympics, Media and Sport what estimate he has made of the number of people employed in the arts sector in each local authority area in the east of England; and if he will make a statement. [34994]

**Mr Vaizey:** The Department does not hold this information. However, Arts Council England has provided figures relating to the number of arts sector staff, in each employment category, in their regularly funded organisations (RFOs). The 2009-10 figures for the East of England are set out in the following table:

Local authority	Number		
	Permanent full-time	Permanent part-time	Contractual
Bedford	4	8	1
Cambridge	48	96	67
Chelmsford	3	2	54
Colchester	51	66	296
East Cambridgeshire	6	2	4
Epping Forest	15	8	38
Ipswich	47	24	497
Luton	14	15	132
Norwich	22	24	344
South Cambridgeshire	3	3	3
Southend-on-Sea	8	5	6
St Albans	21	22	93
St Edmundsbury	22	45	72
Suffolk Coastal	34	14	91
Watford	21	6	124
Waveney	1	5	5
Welwyn Hatfield	3	2	29
Total	323	347	1,856

### Departmental Communications

**Alok Sharma:** To ask the Secretary of State for Culture, Olympics, Media and Sport what steps he has taken to reduce jargon and promote plain English in departmental communications. [35793]

**John Penrose:** The Department has undertaken a number of measures to reduce jargon and promote plain English in departmental communications. These include:

- guides to using plain English on the departmental intranet;
- instructions on the use of plain English when drafting ministerial correspondence and submissions; and
- training for staff on creating briefings and submissions.

### Departmental Pay

**Lisa Nandy:** To ask the Secretary of State for Culture, Olympics, Media and Sport 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. [34823]

**John Penrose:** The following table shows the number of sub-contracted staff servicing the Department who are paid less than the London living wage:

Name of subcontractor	Number of staff who are paid less than the London living wage
Ecovert FM	4
Baxter Storey	1
Atos	1

<sup>1</sup> This information is not held for staff employed under the Atos contract.

### Departmental Procurement

**Jon Trickett:** To ask the Secretary of State for Culture, Olympics, Media and Sport what single tender contracts his Department has awarded since his appointment; and what the monetary value is of each contract above the EU public procurement threshold. [36180]

**John Penrose:** There have been 43 single tenders conducted since May when the Secretary of State was appointed. Out of those, none have been above the EU public procurement threshold.

### Departmental Public Appointments

**Fiona Mactaggart:** To ask the Secretary of State for Culture, Olympics, Media and Sport how many (a) women and (b) men have been appointed to public duties by his Department since May 2010. [35392]

**John Penrose:** Since May 2010, the Department has appointed three female officials and 0 male officials.

**Fiona Mactaggart:** To ask the Secretary of State for Culture, Olympics, Media and Sport what public appointments he has made since his appointment; and to what payments each person so appointed is entitled. [35412]

**John Penrose:** All public appointments made by the Department are published on the departmental website at the following link:

<http://www.culture.gov.uk/publications/7692.aspx>

If an appointment is remunerated this will be indicated within the announcement details.

### Digital Broadcasting

**Mark Reckless:** To ask the Secretary of State for Culture, Olympics, Media and Sport if he will take steps to alleviate the difficulties of households in certain areas of Rochester and Strood constituency with digital television signal reception following analogue switch off in 2012. [35603]

**Mr Vaizey:** In common with other areas of the UK yet to undergo digital switchover, it is the case that reliable coverage of digital terrestrial television (Freeview) signals is currently unlikely to be available in some parts of Rochester and Strood. The primary reason for this is that until digital switchover takes place, the power of the digital transmitters is necessarily restricted to relatively low levels in order to prevent interference being caused to the existing analogue signals. However, when switchover takes place, the power of the digital transmitters will be raised to, on average, 10 times their current levels which will significantly extend their coverage. By the time that the nationwide switchover process is complete, digital TV signals will reach the same number of households as the analogue signals they replace (approximately 98.5% of the UK population).

Viewers in Rochester and Strood can potentially receive signals from a number of TV regions. Viewers that receive Meridian and London ITV services will switch fully to digital in 2012; while any that receive Anglia ITV services will switch later this year.

**Mark Reckless:** To ask the Secretary of State for Culture, Olympics, Media and Sport if he will take steps to assist (a) the elderly and (b) people on lower incomes in Rochester and Strood constituency with the transition to digital television in 2012. [35604]

**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.

The Help scheme is rolled out in each TV region in the run up to switchover. Therefore, the DSHS will contact all eligible people in Rochester and Strood constituency directly by post to ask if they want help, in plenty of time before the Bluebell Hill transmitter group area switches to digital in 2012.

### Football

**Mike Weatherley:** To ask the Secretary of State for Culture, Olympics, Media and Sport if he will undertake an assessment of the safety benefits of the Kombi seating system for football stadia. [35557]

**Hugh Robertson:** The Football Licensing Authority (FLA) assessed the 'Kombi' seat system in 2001 and concluded that, while it had many advantages, technical and cost issues would make it difficult to install in existing grounds in England and Wales. This assessment can be found on their website at:

<http://www.flaweb.org.uk/docs/kombist.php>

The FLA also concluded that the development of the 'Kombi' seat system does not affect the key arguments for or against the retention of the policy on all-seated grounds.

### Football: Police

**John Mann:** To ask the Secretary of State for Culture, Olympics, Media and Sport what discussions he has had with the Secretary of State for the Home Department on arrangements for policing the European Football Championship in 2012. [35722]

**Hugh Robertson:** I have had no direct discussion on this issue.

Since Euro 2000, the Home Office has led a comprehensive multi-agency football safety and security strategy for policing major football tournaments involving UK teams. The measures implemented worked well in Portugal in Euro 2004 and at previous World Cups in Germany 2006 and South Africa last year.

### Gambling

**Paul Uppal:** To ask the Secretary of State for Culture, Olympics, Media and Sport (1) if he will request that the Gambling Commission publish in its British Gambling Prevalence Survey of February 2011 its assessment of (a) the incidence of problem gambling relating to each of the eight types of gaming machine and (b) the premises in which the type of gaming machine is located; [34773]

(2) if he will request that the Gambling Commission publish in its British Gambling Prevalence Survey of February 2011 the incidence of problem gambling relating to poker games in (a) casinos and (b) online. [34774]

**John Penrose:** The content and publication of the British Gambling Prevalence Survey 2010 is a matter for the independent gambling regulator, the Gambling Commission. It is also an 'official statistic' which, therefore, rightly frees it from political influence.

The analysis of the prevalence of problem gambling between different gambling types will be included because of its importance to the users of the survey and to provide comparability with the British Gambling Prevalence Survey 2007. For statistical and cost benefit reasons the report will not include a breakdown for poker games in casinos and online poker.

This approach was widely discussed with stakeholders when the questionnaire was originally being developed.

### Members: Correspondence

**Sir Gerald Kaufman:** To ask the Secretary of State for Culture, Olympics, Media and Sport when he plans to respond to the letter from the right hon. Member for Manchester, Gorton of 9 December 2010 in regard to Ms J Vickers. [36033]

**John Penrose:** The Secretary of State responded to the letter of 9 December from the right hon. Member for Manchester, Gorton on 23 December 2010.

I will ensure another copy of the Secretary of State's response is sent to the right hon. Member.

### Olympic Games 2012

**Christopher Pincher:** To ask the Secretary of State for Culture, Olympics, Media and Sport what estimate he has made of the likely economic benefits to (a) Staffordshire and (b) Tamworth of (i) events at and (ii) training facilities for the London 2012 Olympics. [36018]

**Hugh Robertson:** Although Staffordshire and Tamworth are not hosts to a London 2012 venue they stand to gain from the wide range of opportunities created by the 2012 games, through businesses winning games-related work, increased tourism and cultural celebrations.

Across the UK 988 cultural and sporting programmes have now been awarded inspire marks, including 79 in the West Midlands. Over 16,000 schools/colleges across the UK have registered for LOCOG's education programme Get Set, including 1,429 schools/colleges in the West Midlands—52.9% of the total number in the region.

Across the UK over 127,000 Companies have registered on Competefor (the website where London 2012 contract opportunities are advertised) and over 1,600 contracts have been directly awarded to Competefor suppliers, with many more winning contracts through the supply chain. Information on businesses in Staffordshire and Tamworth that have directly supplied the Olympic Delivery Authority (ODA) is available in the business section of the London 2012 website under the heading ODA Suppliers, where you will be able to find suppliers listed by venue and sector:

[www.london2012.com/business](http://www.london2012.com/business)

These include Bakers Coaches from Staffordshire who provided the transport for the 'Open Weekend' public tours of the Olympic park and G'Tech Surveys from Kenilworth who carried out site surveys and investigations in and around the Olympic park.



Pre-games training camps will provide an opportunity to create further economic benefits, including inward investment, through the international attention that will follow. In the West Midlands 32 facilities, that met the criteria to be world-class training venues for Olympic and Paralympic sport, are included in the official London 2012 Pre-Games Training Camp Guide. The guide has been produced in an online form and is accessible at:

<http://trainingcamps.london2012.com>

Agreements have been signed with the Jamaican and American track and field teams to hold training camps in the West Midlands before the start of the games.

The West Midlands has secured £2.2 million from the Legacy Trust towards a programme that will bring people together for community activities of all kinds from across generations, cultures, religious backgrounds, races, social groups and geographical locations with the aim of creating exchange between people.

One of the Inspire marked projects in the West Midlands is 'Away Pitch', which explores the connections and contrasts between the worlds of sport and art through photography and poetry. The project, an exhibition of artwork, poems and photographs has toured across Staffordshire.

#### Tourism: Marketing

**Brandon Lewis:** To ask the Secretary of State for Culture, Olympics, Media and Sport what his most recent assessment is of the progress of the £100 million tourism-marketing fund launched in August 2010 in reaching its financial target. [35471]

**John Penrose:** Last summer, we challenged British businesses to come together with the Government to create the best ever overseas tourism marketing campaign for Britain, and take advantage of the unique opportunities afforded by the 2012 Olympic and Paralympic games and other major events such as the royal wedding and Her Majesty's diamond jubilee.

Subsequently, on 5 January the Prime Minister held a reception for tourism industry leaders at Downing street to thank some of those already involved. Companies including British Airways, DFDS, lastminute.com, P&O and Radisson Edwardian have already pledged their support to help match the £50 million of public money we have committed through VisitBritain and we are well advanced towards meeting the £100 million target.

### TRANSPORT

#### A2: Dover

**Charlie Elphicke:** To ask the Secretary of State for Transport what plans he has for the dualling of the A2 in Dover constituency. [36017]

**Mike Penning:** The Secretary of State for Transport announced on 26 October 2010, *Official Report*, columns 177-79, the Department for Transport plans for funding road improvement schemes for the spending review period, to the end of 2014-15.

The Department for Transport will also take forward work on a number of schemes already under consideration for the next spending review period. At present, the Department is not developing proposals for future schemes on the A2.

The A2 at Dover was not prioritised by regional authorities in the last regional funding allocation—Kent CC's focus generally being on development in the Thames Gateway region.

#### Aviation: Snow and Ice

**Mr Weir:** To ask the Secretary of State for Transport (1) what assessment he has made of the level of compliance during the adverse weather conditions experienced in November and December 2010 by (a) airlines and (b) tour operators with their obligations under the Air Passengers Rights Directive (261/2004) and the Package Travel, Package Holidays and Package Tours Directive (90/314); and if he will make a statement; [33839]

(2) what discussions he has had with the Air Transport Users Council regarding the level of compliance by airlines and tour operators during the adverse weather conditions experience in November and December 2010 with obligations under the Air Passengers Rights Directive (261/2004) and the Package Travel, Package Holidays and Package Tours Directive (90/314) and if he will make a statement. [33840]

**Mrs Villiers:** The Government expect air carriers and tour operators to honour their obligations to passengers under EU Regulation 261/2004 on denied boarding, cancellation and delay, and under the package travel directive 90/314, and to look after their passengers during times of adverse weather conditions.

The Civil Aviation Authority (CAA) has responsibility for enforcing regulation 261 in the UK. It reminded major airlines and airport operators of their responsibilities to their passengers during this period.

The CAA closely monitored the activities of airlines in this period and undertook remedial action where deficiencies were identified. The Air Transport Users Council (AUC) advises passengers on their entitlements under the regulation and is the UK's complaints handler.

While the obligations of EC Regulation 261/2004 and of the package travel directive do not apply to airports, the Secretary of State has made clear that the Government and the regulator will be working with airlines and airport operators to see what might be done to address issues identified by the recent adverse weather conditions.

#### Coastguard Stations: Stornoway and Shetland

**Mr MacNeil:** To ask the Secretary of State for Transport at what stage of the consultation period (a) Stornoway and (b) Shetland coastguard stations were included in his Department's coastguard modernisation consultation. [36150]

**Mike Penning:** The consultation on proposals to modernise the coastguard service was launched on 16 December 2010 and will run until 24 March 2011. Both the Maritime Rescue Coordination Centres at Shetland and Stornoway were included within the proposals from the outset.

Copies of the consultation document outlining these proposals, "Protecting our Seas and Shores in the 21st Century", have been placed in the Libraries of the House and are available on the Maritime and Coastguard Agency's website:

[www.mcga.gov.uk](http://www.mcga.gov.uk)

### Dover Harbour Board

**Charlie Elphicke:** To ask the Secretary of State for Transport how many meetings (*a*) Ministers and (*b*) officials in his Department have had with representatives of (i) the Dover Harbour Board and (ii) stakeholders of the Dover Harbour Board since May 2010. [35343]

**Mike Penning:** I held a meeting with Roger Mountford, the Chair of Dover Harbour Board, on 21 June 2010. On 8 December 2010, I visited the port of Dover and met members of the Harbour Board, as well as key stakeholders.

No other Ministers at the Department for Transport have held any meetings with Dover Harbour Board, or with its stakeholders on matters relating to the port of Dover, since May 2010.

During this period officials in the Department have held occasional meetings with Dover Harbour Board and the port's stakeholders in the course of normal business.

**Charlie Elphicke:** To ask the Secretary of State for Transport if he will place in the Library a copy of each communication on the Dover Harbour Board received from stakeholders, as defined in his Department's document on Modernising Trust Ports in the last 12 months. [36011]

**Mike Penning:** The information requested could be provided only at disproportionate cost given the number of communications received and the time required to redact personal details. The people who made representations had no expectation their details would be made public.

In November 2010 the Department published two online summaries of the representations received on the application from Dover Harbour Board to allow it to sell the port of Dover, one covering the responses received until 22 July and the other those representations received by 8 October. I have placed a copy of both summaries in the Library of the House.

### Heathrow Airport

**Mr Bain:** To ask the Secretary of State for Transport what recent assessment he has made of the potential effects of the Government's aviation policy on the competitiveness of Heathrow airport as a hub for international air travel over the next decade. [33413]

**Mrs Villiers:** The Department for Transport plans to issue a scoping document in the spring to take forward the Government's review of strategy for aviation. The key goals of that strategy include supporting economic growth and protecting Heathrow's status as a global hub airport, while at the same time addressing the environmental impacts of aviation. The impact of different policy choices on Heathrow will be taken into account as part of our work in further developing our policy on aviation via the process initiated with the scoping document.

### National Air Traffic Services: Privatisation

**Mr Bain:** To ask the Secretary of State for Transport which ownership models his Department is considering for the sale of the remaining state-owned shares in National Air Traffic Services. [33415]

**Mrs Villiers:** In line with the announcements made in the June 2011 Budget and the spending review, the Government are considering whether to sell shares in NATS and, if so, what proportion of their holding they should dispose of and by what sale method. They have had various discussions with other shareholders on this issue. We expect to have taken a decision on whether and how to proceed by the time of Budget 2011.

**Mr Bain:** To ask the Secretary of State for Transport what response he made to the representations by the Airline Group on proposals for the sale of the remaining state-owned shares in National Air Traffic Services. [33416]

**Mrs Villiers:** Following the Budget announcement (June 2010) the Government are continuing to work with other shareholders, including the Airline Group, to explore the options for a potential sale of shares in NATS. As laid out in the spending review document (October 2010), we expect to take decisions on whether and how to proceed by Budget 2011. No decisions have yet been taken as to whether the Government will sell any part of their shareholding.

### Ports: Dover

**Charlie Elphicke:** To ask the Secretary of State for Transport what recent representations he has received from stakeholders of the Dover Harbour Board on the Board's management of the Port of Dover; and if he will make a statement. [35520]

**Mike Penning:** We have received representations from key stakeholders expressing different points of view on the proposed sale of the port by Dover Harbour Board as well as other port business.

In November 2010 the Department for Transport published two online summaries of the representations received on the application from Dover Harbour Board to allow it to sell the port of Dover, one covering the responses received until 22 July and the other those representations received by 8 October. A copy of both summaries is available in the Libraries of the House.

### Rescue Services

**Jim Fitzpatrick:** To ask the Secretary of State for Transport whether he plans to undertake a consultation on the proposal to end the provision of emergency towing vessels by the Maritime and Coastguard Agency. [35085]

**Mike Penning:** We have no plans for a formal consultation exercise. However, the Maritime and Coastguard Agency (MCA) will be inviting 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.

### Sea Rescue: Expenditure

**Mr MacNeil:** To ask the Secretary of State for Transport what the operating cost of each coastguard station operated by the Marine and Coastguard Agency (*a*) was for (i) 2008-09 and (ii) 2009-10 and (*b*) is for 2010-11. [35295]

**Mike Penning** [holding answer 24 January 2011]: The information requested is as follows:

	2008-09 costs	2009-10 costs	£ million 2010-11 forecast
Aberdeen MRCC	1.1	1.2	1.3
Belfast MRCC	0.7	0.7	0.7
Brixham MRCC	0.8	0.8	0.8
Clyde MRCC	1.0	1.0	1.0
Dover MRCC	1.0	1.2	1.3
Falmouth MRCC	0.9	0.9	0.9
Forth MRCC	0.7	0.7	0.7
Holyhead MRCC	0.7	0.8	0.7
Humber MRCC	0.9	0.8	0.9
Liverpool MRCC	0.8	0.7	0.7
London MRCC	0.3	0.3	0.4
Milford Haven MRCC	0.7	0.8	0.8
Portland MRCC	1.0	0.9	0.9
Shetland MRCC	0.8	0.8	0.8
Solent MRCC	0.9	1.0	1.0
Stornoway MRCC	0.9	0.8	0.9
Swansea MRCC	0.9	1.0	0.8
Thames MRCC	0.8	0.8	0.8
Yarmouth MRCC	0.7	0.8	0.7
Total	15.6	16.0	16.1

*Costs include:*

Direct costs of Coastguard Maritime Rescue Co-ordination Centres (MRCCs), including operating costs comprising: payroll, running costs and accommodation charges;

Some running and accommodation costs include those relating to other Maritime and Coastguard Agency (MCA) co-located offices and non separable district office costs.

*Costs exclude:*

Running and maintenance of National Information Communication Technology infrastructure, such as radio communications networks, mast and towers, as costs are not held on a site by site basis;

Capital project costs such as IT and equipment refresh are not held on a site by site basis; and

Sector Managers' (those responsible for managing the volunteer Coastguard Rescue Officers) pay and the cost of Coastguard Rescue Officers.

### Shipping: Accidents

**Mr MacNeil:** To ask the Secretary of State for Transport what assessment he has made of the effect of the removal of coastguard tugs on the effectiveness of responses to oil tanker accidents. [36147]

**Mike Penning:** Prior to taking the decision to discontinue the provision of publicly funded emergency towing vessels (ETV), the Department for Transport undertook an assessment of the changes that have taken place in the maritime environment, together with a consideration of the frequency with which ETVs have been tasked to assist vessels, including oil tankers, that have got into difficulty.

The Government believe this is properly a matter for commercial operators. Accordingly the Government have judged that the risk in not renewing the ETV contract from September 2011 is acceptable in the light of the need to reduce the fiscal deficit.

### Taxis: Working Hours

**Bill Esterson:** To ask the Secretary of State for Transport what his policy is on the introduction of regulations limiting the number of hours taxi drivers are able to work (a) in a single shift and (b) in a week. [35988]

**Norman Baker:** Where taxi drivers are employed, they are subject to certain provisions of the main European Working Time Directive which applies generally across the economy to those in employment; this includes a requirement to take "adequate rest", and regular health checks for night workers.

There are no restrictions on the amount of time a self-employed taxi driver is allowed to drive.

We have no plans to change this position.

### FOREIGN AND COMMONWEALTH OFFICE

#### Australia: Floods

**Lady Hermon:** To ask the Secretary of State for Foreign and Commonwealth Affairs what assistance the Government has (a) offered and (b) provided to the Australian Government to help with the flooding in that country. [34189]

**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, and my right hon. Friend the Foreign Secretary visited one site of the flooding in Brisbane with his Australian counterpart on 19 January 2011. It was agreed that the Government will provide experts in flood recovery management and in advanced flood forecasting methods.

#### Bangladesh: Foreign Relations

**Mrs Main:** To ask the Secretary of State for Foreign and Commonwealth Affairs what recent progress has been made on strengthening the UK's relations with Bangladesh; and if he will make a statement. [36174]

**Alistair Burt:** Relations between the UK and Bangladesh are strong, and we co-operate closely in a number of key areas, including climate change, poverty reduction, human rights and counter-terrorism. We engage regularly with the Bangladesh Government on these core areas, including through our substantial development programme. The forthcoming visit to UK of the Prime Minister of Bangladesh, Sheikh Hasina, will provide an opportunity to further strengthen relations.

#### Burma: Politics and Government

**Malcolm Wicks:** To ask the Secretary of State for Foreign and Commonwealth Affairs what assessment his Department has made of efforts made by the UN to secure negotiations between the Government of Burma, Aung San Suu Kyi and representatives of her party and representatives of ethnic groups in Burma. [35703]

**Mr Jeremy Browne:** The efforts of the UN Secretary General and his Good Offices Mission to facilitate national reconciliation and dialogue in Burma have been consistently hampered by the unwillingness of the Burmese regime to co-operate with him, and engage seriously on issues of international concern. This lack of co-operation has included a reluctance to grant visas for visits by the UN Secretary General's special adviser on Burma, and rigid control of the special adviser's programme, restricting his ability to meet key political actors in Burma, including opposition leader Aung San Suu Kyi. We nonetheless applaud and strongly support the leadership shown by the UN Secretary General on this issue, and urge him to continue his efforts despite the difficulties. We also call on the Burmese authorities to work more constructively with the UN in the months ahead.

**Malcolm Wicks:** To ask the Secretary of State for Foreign and Commonwealth Affairs what recent visits HM Ambassador to Burma has made to (a) Chiang Mai and (b) Mae Sot to meet refugees and exiled political activists from Burma. [35704]

**Mr Jeremy Browne:** Officials at our embassies in Rangoon and Bangkok are in frequent contact with Burmese exile groups and political activists in Thailand, and make regular visits to refugee camps for this purpose.

Our Charge d'Affairs in Bangkok visited Mae Sot on 17 to 18 January 2011 where he met with a wide range of exile and refugee groups and discussed their concerns, including the recent fighting on the Thai-Burma border. On his return to Bangkok on 19 January, he raised a number of these issues with the Thai Foreign Minister.

#### Departmental Conditions of Employment

**Bridget Phillipson:** To ask the Secretary of State for Foreign and Commonwealth Affairs (1) how much his Department spent on decompression of employees in each year from 2005 to 2010; [36060]

(2) how much his Department spent on decompression of employees who served in Afghanistan in each year from 2005 to 2010. [36061]

**Alistair Burt:** This information is available only at disproportionate cost.

**Bridget Phillipson:** To ask the Secretary of State for Foreign and Commonwealth Affairs how many of his Department's employees were subject to decompression schemes in each year from 2005 to 2010. [36062]

**Alistair Burt:** There are 290 Foreign and Commonwealth Office staff in Afghanistan and Iraq, where decompression schemes operate. This total includes UK-based and locally engaged staff; only UK-based staff are subject to decompression schemes. For operational and security reasons we cannot break the figures down further. We do not hold figures for previous years in this format.

**Bridget Phillipson:** To ask the Secretary of State for Foreign and Commonwealth Affairs how many of his Department's employees who had served in Afghanistan were subject to decompression schemes in each year from 2005 to 2010. [36063]

**Alistair Burt:** There are currently 210 Foreign and Commonwealth Office staff in Afghanistan. This total includes UK-based and locally engaged staff; only UK-based staff are subject to decompression schemes. For operational and security reasons we cannot break the figures down further. We do not hold figures for previous years in this format.

**Bridget Phillipson:** To ask the Secretary of State for Foreign and Commonwealth Affairs what his Department's policy is on decompression of employees who have served in Afghanistan; and what variation in policy there is according to rank or pay grade. [36064]

**Alistair Burt:** Foreign and Commonwealth Office (FCO) policy on decompression breaks in Afghanistan is that staff work a rotation of six weeks at post/two weeks decompression break. Decompression breaks are linked to the overall security situation, which can change over a posting. This policy applies to all FCO staff, regardless of grade.

#### Departmental Manpower

**Hugh Bayley:** To ask the Secretary of State for Foreign and Commonwealth Affairs what consideration his Department is giving to merging its security vetting services with those of the Ministry of Defence; and when a decision on this matter will be reached. [35825]

**Alistair Burt:** The Foreign and Commonwealth Office (FCO) has been working with the Cabinet Office on the opportunities to streamline and simplify security vetting across Government. Currently vetting is conducted by two organisations, FCO Services and Developed Vetting Agency (DVA). We continue to look closely at what further improvements could be made. No decision has been taken about merging vetting services.

#### Departmental Pay

**Lisa Nandy:** To ask the Secretary of State for Foreign and Commonwealth Affairs 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. [34817]

**Alistair Burt:** We are not aware of any Foreign and Commonwealth Office subcontracted staff in London who are paid below the minimum wage.

#### European External Action Service

**Bob Stewart:** To ask the Secretary of State for Foreign and Commonwealth Affairs how many staff of his Department (a) are on secondment and (b) he plans to second to the EU External Action Service. [34655]

**Mr Lidington:** Recruitment for the EU External Action Service (EAS) is in the early stages, with the majority of posts filled by staff transferred from the European Commission or Council Secretariat. Recruitment of secondees from EU member states began in March 2010 and we now have six members of the Foreign and

Commonwealth Office on secondment to the EAS. There are also a number of applicants for EAS positions whose applications are still being processed.

Our long-term aim is for British representation in all EU institutions to be proportionate to the size of our population.

#### Members: Correspondence

**Mr Baron:** To ask the Secretary of State for Foreign and Commonwealth Affairs when his Department plans to respond to the letter from the hon. Member for Basildon and Billericay of (a) 29 November and (b) 16 December 2010 concerning Mr W Pidgeon. [36058]

**Mr Lidington:** The correspondence from my hon. Friend the Member for Basildon and Billericay was received on 4 January 2011. The Under-Secretary of State for Foreign and Commonwealth Affairs, the hon. Member for North East Bedfordshire (Alistair Burt) replied on 21 January 2011 following his return from overseas.

#### Pakistan: Christianity

**Mike Weatherley:** To ask the Secretary of State for Foreign and Commonwealth Affairs if he will instruct the British high commissioner in Pakistan to make representations to the government of Pakistan on the treatment of Christians in that country. [35560]

**Alistair Burt:** Alongside our partners in the European Union, the UK engages regularly and at a senior level with the Government of Pakistan on human rights. This includes calling for the rights and freedoms of all Pakistanis being upheld in accordance with the Pakistani constitution, regardless of faith or ethnicity. Our high commissioner raised the issue of the treatment of minorities in Pakistan with senior interlocutors in the Government of Pakistan.

I have raised the treatment of religious minorities (including Christians) with the Pakistan Minister for Minorities, Shahbaz Bhatti, on many occasions—most recently on 10 January 2011.

#### Sri Lanka: Human Rights

**Mr Kennedy:** To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has had on the human rights situation in Sri Lanka. [35534]

**Alistair Burt:** The human rights situation in Sri Lanka remains a concern following the end of the military conflict. We continue to raise our concerns both bilaterally with the Government of Sri Lanka and in concert with EU colleagues. My right hon. Friend the Foreign Secretary and I discussed with the Sri Lankan Foreign Minister in October 2010 the importance of improving the human rights situation in Sri Lanka.

**Mr Kennedy:** To ask the Secretary of State for Foreign and Commonwealth Affairs what recent discussions he has had with his Sri Lankan counterparts on the work of the UN Advisory Panel. [35535]

**Alistair Burt:** We have encouraged the Government of Sri Lanka to engage with the UN Secretary-General's Panel of Experts. I raised this most recently with the Sri Lankan Foreign Minister when he visited the UK in October 2010 and our acting high commissioner raised it earlier this month with the Sri Lankan authorities.

#### Taxis

**Gregg McClymont:** To ask the Secretary of State for Foreign and Commonwealth Affairs how much his Department has spent on taxis since May 2010. [34673]

**Alistair Burt:** The Foreign and Commonwealth Office (FCO) currently uses two contracts with private hire taxi companies: Addison Lee, covering the London area where the FCO spent £70,798 between May and December 2010; and Raffles Taxis, covering the Milton Keynes area with expenditure of £10,385 in the same period. These figures do not include VAT.

FCO staff travel by the most efficient means of transport, bearing in mind the operational requirement and the need to secure value for money for the public purse. Public transport is used whenever possible and staff avoid using taxis on official business unless it is absolutely necessary.

Staff should not normally use a taxi at public expense between home and office—nor between airports and central London—except for journeys during the hours when public transport is not running. If it is absolutely necessary for staff to work after 9 pm or before 7 am, they may consider taking a taxi from their destination station to their home address or vice versa.

## EDUCATION

### CAFCASS: Public Expenditure

**Mr Llwyd:** To ask the Secretary of State for Education what the cost to the public purse was of operating the Children and Family Court Advisory Support Service head office in Wales in 2009-10. [34145]

**Tim Loughton** [*holding answer 18 January 2011*]: This Department does not hold the information which has been requested; the Welsh Assembly Government is responsible for the Children and Family Court Advisory and Support Service in Wales.

### Children in Care

**John Hemming:** To ask the Secretary of State for Education pursuant to the answer of 10 November 2010, *Official Report*, columns 319-20W, on children in care, how many and what proportion of children who left care through adoption in the year ending on 31 March 2010 were not children looked-after under section 20 of the Children Act 1989. [28417]

**Tim Loughton:** The number and percentage of children who left care through adoption during the year ending 31 March 2010 who were not looked after under Section 20 of the Children Act 1989 is shown in the following table.

Children adopted during the year ending 31 March who were not looked after under Section 20 of the Children Act 1989, year ending 31 March 2010—coverage: England

	Number/percentage
Number	3,000
Percentage	94

Note:

Numbers have been rounded to the nearest 100 and percentages to the nearest whole number.

Source:

SSDA903

**John Hemming:** To ask the Secretary of State for Education what proportion of children left care, where care is defined as subject to a care order, police protection order, emergency protection order, or placement for adoption, and returned to their parents in each year from 1995 to 2010. [28907]

**Tim Loughton:** The percentage of children, subject to a care order, police protection order or emergency protection order or placed for adoption who ceased to be looked after and returned to live with their parents in each year ending 31 March 2001 to 2010 is shown in the table.

Information on children who ceased to be looked after and returned home to live with their parents was not collected prior to 2001.

Percentage of children who ceased to be looked after during the year ending 31 March children subject to a care order, police protection order, emergency protection order or placed for adoption who were returned to their parents<sup>1,2,3,4</sup>, years ending 31 March 2001-10, coverage: England

	Percentage of children who ceased to be looked after
2001 <sup>5</sup>	24
2002 <sup>5</sup>	27
2003 <sup>5</sup>	27
2004 <sup>6</sup>	29
2005 <sup>6</sup>	28
2006 <sup>6</sup>	24
2007 <sup>6</sup>	22
2008 <sup>6</sup>	21
2009 <sup>6</sup>	20
2010 <sup>6</sup>	20

<sup>1</sup> Percentages have been rounded to the nearest whole number.

<sup>2</sup> Only the last occasion on which a child ceased to be looked after in the year has been counted.

<sup>3</sup> Figures exclude children looked after under an agreed series of short term placements.

<sup>4</sup> Historical data may differ from older publications. This is mainly due to the implementation of amendments and corrections sent by some local authorities after the publication date of previous materials.

<sup>5</sup> Figures are derived from the SSDA903 one third sample survey.

<sup>6</sup> Figures are taken from the SSDA903 return which covered all children looked after.

Source:

SSDA903

### Children in Care: Adoption

**John Hemming:** To ask the Secretary of State for Education pursuant to the answer of 10 November 2010, *Official Report*, columns 319-20W, on children in care, how many children were adopted from care in each case, excluding those children in care under section 20 of the Children Act 1989. [27686]

**Tim Loughton:** The number of children adopted from care during the years ending 31 March 2006 to 2010 who were not looked after under section 20 of the Children Act 1989 is shown in the following table.

Children adopted during the year ending 31 March who were not looked after under section 20 of the Children Act 1989<sup>1</sup>, Years ending 31 March 2006-10, Coverage: England

	Number
2006	3,400
2007	3,100
2008	3,000
2009	3,100
2010	3,000

<sup>1</sup> Numbers have been rounded to the nearest 100.

Source:

SSDA903

### Children in Care: Missing Persons

**Mr Bone:** To ask the Secretary of State for Education how many children in local government care have gone missing in each of the last three years. [33616]

**Tim Loughton** [holding answer 17 January 2011]: The following table provides the necessary figures:

	Number of looked after children missing from care
2008	980
2009	930
2010	810

The information is available in table LAB1 at:

<http://www.education.gov.uk/rsgateway/DB/SFR/s000960/index.shtml>

### Departmental Overtime

**Andrew Rosindell:** To ask the Secretary of State for Education how much his Department spent on overtime for staff working within his private office in each of the last five years. [28564]

**Tim Loughton:** The overtime costs for staff working in the Secretary of State's private office in the Department for Children Schools and Families and its predecessor, the Department for Education and Skills in each of the last five years is:

	£
2005-06	34,766
2006-07	41,648
2007-08	45,593
2008-09	52,715
2009-10	59,021

### Departmental Press: Subscriptions

**Robert Halfon:** To ask the Secretary of State for Education how much his Department and its predecessors spent on press cuttings services in each year since 1997. [28155]

**Tim Loughton:** The Department's spend on press cuttings services for the last three years is contained in the following table. The Department does not hold a central record of its expenditure on the requested items before 2007 and cannot obtain the information without incurring disproportionate cost.

	<i>Spend (£)</i>
2009/10	144,000
2008/09	157,000
2007/08	154,000

### Departmental Sponsorship

**Priti Patel:** To ask the Secretary of State for Education what expenditure (a) his Department and (b) its non-departmental public bodies incurred on sponsorship in each year since 1997 for which figures are available. [27512]

**Tim Loughton:** The Department does not record expenditure separately for sponsorship and therefore the amount spent could be obtained only at disproportionate cost.

Information for non-departmental public bodies is not held centrally and sponsorship is not recorded separately. Provision of the information could be obtained only at disproportionate cost.

Any expenditure that is spent on sponsorship must be in accordance with the principles of Managing Public Money and the Treasury handbook on Regularity and Propriety.

### Education: South Yorkshire

**Mr MacShane:** To ask the Secretary of State for Education what plans he has for the funding of education business partnerships in South Yorkshire. [33283]

**Mr Gibb:** We are considering the future funding of education business partnership services in the context of the allocations of the spending review 2010 settlement. We plan to announce decisions shortly. I will write to the right hon. Member.

### Foster Care: Finance

**Grahame M. Morris:** To ask the Secretary of State for Education what the average cost to the public purse was of a child placed (a) with a foster carer and (b) in a residential children's home in each of the last five years. [31616]

**Tim Loughton:** The average unit cost of placing a child with a foster carer or in a residential children's home for years 2005-08 is given in the following table. The Department no longer collects the information from local authorities which would readily permit such figures to be produced.

The University of Kent was however commissioned by the Department of Health and Department for Education to calculate the unit costs of health and social care in 2009/10. They calculated that it cost local authorities £2,494 a week for a placement of a child at a residential children's home and £676 a week for a foster placement. Because a different data source was used the figures are not strictly compatible with those in 2005-08.

*Unit expenditure on children's homes<sup>1</sup> and fostering care<sup>2</sup> in England: 2004-05 to 2008-09<sup>3</sup>*

<i>Financial year</i>	<i>Children looked after in children's homes per child per week (£)</i>	<i>Children looked after in foster care per child per week (£)</i>
2005-06	2,318	420
2006-07	2,402	463
2007-08	2,428	489

<sup>1</sup> Children's homes covers expenditure on residential care in voluntary children's and registered children's homes as defined in Children Act 1989. This includes: associated independent visitor costs and relevant contact payments under sections 20/34 of the Children Act 1989; homes where education is provided, but does not attract education; department funds; boarding schools; the social services share of the costs of community homes with education provision and the social services element of accommodating children with special education needs in schools where the education element is met by the education department.

<sup>2</sup> Fostering care includes all in-house provision, fostering services purchased externally, fees and allowances paid to foster parents and the costs of social worker and other support staff who support foster carers. For example, mainstay placements; link placements; permanence placements; temporary/respite fostering; placements with relatives, other than a parent, under foster care; arrangements; placed with approved prospective adopters pending the making of an adoption order under the Adoption and Children Act 2002; associated independent visitor costs and relevant contact payments under sections 20/34 of the Children Act 1989.

<sup>3</sup> Expenditure data for 2005-06 to 2007-08 are drawn from PSSEX data published on the NHS IC website

### Freedom of Information

**Annette Brooke:** To ask the Secretary of State for Education what judgments have been made by the Information Commissioner on his Department's responses to freedom of information requests in the last 12 months; and how many of these related to child protection. [34609]

**Tim Loughton** [holding answer 18 January 2011]: The Information Commissioner has issued nine decision notices on the Department's responses to freedom of information requests within the last 12 months, and details of these are given as follows. Two of these had some connection to child protection, in that one was about an application to join the UK Council for Child Internet Safety, and the other about the ContactPoint Data Security Review. These decisions can be accessed on the website of the Information Commissioner's Office at

[http://www.dataprotection.gov.uk/tools\\_and\\_resources/decision\\_notices.aspx](http://www.dataprotection.gov.uk/tools_and_resources/decision_notices.aspx)

	<i>ICO reference number</i>	<i>Subject</i>
1 March 2010	FS50144707	Frontline Technology Ltd. patent for electronic registration system
1 March 2010	FS50167790	Drafts of evaluation reports on academy policy
2 March 2010	FS50127519	Correspondence with the Prince of Wales
4 March 2010	FS50164940	Building Schools for the Future Programme (Camden)
22 June 2010	FS50218437	ContactPoint Data Security Review
22 November 2010	FS50274798	Rail travel expenses
16 December 2010	FS50285730	Elective home education
20 December 2010	FS50260412	Phorm's application to join the UK Council for Child Internet Safety
10 January 2011	FS50264783	Academy review report

### Members: Correspondence

**Sir Gerald Kaufman:** To ask the Secretary of State for Education when he plans to respond to the letter from the right hon. Member for Manchester, Gorton of 10 December 2010 in regard to Mrs E Flint. [36051]

**Tim Loughton:** The Secretary of State for Education replied to the right hon. Member on 21 January.

### Runaway Children

**Alex Cunningham:** To ask the Secretary of State for Education (1) how many local authorities provide services to support young people who run away from home or care; [32318]

(2) whether he plans to take steps to ensure that those with parental responsibility for a child make a report when that child goes missing; [32319]

(3) if he will estimate the number of children who ran away from home or care in the latest period for which figures are available. [32320]

**Tim Loughton:** All local authorities and their partners are required to provide services to safeguard the young and the vulnerable, including those who run away from home or care. Details of these services are not collected centrally.

Procedures are already in place to ensure that children's homes and fostering services make a report when a

young person goes missing. The National Minimum Standards for children's homes and fostering services require that all registered children's homes and fostering services should have explicit procedures to follow when children in their care may be missing or absent without permission. Where a young person is not in the care of children's services, it is the responsibility of the parents/carers to report the young person missing.

Local police forces are currently required to share data from the Police National Computer (PNC) on the numbers of missing young people reported to them with the Missing Persons' Bureau in the National Police Improvement Agency (NPIA). Local authorities then determine the best ways to work with the police to collate the data on numbers of runaways in their area, whether from home or from care, but this data are not collected centrally.

### Schools: Sports

**Ian Austin:** To ask the Secretary of State for Education what estimate he has of the average number of sports clubs a secondary school has worked with in each of the last five years. [33297]

**Tim Loughton** [*holding answer 13 January 2011*]: The Department does not hold this information centrally; we can only provide information about the average number of sports in respect of which schools have had links with clubs. I include a table for ease of reference.

<i>PE and sport surveys</i>	2005-06	2006-07	2007-08	2008-09	2009-10
Average number of listed sports and activities <sup>1</sup> for which secondary schools had links to clubs	10.6	11.2	11.9	12.7	13.8
Number of secondary schools	2,627	3,117	3,114	3,387	3,325

<sup>1</sup> This is based on a list of 50 sports and activities, with a further box for schools to mark if they have links to clubs who do 'other' sports or activities.

### Young People: Carers

**Mr Laurence Robertson:** To ask the Secretary of State for Education if he will bring forward proposals to require local authorities to collect data on the number of carers under the age of 18 years. [30352]

**Tim Loughton:** Local and national data on the number of young carers is not held centrally although it is possible to make broad estimates of numbers from data.

The 2001 Census estimates that there are approximately 139,000 children in England aged 17 or under offering some care to a family member, neighbour or friend. The 2011 Census data will provide a more up to date figure later this year.

However it is widely acknowledged that there are a number of hidden young carers.

Helping to care for a family member is something that many young people are happy and proud to do. These young people play an absolutely vital role both for their families and society as a whole and they deserve our recognition and support.

However, I have met many young carers and they have made it clear to me that they want their school,

GPs and other services to be more flexible and supportive in helping them and their families' address their needs more effectively.

The Government recently published the updated Carers Strategy entitled "Recognised, valued and supported: next steps for the Carers Strategy". The strategy recognises that there are a number of 'hidden' young carers and sends out a strong signal that effective support for young carers requires adults and children's services and the voluntary sector and others to work together to identify and support young carers and prevent them from taking on harmful caring roles that put their health and/or education at risk.

Local authorities and primary care trusts are best placed to develop services in response to local demand and to assess local data.

### NORTHERN IRELAND

#### Bill of Rights

**Naomi Long:** To ask the Secretary of State for Northern Ireland what assessment he has made of the responses received to the consultation, A Bill of Rights for Northern Ireland: Next Steps; and whether he plans to produce a summary report. [35546]



**Mr Swire:** We have already made available, on 16 December 2010, the responses to the previous Government's consultation on a Bill of Rights. We have no plans to produce a further summary report. In my written ministerial statement to the House of 16 December 2010, *Official Report*, column 131W, announcing publication of the responses to the consultation exercise, I made clear that, while there was support for a Bill of Rights among human rights groups along the lines recommended by the Northern Ireland Human Rights Commission, there was also opposition to this. The statement noted in particular that there remained a divergence of views among political parties in Northern Ireland on how best to proceed.

**Naomi Long:** To ask the Secretary of State for Northern Ireland what progress he has made on the development of a Bill of Rights for Northern Ireland; and what discussions he has had with (a) political parties in Northern Ireland and (b) other stakeholders on that matter. [35547]

**Mr Swire:** The Government remain committed to fulfilling their commitments under the Belfast agreement. However the lack of consensus in Northern Ireland on the issue of a Bill of Rights remains a considerable barrier to further progress.

Northern Ireland Office Ministers and officials have had discussions on this issue since the election with

political and other interested parties, including human rights NGOs, and will continue to do so in the coming months.

### Departmental Communication

**Alok Sharma:** To ask the Secretary of State for Northern Ireland what measures he has undertaken to reduce jargon and promote plain English in Departmental communications. [35781]

**Mr Paterson:** Staff in the Northern Ireland Office are aware of the need to ensure that all internal and external communications are clearly understandable.

### Departmental Public Appointments

**Fiona Mactaggart:** To ask the Secretary of State for Northern Ireland (1) how many (a) women and (b) men have been appointed to public duties by his Department since May 2010; [35391]

(2) what public appointments he has made since his appointment; and to what payments each person so appointed is entitled. [35413]

**Mr Paterson:** Since May 2010 I have made 12 appointments (eight male and four female) to public bodies in Northern Ireland. These are shown in the following table.

Public body	Male/ Female	Chairman/ Members	Full-time/ Part-time	Remuneration
Chief Electoral Officer for Northern Ireland	Male	—	Full-time	£58,200 per annum
Equality Commission for Northern Ireland	3 Male; 1 Female	4 Members	Part-time	£5,000 per annum
Parades Commission for Northern Ireland	4 Male; 3 Female	1 Chairman; 6 Members	Part-time	Chairman £500 per diem; Members £250 per diem

## ENVIRONMENT, FOOD AND RURAL AFFAIRS

### Biochar

**Mr Bain:** To ask the Secretary of State for Environment, Food and Rural Affairs (1) whether she has made an assessment of the likely requirement for Government incentives in order for the development of biochar to be commercially viable; [34357]

(2) how much funding her Department has allocated to research into the use of biochar as a fuel in each of the last five years; and how much such funding she plans to allocate in each of the next four financial years; [34402]

(3) what assessment she has made of the potential contribution of biochar as a fuel source. [34422]

**Mr Paice:** DEFRA has not made an assessment of the likely requirement for Government incentives in order for the development of biochar to be commercially viable. However, DEFRA, in collaboration with the Department for Energy and Climate Change (DECC), has undertaken a review of the potential benefits, costs and issues surrounding the addition of biochar to soil. This found that the evidence base supporting the addition of biochar to soil was not particularly developed or robust, particularly under UK conditions, and that the

potential for introducing contaminants to the soil from biochar was a particular concern. No further work has been planned. The study is available on the DEFRA website:

<http://randd.defra.gov.uk>

Biochar originates from biomass, and its production and combustion is eligible for support under DECC's renewables obligation mechanism. The level of support available will depend on the type of technology used to generate electricity; for example, if advanced pyrolysis or gasification is used, it would be awarded two renewable obligation certificates per megawatt hour.

Biochar produced from virgin biomass will be subject to the sustainability criteria to be introduced in the renewables obligation from April 2011.

### Biodiversity

**Graeme Morrice:** To ask the Secretary of State for Environment, Food and Rural Affairs when she next expects to report on progress towards achieving each of the targets for priority species and habitats contained in the UK Biodiversity Action Plan. [36246]

**Richard Benyon:** I refer the hon. Member to the answer I gave on 18 January 2011, *Official Report*, column 692W.

### Birds of Prey

**Mark Tami:** To ask the Secretary of State for Environment, Food and Rural Affairs what estimate her Department has made of the buzzard population in the UK in each of the last five years. [35453]

**Richard Benyon:** The most recent published estimate of the size of the Common Buzzard population of the UK was of 44,000-61,000 territorial pairs in 2000. Annual monitoring of trends is undertaken by the British Trust for Ornithology/Royal Society for the Protection of Birds/Joint Nature Conservation Committee Breeding Bird Survey. The UK trend for the most recent five year period for which data is available (2003-08) and calculated across 1,069 survey plots, was a 15% increase in that period.

### Cod: Quotas

**Amber Rudd:** To ask the Secretary of State for Environment, Food and Rural Affairs if she will assess the merits of reallocating cod quotas in Area VIII in the light of the annual under-utilisation by the over 10 metre sector. [35926]

**Richard Benyon:** The merits of reallocating under-utilised quotas is being considered as part of the work to explore options for reform of fisheries management arrangements.

There are several reasons why the in-year reallocation of underutilised quota is not currently undertaken, e.g. 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 a fish stock 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-10m fleet. I am committed to reforming the fisheries management arrangements, in order to place the fleet on a more sustainable footing. A consultation is due to be launched in the spring, and in the meantime work continues to consider what support can be offered to the under-10m fleet in the short-term.

### Common Agricultural Policy: Reform

**Tim Farron:** To ask the Secretary of State for Environment, Food and Rural Affairs what recent representations she has received from farmers' unions on her Department's plans to reform the Common Agricultural Policy. [35156]

**Mr Paice** [holding answer 21 January 2011]: Specifically regarding farmers' unions, we have received a number of letters on DEFRA's plans to reform the Common Agricultural Policy (CAP) from the National Farmers' Union (NFU). The NFU's input into the CAP reform debate has provided us with a valuable insight into its stance on the progress of the negotiations.

Discussions between DEFRA and the NFU will be of great value over the coming months. I continue to welcome views from all interested parties over the course of the negotiations and would also encourage them to respond directly to the Commission's current consultation on CAP.

### Departmental Public Appointments

**Fiona Mactaggart:** To ask the Secretary of State for Environment, Food and Rural Affairs (1) how many (a) women and (b) men have been appointed to public duties by her Department since May 2010; [35394]

(2) what public appointments she has made since her appointment; and to what payments each person so appointed is entitled. [35416]

**Richard Benyon:** There have been no public appointments made since the Secretary of State was appointed.

Any public appointments would be regulated by The Office of the Commissioner for Public Appointments (OCPA).

### Efficient and Resilient Food Chain

**Mr Bain:** To ask the Secretary of State for Environment, Food and Rural Affairs what the expenditure of her Department's Efficient and Resilient Food Chain research and development programme was in each year since 2006; and what its levels of expenditure will be in each of the next four financial years. [34423]

**Mr Paice:** Table 1 shows DEFRA's expenditure on the Farming and Food Resource Efficient and Resilient Food Chain research and development programme for the past five financial years.

Table 1: DEFRA research and development funding on resource efficient and resilient food chain

	£
2009-10	3,355,695.00
2008-09	3,867,368.00
2007-08	4,991,645.00
2006-07	4,693,895.00
2005-06	2,800,754.00

Source:

Data taken from the Science and Information System

DEFRA has not yet determined the details of research and development spend over the next five years for this programme. However, provisional evidence budgets which include research and development activity on food have been allocated.

Table 2 shows indicative evidence budget allocations for the current and the next four financial years.

Table 2: Indicative evidence budget allocations

	£
2010-11	3,291,000.00
2011-12	3,107,000.00
2012-13 <sup>1</sup>	2,618,000.00
2013-14 <sup>1</sup>	2,051,000.00
2014-15 <sup>1</sup>	1,271,000.00

<sup>1</sup> From 2012-13 onwards, a proportion of the evidence budget for this programme is held back in an 'unallocated reserve' which is excluded from the figures in this table. This ring-fenced reserve will be annually reallocated to the programme according to the DEFRA's Chief Scientific Adviser's advice on evidence priorities.

Flexibility in the evidence allocation process for 2012-13 onwards is essential so that we can adjust our investment in evidence to respond to developing challenges. For example, significant changes to the direction of DEFRA's investment in evidence could result from the outcomes of White Papers or other major assessments that impact on priorities. At the same time it is recognised that the Department has to meet a number of 'less flexible' statutory monitoring and animal health surveillance requirements, i.e. classed as 'non-discretionary' spend.

To allow DEFRA investment to align to top evidence priorities, an unallocated evidence reserve has been created by 'top-slicing' the discretionary element of the evidence budget. The proportion of the discretionary element contributing to the unallocated reserve will be 10% in 2012-13, 25% in 2013-14 and 50% in 2014-15. This reserve will be reallocated back to individual programmes annually, taking into account overall evidence priorities.

Statutory monitoring and animal health surveillance budgets are not contributing to the unallocated evidence reserve. However, in order to meet the total evidence savings needed across the spending review period, these budgets are generally being reduced by 5% year on year as a minimum. It is anticipated that these savings will be achievable through seeking efficiencies. Where this will not be possible, funds from the unallocated evidence reserve will be accessible.

#### Farmers: Milk

**Simon Hart:** To ask the Secretary of State for Environment, Food and Rural Affairs if she will estimate the volume of milk disposed of by farmers as a consequence of a lack of tanker collections during the recent severe weather. [34360]

**Mr Paice:** We have maintained close contact with farming organisations throughout the recent severe weather conditions. Industry has informed us that the volume of milk disposed of was no more than 0.2% of December's production.

#### Fisheries: Quotas

**Jonathan Reynolds:** To ask the Secretary of State for Environment, Food and Rural Affairs what meetings she has had on ending the practice of discarding fish before landing. [35139]

**Richard Benyon:** As UK Fisheries Minister, I lead on discussions with our European counterparts on the discarding of fish. At the Fisheries Council in December 2010, I negotiated with the European Commission and member states to agree fishing opportunities for 2011. The need to find solutions to the problem of discarding formed an important part of those negotiations. In addition, I chaired meetings on Fisheries Council priorities, where discards was discussed, in Belfast in October 2010 and Brussels in December 2010, with fishery industry representatives, non-governmental organisations and devolved Administrations.

There will be further discussions this year with member states and the Commission on the topic of minimising discards, and the reform of the Common Fisheries

Policy in 2012. The UK will continue to lead the way within the EU on finding practical solutions to the discard issue.

#### Flood Control

**Mark Tami:** To ask the Secretary of State for Environment, Food and Rural Affairs what criteria her Department uses in determining flood risks to each geographical area of England. [35544]

**Richard Benyon:** Flood risk is assessed as a combination of criteria covering probability, based on historical floods and computer modelling of physical characteristics of the landscape, and consequences, based on the impact of flooding on people, properties, infrastructure and the environment. The presence and condition of flood defences is also taken into account. Further information can be found in the Environment Agency's 2008 publication "Flooding in England: A National Assessment of Flood Risk".

Each risk management authority is responsible for managing risk as defined under the Flood and Water Management Act 2010.

**Mary Creagh:** To ask the Secretary of State for Environment, Food and Rural Affairs what plans she has for the future provision of flood prevention services previously provided through the Government Office Network; and what estimate she has made of the effects on flood prevention services of the closure of that network. [35751]

**Richard Benyon:** The contribution of the Government Office Network to flood prevention is focused on resilience. The Department for Communities and Local Government (CLG) is responsible for developing, implementing and managing a new way of working to deliver sub-national resilience, supporting the delivery of national resilience in England.

The sub-national resilience role is a new one, although it does build on the work and the relationships developed by the current regional resilience teams based in the Government offices. In taking forward the role CLG will be putting in place a new approach, reflecting the shift of priorities brought about by the Government.

#### Flood Control: Finance

**Mary Creagh:** To ask the Secretary of State for Environment, Food and Rural Affairs what geographical circumstances and characteristics of areas at risk of flooding she plans to take into account in determining financial allocations to local authorities for flood prevention and protection; and if she will make a statement. [35750]

**Richard Benyon:** All local authorities in England receive funding support for flood and coastal erosion risk management through formula grant arrangements. From the 2011-12 financial year, lead local flood authorities (established under the Flood and Water Management Act 2010) will receive additional support as area based grant to meet the costs of their new roles and responsibilities under the Act. Individual allocations are based on property counts taken from the Environment Agency's Flood Maps (which indicate susceptibility to river and sea flooding) and Surface Water Vulnerability Maps.

A minimum amount of funding has been set at £110,000 to ensure that every lead local flood authority receives sufficient funding to meet new burdens, with more funding provided where the risk to people and property is greater. Map-based data on the presence of rivers for which local authorities have responsibility is being used to help determine the funding allocations to authorities under formula grant arrangements. Local authority expenditure on levies (including local levy to the Environment Agency and special levy to Internal Drainage Boards) will continue to be supported through formula grant, with allocations informed by records of past expenditure.

The use of map-based data follows calls made on the Government to improve the basis on which funding for flood and coastal erosion risk management is allocated to local authorities, and followed a process of consulting local authorities. The Government will keep the use of map-based data under review to ensure that we continue to have the fairest possible outcome for local authorities in future spending periods.

### Floods

**Mark Tami:** To ask the Secretary of State for Environment, Food and Rural Affairs what estimate her Department has made of the number of properties (a) constructed on flood plains and (b) at risk of flooding. [35452]

**Richard Benyon:** About 5.2 million properties in England, or one in six properties, are in areas at risk of flooding. Of these, 2.4 million properties are at risk of flooding from rivers or the sea, 1 million of which are also at risk of surface water flooding. A further 2.8 million properties are susceptible to surface water flooding alone.

The Department for Communities and Local Government publishes statistics on the percentage of new dwellings built in areas of high flood risk for each year since 1989. These can be found at:

<http://www.communities.gov.uk/documents/planningandbuilding/xls/1658129.xls>

### Floods: Insurance

**Mark Tami:** To ask the Secretary of State for Environment, Food and Rural Affairs what discussions her Department has had with the insurance industry on the provision of insurance cover to those areas and properties at risk of flooding. [35224]

**Richard Benyon:** DEFRA had discussions with key representatives from the insurance industry, the National Flood Forum, the Environment Agency and local government at a Flood Insurance summit in September last year. We agreed to continue working in partnership to ensure insurance against flooding remains widely available beyond 2013, when the current Statement of Principles agreement expires.

### Food

**Mr Bain:** To ask the Secretary of State for Environment, Food and Rural Affairs how much funding her Department plans to provide for research on food security and sustainable crop yields in each of the next four financial years. [34795]

**Mr Paice:** DEFRA's Farming and Food Research and Development Programme addresses the challenges of food security and sustainable crop yields. DEFRA has not yet determined the details of its research spend over the next four financial years. However, indicative evidence budgets have been allocated.

Evidence is defined as reliable and accurate information that DEFRA can use to support sound decisions in developing, shaping, and evaluating policy. It includes research and development, monitoring and surveillance, economic and statistical analysis and modelling, secondary analysis and synthesis, and analysis of stakeholder views.

The following table shows minimum indicative evidence budget allocations for the Farming and Food Research and Development Programme for the next four financial years.

<i>Financial year</i>	<i>Indicative evidence budget allocations for farming and food (£ million)</i>
2010-11	43.25
2011-12	42.31
2012-13 <sup>1</sup>	36.38
2013-14 <sup>1</sup>	29.79
2014-15 <sup>1</sup>	20.96

<sup>1</sup> From 2012-13 onwards, a proportion of each evidence budget is held back in an 'unallocated reserve' which is excluded from the figures in this table. This ring-fenced reserve will be annually reallocated to individual programmes according to the DEFRA's Chief Scientific Adviser's advice on evidence priorities.

#### Notes:

- Flexibility in the evidence allocation process for 2012-13 onwards is essential so that we can adjust our investment in evidence to respond to developing challenges. For example, significant changes to the direction of DEFRA's investment in evidence could result from the outcomes of White Papers or other major assessments that impact on priorities. At the same time it is recognised that DEFRA has to meet a number of 'less flexible' statutory monitoring and animal health surveillance requirements, i.e. classed as 'non-discretionary' spend.
- To allow DEFRA investment to align to top evidence priorities, an unallocated evidence reserve has been created by 'top-slicing' the discretionary element of the evidence budget. The proportion of the discretionary element contributing to the unallocated reserve will be 10% in 2012-13, 25% in 2013-14 and 50% in 2014-15. This reserve will be reallocated back to individual programmes annually, taking into account overall evidence priorities.
- Statutory monitoring and animal health surveillance budgets are not contributing to the unallocated evidence reserve. However, in order to meet the total evidence savings needed across the spending review period, these budgets are generally being reduced by 5% year on year as a minimum. It is anticipated that these savings will be achievable through seeking efficiencies. Where this will not be possible, funds from the unallocated evidence reserve will be accessible.

The research councils of the Department for Business, Innovation and Skills will also be contributing to the Global Food Security Programme, which will include sustainable crop yields. The indicative budget allocation for global security in the Biotechnology and Biological Sciences Research Council's delivery plan is £104 million a year in the next four financial years. Other research councils will also be contributing towards the Global Food Security Programme. The following table shows the indicative total contributions of these research councils towards the programme over the next four financial years.

<i>Research council</i>	<i>Indicative contribution towards the Global Food Security Programme in the 2011-12 to 2014-15 period (£ million)</i>
Economic and Social Research Council	8

<i>Research council</i>	<i>Indicative contribution towards the Global Food Security Programme in the 2011-12 to 2014-15 period (£ million)</i>
Medical Research Council	10
Natural Environment Research Council	15

In addition to this, contributions to the programme will be made by the Engineering and Physical Sciences Research Council, largely through its manufacturing portfolio.

### Forestry Commission

**Mr Bain:** To ask the Secretary of State for Environment, Food and Rural Affairs what assessment she has made of changes in the level of access to rights of way over Forestry Commission land that has been sold by her Department in each of the last four years. [35087]

**Mr Paice** [*holding answer 20 January 2011*]: We have not made an assessment on this issue. Local highway authorities are responsible for the management of public rights of way and have a statutory duty to assert and protect the rights of the public as to their use and enjoyment.

### Forestry Commission: Land

**Mr Bain:** To ask the Secretary of State for Environment, Food and Rural Affairs what her policy is on the proportion of Forestry Commission land to be sold in each of the next four financial years. [35481]

**Mr Paice:** The Forestry Commission in England will be selling at least 15% of the public forest estate (40,000 hectares) by the end of this spending review period. The Government will shortly consult on a range of models for the future ownership and management for the other 85% of the public forest estate.

**Mary Creagh:** To ask the Secretary of State for Environment, Food and Rural Affairs how much the Forestry Commission has paid to the Crown Estate for each parcel of land sold in the last five years which has been transferred to the Forestry Commission under the Forestry (Transfer of Woods) Act 1923. [36143]

**Mr Paice:** The Forestry Commission has not sold any land in the last five years which has required it to make a payment to the Crown Estates under the Forestry (Transfer of Woods) Act 1923.

### Greyhounds: Animal Welfare

**Gregg McClymont:** To ask the Secretary of State for Environment, Food and Rural Affairs what steps she is taking to improve the welfare of racing greyhounds. [35346]

**Mr Paice:** The Welfare of Racing Greyhounds Regulations 2010, which apply to England only, provides the welfare conditions for greyhounds at racing tracks and the traceability of greyhounds used in the sport. In addition, anyone who owns or keeps a racing greyhound must provide for the welfare needs of their animals, as required by the Animal Welfare Act 2006.

If anyone has any concerns about the way in which a racing greyhound is being kept they should report it to the Greyhound Board of Great Britain, who enforce the 2010 regulations in relation to their tracks, or the relevant local authority who enforce the regulations in respect of independent tracks and who also have powers under the 2006 Act to investigate allegations of cruelty or neglect.

### Groceries Code Adjudicator

**Mr Bain:** To ask the Secretary of State for Environment, Food and Rural Affairs what discussions she has had with the (a) farming industry and (b) food and retail sector on the powers and functions of the Groceries Code Adjudicator; what the (i) dates and (ii) locations of such discussions were; and if she will make a statement. [34446]

**Mr Paice:** The Secretary of State has met the farming industry and the food and retail sector numerous times since taking office to consider a wide range of issues relevant to the food chain. There have been no meetings specifically or solely about the Groceries Code Adjudicator (GCA), but on occasion there has been an exchange of views on the GCA. The Secretary of State has not discussed the specific powers and functions of the GCA, which were the subject of a Department for Business, Innovation and Skills consultation exercise last year. The Government published its response to the consultation on 3 August 2010, announcing its decision on these powers and functions.

### Harlequin Ladybirds

**Mark Tami:** To ask the Secretary of State for Environment, Food and Rural Affairs what estimate her Department has made of the number of harlequin ladybirds in the UK. [35322]

**Richard Benyon:** DEFRA has not commissioned any work to estimate the number of harlequin ladybirds in the UK. However, DEFRA funding supported the highly successful public participation Harlequin Ladybird Survey. Information on the documented spread of the species across the country is available on the Harlequin Ladybird Survey website at:

<http://www.harlequin-survey.org>

**Mark Tami:** To ask the Secretary of State for Environment, Food and Rural Affairs what steps her Department is taking to prevent the spread of harlequin ladybirds. [35323]

**Richard Benyon:** There is no simple means to prevent the harlequin ladybird from spreading. Scientists at the Centre for Ecology and Hydrology are undertaking some detailed analysis on the trends of native ladybird species in response to the arrival of the harlequin ladybird, using Biological Records Centre data collected through volunteer recording schemes. This work could help in the consideration of any future actions. They are also studying the adaptation of native parasites to the harlequin ladybird and there is an increase in the prevalence of these attacking harlequins. As with the very successful Harlequin Ladybird Survey itself, members of the public are being asked to help by recording and reporting what they see through the UK Ladybird Parasite Survey which was launched last year:

[www.bbc.co.uk/breathingplaces/ladybird-parasites](http://www.bbc.co.uk/breathingplaces/ladybird-parasites)

**Mark Tami:** To ask the Secretary of State for Environment, Food and Rural Affairs what assessment her Department has made of the effect on native species of the harlequin ladybird. [35324]

**Richard Benyon:** UK experts on this species are leading a European group of 120 scientists working in this field. Both laboratory and field studies suggest the impact on other species, particularly those that have a high niche overlap with the harlequin, is high. The Biological Records Centre's UK ladybird survey data are proving vital for this work.

### Himalayan Balsam

**Mark Tami:** To ask the Secretary of State for Environment, Food and Rural Affairs what steps her Department is taking to prevent the spread of Himalayan balsam. [35328]

**Richard Benyon:** Himalayan balsam is widespread in the wild in Britain and it would not be efficient use of Government resources to tackle this plant above other priorities. However, the Administrations in England, Scotland and Wales launched the Invasive Non-native Species Framework Strategy for Great Britain in 2008 as a joint policy framework. Its aim is to minimise the risk posed by invasive non-native species in Great Britain and to reduce the negative impacts which they cause. Through our work on the GB strategy we are helping local action groups who are taking action to manage this plant and others on a local level.

While there is no statutory requirement for landowners to remove the plant from their property, because of its potential harm to habitats and native species it is listed on schedule 9 and subject to section 14 of the Wildlife and Countryside Act 1981, which makes it an offence to plant, or cause this species to grow, in the wild.

We have supported research into finding a natural biological control agent to help control Himalayan balsam, but to date a suitable agent has not been found.

**Mark Tami:** To ask the Secretary of State for Environment, Food and Rural Affairs what assessment she has made of the effect on native species of the spread of Himalayan balsam. [35331]

**Richard Benyon:** We have not undertaken a specific assessment of the effect Himalayan balsam has on native species. However in the extensive areas of infestation particularly in riparian habitats it competes very effectively for space with native plants and its other impacts include impeding access and exacerbating bank erosion when the plant dies back.

**Mark Tami:** To ask the Secretary of State for Environment, Food and Rural Affairs what estimate her Department has made of the extent of the spread of Himalayan balsam in the last 10 years. [35332]

**Richard Benyon:** According to the National Biodiversity Network gateway:

<http://data.nbn.org.uk>

since its first recording in the wild in 1855, Himalayan balsam has now been recorded in the vast majority of 10 km squares in Britain. DEFRA has made no specific assessment of its spread over the last 10 years.

### Japanese Knotweed

**Mark Tami:** To ask the Secretary of State for Environment, Food and Rural Affairs what requirements her Department places on local authorities to take steps against the spread of Japanese knotweed; and what guidance it issues to local authorities on (a) controlling and (b) eliminating the plant. [35326]

**Richard Benyon:** There is no statutory requirement for landowners to remove the plant from their property, nor is strategic widespread control the sole responsibility of any particular body. All landowners on whose property Japanese knotweed occurs however should take care to prevent its spread onto neighbouring land or generally into the wild. Local authorities can require landowners to clean up "land adversely affecting the amenity of the neighbourhood" and also have the power to undertake clean-up works and to recover costs from the landowner. If Japanese knotweed is growing on the local authority's own land, it is reasonable to expect that authority to take appropriate action. As public bodies, they are subject to section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 which requires all public bodies to have regard to the conservation of biodiversity when carrying out their functions and this may be relevant where the weed is affecting biodiversity interests.

The Environment Agency offers guidance and advice on the control and elimination of Japanese knotweed, and has published a code of practice which can be found on its website at:

<http://www.environment-agency.gov.uk>

**Mark Tami:** To ask the Secretary of State for Environment, Food and Rural Affairs which 10 local authority areas in England have the highest incidence of Japanese knotweed. [35327]

**Richard Benyon:** As can be seen on the National Biodiversity Network gateway at:

<http://data.nbn.org.uk>

Japanese knotweed has been recorded in the vast majority of 10 km squares in Britain. DEFRA does not hold information ranking its incidence according to local authority areas. Japanese knotweed is widespread throughout England and some local authorities particularly badly affected have taken specific action against it, for example the Cornwall Japanese Knotweed Forum.

### Lake Windermere: Navigation

**Kate Hoey:** To ask the Secretary of State for Environment, Food and Rural Affairs when she plans to make a decision on the proposed Windermere navigation byelaws and Windermere registration byelaws. [35925]

**Richard Benyon:** I am currently considering proposals and I expect to be able to announce a decision shortly.

### Livestock: Foot and Mouth Disease

**Mr Bain:** To ask the Secretary of State for Environment, Food and Rural Affairs what recent assessment she has made of the threat to livestock from an outbreak of foot and mouth disease. [35312]

**Mr Paice:** DEFRA's assessment is that there is a continual low risk of the introduction of foot and mouth disease (FMD) into the UK (and the EU) from currently affected regions around the world. Additional measures have been put in place as a result of the ongoing situation in Bulgaria, including alerting industry to the situation. More generally, preliminary outbreak assessments are published regularly on the DEFRA website for FMD and other disease incidents around the world.

#### National Wildlife Crime Unit: Finance

**Mary Creagh:** To ask the Secretary of State for Environment, Food and Rural Affairs how much funding the National Wildlife Crime Unit will receive from her Department in the next four years. [35753]

**Richard Benyon:** As a result of the spending review all Government Departments are reviewing their spending and virtually all will have reduced budgets in the coming years, as part of the Government's drive to reduce the country's budget deficit.

DEFRA, along with the other bodies that have provided funding for the Unit, is currently determining its spending priorities. Good progress is being made but it is too soon to say what funding can be made available for the National Wildlife Crime Unit.

#### Plants

**Mark Tami:** To ask the Secretary of State for Environment, Food and Rural Affairs what steps her Department is taking to prevent new alien plant species taking hold in the UK. [35167]

**Richard Benyon:** Policy on invasive non-native species is a devolved issue. The administrations in England, Scotland and Wales launched the Invasive Non-native Species Framework Strategy for Great Britain in 2008 as a joint policy framework. It is built on a key principle agreed under the Convention on Biological Diversity which ranks prevention, early detection and rapid action, and longer term management in that order of priority.

Under the Strategy, the "Be Plantwise" campaign, in partnership with industry and user organisations, aims to raise awareness of the issues and advises users of non-native plants on key behaviours to reduce the risks of introducing invasive plants to the wild. In addition we are considering whether to use legislative powers to prohibit the sale of specified invasive species, and as an example of cost-effective action taken, all known occurrences of the South American creeping water primrose, which is a significant problem on the continent are being eradicated since it was caught early enough.

**Mark Tami:** To ask the Secretary of State for Environment, Food and Rural Affairs what estimate her Department has made of the number of alien plant species in the UK. [35325]

**Richard Benyon:** Under the GB Invasive Non-native Species Framework Strategy we are in the process of developing the GB Non-native Species Information Portal in partnership with key organisations. This will collate information on records of non-native species (invasive and otherwise) and will help to improve reporting and

monitoring of these species. For example, there are approximately 1,800 non-native flowering plants in the database at present but the accuracy of the information has not yet been verified by key partner bodies.

#### Plants: Nature Conservation

**Mark Tami:** To ask the Secretary of State for Environment, Food and Rural Affairs (1) what statutory agencies are responsible for plant conservation; [35329]

(2) how much funding her Department plans to provide for plant conservation in 2010-11; and to what bodies it plans to make payments for this purpose. [35330]

**Richard Benyon:** Funding will be provided to the Food and Environment Research Agency, the Royal Botanic Gardens Kew, Natural England, the Environment Agency, the Joint Nature Conservation Committee, and the National Forest Company. The Forestry Commission, as a non-ministerial Government Department, will also receive funding some of which may be used for plant conservation.

Information on how much of this funding will be used for plant conservation is not held centrally and could be gathered only at a disproportionate cost.

#### Poultry: Swine Flu

**Tim Farron:** To ask the Secretary of State for Environment, Food and Rural Affairs what steps her Department has taken to (a) issue and (b) revise guidance to farmers and individuals who work with poultry since the first case of swine influenza transfer from human to bird occurred in January 2011; and if she will make a statement. [35159]

**Mr Paice** [*holding answer 21 January 2011*]: DEFRA has a range of advice on its website for bird keepers to help them protect their birds from all types of disease, including H1N1 influenza. On 12 January, following the finding of a low pathogenic H1N1 influenza virus in turkeys, DEFRA updated its website to remind bird keepers to maintain appropriate biosecurity measures. Guidance on worker protection, provided by the Health and Safety Executive, is also incorporated into DEFRA's website.

#### Rural Community Buildings Loan Fund

**Mary Creagh:** To ask the Secretary of State for Environment, Food and Rural Affairs what funding her Department plans to provide to the Rural Community Buildings Loan Fund in (a) 2010-11 and (b) each of the next four years. [35758]

**Richard Benyon:** The value of the Rural Community Buildings Loan Fund, which is administered on DEFRA's behalf by Action with Communities in Rural Areas (ACRE), stands at £700,000. There are currently no plans to change that.

#### Sewers

**Mr Thomas:** To ask the Secretary of State for Environment, Food and Rural Affairs what estimate she has made of the level of leaks from (a) sewers and (b) water pipes in each region; and if she will make a statement. [35868]

**Richard Benyon:** Ofwat reports on water company leakage in its annual service and delivery report. A copy of the latest report is available in the Library of the House. Leakage figures for each water company for 2009-10 are given in the following table:

<i>Leakage performance 2009-10 (total leakage Megalitres/day)</i>	
	<i>2009-10</i>
<i>Water and sewerage companies:</i>	
Anglian	210
Dwr Cymru	195
Northumbrian-North East	155
Northumbrian-Essex and Suffolk	67
Severn Trent	495
South West	82
Southern	95
Thames	670
United Utilities	460
Wessex	74
Yorkshire	295
<i>Water only companies:</i>	
Bournemouth and W Hampshire	22
Bristol	53
Cambridge	14.2
Dee Valley	10.4
Veolia Water South East (Folkestone)	7.8
Portsmouth	29
South East (inc Mid Kent)	96
South Staffordshire	74
Sutton and East Surrey	24
Veolia Water East (Tendring Hundred)	5.0
Veolia Water Central (Three Valleys)	145
Industry	3280

Numbers may not total correctly because of rounding.

Ofwat does not collect information on leakage from sewers.

## ENERGY AND CLIMATE CHANGE

### Climate Change: International Co-operation

**Philip Davies:** To ask the Secretary of State for Energy and Climate Change pursuant to the answer of 12 January 2011, *Official Report*, column 311W, on climate change: international co-operation, if he will estimate the direct carbon dioxide emissions arising from the participation of the UK delegation in the Cancun climate change conference; what contribution has been made in respect of such travel through the Government Carbon Offsetting Facility; and what method was used to calculate this offset. [36210]

**Gregory Barker:** The Department of Environment, Food and Rural Affairs published greenhouse gas conversion factors for air passenger transport in October 2010. Using these factors, the total emissions from the UK delegation to Cancun is 233t.

The calculation methodology is based on the distance travelled per delegate, measured in kilometres on a geodesic basis, and the class of travel. The distance in kilometres is increased by 9%, in line with the DEFRA

guidance, and a conversion factor specific to the class of travel applied. The total is then multiplied by a radiative forcing factor of 1.9.

The Department of Energy and Climate Change will purchase offsets in spring 2011 to offset the emissions from all air travel undertaken in the 2010-11 financial year, including travel to and from Cancun by DECC Ministers and officials. The Department will make use of the Government Carbon Offsetting Facility, with full details placed on the Department's website.

### Departmental Communication

**Alok Sharma:** To ask the Secretary of State for Energy and Climate Change what measures he has undertaken to reduce jargon and promote plain English in departmental communications. [35787]

**Gregory Barker:** DECC is committed to being an open and transparent Government Department. Staff understand the need to minimise the use of jargon and promote plain English in departmental communications. DECC's communications strategy underlines DECC's commitment to increase transparency and openness in departmental communications.

It is an aim of the Department to ensure that content on the DECC website and e-communication channels is straightforward, engaging and delivered in plain English. A recent review of the Department's website:

<http://www.decc.gov.uk>

carried out by an independent research company, found that this was the case with content described as "very good and useful to increase knowledge", as well as "easy to read and comprehend".

The Department is currently working on a project to improve the navigation and structure of the DECC site to make content easier to find. On consultations, DECC is committed to ensuring that consultation documents are self-contained and as clear as possible—in particular, aiming to make all information published clear in terms of the language used, avoiding jargon, abbreviations and acronyms where possible (where they are unavoidable, including them in a glossary of terms).

Finally, written correspondence to Members of Parliament and members of the public is drafted with the help of a Formatting Guide, one clear requirement of which is for all acronyms to be spelled out in full the first time they are used.

### Energy: Meters

**Mr Bain:** To ask the Secretary of State for Energy and Climate Change what the average difference was between the average annual cost of electricity to low-income families paying for electricity through (a) pre-payment meters and (b) direct debit in each of the last four years; and what estimate he has made of the likely average differences in each of the next four financial years. [35736]

**Charles Hendry:** DECC does not hold information on average annual electricity bills specifically for low-income households. However, average annual electricity bills for all UK customers (regardless of income) are available by payment type in DECC's publication 'Quarterly Energy Prices'. The following table shows the average



standard electricity bill<sup>1</sup> for direct debit customers and for pre-payment meter customers and their difference for each year between 2007 and 2010.

<sup>1</sup> Based on an average annual consumption of 3,300 kWh

*Average bills for standard electricity by payment type*

	<i>Direct Debit</i>	<i>Pre-payment</i>	<i>Difference</i>
2007	349	401	52
2008	376	424	48
2009	421	466	45
2010	397	449	52

DECC's estimates of future energy prices relate to the average prices paid by the domestic sector. DECC does not make different estimates of future energy prices based on method of payment.

**Mr Bain:** To ask the Secretary of State for Energy and Climate Change what assessment he has made of progress by energy companies on eliminating additional charges and costs on those paying for electricity through pre-payment meters. [35738]

**Charles Hendry:** Ofgem has put in place rules to protect consumers, which include licence conditions to ensure any difference in the prices charged between different payment methods are cost reflective.

Ofgem has found that the charges for customers paying by pre-payment meter are, on average, below the equivalent standard credit tariffs and less than the indicative cost difference identified during their 2008 Energy Supply Probe between a prepayment meter customer and a customer paying by direct debit. The full Ofgem report is available online at:

[http://www.ofgem.gov.uk/Markets/RetMkts/ensuppro/Documents/Update%20on%20Probe%20Monitoring\\_FINAL.pdf](http://www.ofgem.gov.uk/Markets/RetMkts/ensuppro/Documents/Update%20on%20Probe%20Monitoring_FINAL.pdf)

We support Ofgem's actions in tackling unjustified tariff premiums to ensure consumers do not lose out.

### Energy: Prices

**Mr Bain:** To ask the Secretary of State for Energy and Climate Change what discussions he has had with energy supply companies on the inclusion of families with children in the eligibility criteria for social tariffs. [35565]

**Gregory Barker:** Social tariffs are part of the current voluntary agreement between Government and energy suppliers. This agreement comes to an end in March 2011 and will be replaced by Warm Home Discount.

**Mr Bain:** To ask the Secretary of State for Energy and Climate Change what assessment he has made of the number of children living in households with inadequate heating. [35684]

**Gregory Barker:** The data requested is not available.

However, data from the 2008 English Housing Survey suggest that around 785,000 households in England contain children under the age of 16 and live in the lowest two (F or G) energy efficiency rated homes.

**Mr Bain:** To ask the Secretary of State for Energy and Climate Change what steps his Department plans to take to raise awareness of social tariffs among low-income households in each of the next four financial years. [35686]

**Gregory Barker:** Social tariffs are part of the current voluntary agreement between Government and energy suppliers. This agreement comes to an end in March 2011 and will be replaced by Warm Home Discount.

**Mr Bain:** To ask the Secretary of State for Energy and Climate Change what discussions he has had with the Secretary of State for Work and Pensions on the systems for data matching between energy supply companies and the Government on those eligible for the warm home discount. [35687]

**Gregory Barker:** My right hon. Friend the Secretary of State for Energy and Climate Change has had discussions with my right hon. Friend the Secretary of State for Work and Pensions on various topics.

Officials in both Departments have worked very closely together on the development and operation of the data matching system for the successful Energy Rebate scheme. This scheme delivered rebates of £80 on electricity bills to over 200,000 older poorer pensioners in 2010.

Subject to the outcome of the Government Consultation on the Warm Home Discount scheme which closed on 14 January 2011, and parliamentary agreement to regulations, officials from both Departments are expected to continue to work closely to deliver the data matching system, and other elements, of the proposed Warm Home Discount scheme.

**Mr Bain:** To ask the Secretary of State for Energy and Climate Change what estimate he has made of the number of elderly people eligible for the warm home discount in (a) Glasgow North East constituency, (b) Glasgow, (c) Scotland, (d) England, (e) Northern Ireland and (f) Wales in each of the next four financial years. [35688]

**Gregory Barker:** A consultation on the Government's proposals for the Warm Home Discount, which included proposed eligibility arrangements, closed on 14 January. The responses to consultation are currently being considered and the Government will publish a response in due course.

In this initial proposal, the focus of the scheme would be on providing support to older poorer pensioners through the Core Group, with support also available for other groups through the Broader Group and Legacy Spending. The consultation estimated that under this proposed structure, about two million households per year would be assisted.

In the consultation, Government have proposed eligibility criteria for the Core Group of poorer pensioners:

<i>Scheme year</i>	<i>Proposed eligibility criteria for consumers in the Core Group</i>
2011-12	In receipt of pension credit guarantee only (i.e. no savings credit) <sup>1</sup>
2012-13	In receipt of pension credit guarantee credit only (i.e. no savings credit), 80 and over and in receipt of pension credit guarantee credit and savings credit.
2013-14	In receipt of pension credit guarantee only (i.e. no savings credit), 75 and over and in receipt of pension credit guarantee credit and savings credit.
2014-15	In receipt of pension credit guarantee credit only (i.e. no savings credit). And all in receipt of pension credit guarantee credit and savings credit.

The latest published records from the Department for Work and Pensions, available via the DWP website at:

<http://83.244.183.180/100pc/tabtool.html>

indicate the following numbers of current claimants of pension credit guarantee only or pension credit guarantee and savings credit in:

- (a) Glasgow North East: 6,940
- (b) Glasgow city council: 37,950
- (c) Scotland: 216,000
- (d) England: 1.8 million
- (e) Northern Ireland: the scheme will be GB only
- (f) Wales: 132,000.

As set out in the consultation, we estimate that the vast majority of pensioners eligible for the qualifying benefits for the Warm Home Discount Core Group would be in the lowest three income deciles. As set out in the consultation, all those benefiting under the Core Group would receive a rebate of £130 in years one and two, £135 in year three and £140 in year four.

For each of the next four years numbers of eligible households, as broken down in (a) to (f) above, may change due to factors such as rising state pension age. Due to future uncertainty and currently available information, at present we are unable to estimate a geographical breakdown for the next four financial years.

Additional households will receive support through the Broader and Legacy groups of the Warm Home Discount over the four years of the scheme. These households will be found by energy suppliers, subject to their eligibility being approved by Ofgem.

As eligibility criteria for these groups is yet to be defined, we are unable to estimate the number of elderly people that will receive support over these years.

<sup>1</sup> The minimum qualifying age for pension credit is based on, and will be rising in line with, women's state pension age. Under the legislation as it presently stands, women's state pension age is gradually increasing from 60 to 65 between April 2010 and April 2020.

**Mr Bain:** To ask the Secretary of State for Energy and Climate Change what estimate he has made of the number of elderly people who will not be eligible for the warm home discount in (a) Glasgow North East constituency, (b) Glasgow, (c) Scotland, (d) England, (e) Northern Ireland and (f) Wales in each of the next four financial years. [35689]

**Gregory Barker:** A consultation on the Government's proposals for the Warm Home Discount, which included proposed eligibility arrangements, closed on 14 January.

The responses to consultation are currently being considered and the Government will publish a response in due course.

In this initial proposal, the focus of the scheme would be on providing support to older poorer pensioners through the Core Group, with support also available for other groups through the Broader Group and Legacy Spending.

Additional households will receive support through the Broader and Legacy groups of the Warm Home Discount over the four years of the scheme. These households will be found by energy suppliers, subject to their eligibility being approved by Ofgem. As eligibility criteria for these groups is yet to be defined, we are unable to estimate the number of elderly people who will not be eligible for Warm Home Discount.

**Mr Bain:** To ask the Secretary of State for Energy and Climate Change what plans he has to require energy supply companies to include low-income families with children within the warm home discount. [35690]

**Gregory Barker:** A consultation on the Government's proposals for the Warm Home Discount, which included proposed eligibility arrangements, closed on 14 January. The responses to consultation are currently being considered and the Government will publish a response in due course.

In this initial proposal, the focus of the scheme would be on providing support to older poorer pensioners through the Core Group, with support also available for other groups through the Broader Group and Legacy Spending.

Additional households will receive support through the Broader and Legacy groups of the Warm Home Discount over the four years of the scheme. These households will be found by energy suppliers, subject to their eligibility being approved by Ofgem.

**Rehman Chishti:** To ask the Secretary of State for Energy and Climate Change how many submissions were received during his Department's warm home discount consultation; how many of those submissions called for terminally ill people to be included in the core group to receive the warm home discount automatically; and when his Department plans to publish its response to the warm home discount consultation. [35691]

**Gregory Barker:** A response to the warm home discount consultation will be published in due course.

1,800 responses were received which call for terminally ill people to be included in the core group. 47 responses were received to the consultation as a whole.

**Mr Bain:** To ask the Secretary of State for Energy and Climate Change how many people in fuel poverty are eligible for social tariffs provided by energy supply companies. [35737]

**Gregory Barker:** Under the terms of the voluntary agreement, suppliers undertook to assist their vulnerable and fuel poor customers. Each supplier has discretion as to who they target assistance to, the eligibility criteria applied and the level of support given.

**Mr Bain:** To ask the Secretary of State for Energy and Climate Change what estimate he has made of the number of people in fuel poverty who will be eligible for his Department's warm home discount in each of the next four financial years. [35845]

**Gregory Barker:** A consultation on the Government's proposals for the Warm Home Discount, which included proposed eligibility arrangements, closed on 14 January. The responses to consultation are currently being considered and the Government will publish a response in due course.

As estimate of the number of households which would be lifted out of fuel poverty by Warm Home Discount is included in the Impact Assessment accompanying the consultation. This can be found at:

<http://www.decc.gov.uk/en/content/cms/consultations/warmhome/warmhome.aspx>

**Mr Bain:** To ask the Secretary of State for Energy and Climate Change what estimate he has made of the number of families with children aged under 16 years in fuel poverty which will be eligible for his Department's warm home discount in each of the next four financial years. [35847]

**Gregory Barker:** A consultation on the Government's proposals for the warm home discount, which included proposed eligibility arrangements, closed on 14 January. The responses to consultation are currently being considered and the Government will publish a response in due course.

In this initial proposal, the focus of the scheme would be on providing support to older poorer pensioners through the core group, with support also available for other groups through the Broader Group and Legacy Spending

Additional households will receive support through the Broader and Legacy groups of the warm home discount over the four years of the scheme. These households will be found by energy suppliers, subject to their eligibility being approved by Ofgem. As eligibility criteria for these groups is yet to be defined, we are unable to estimate the number of families with children under 16 years who will be eligible for warm home discount.

**Michael Dugher:** To ask the Secretary of State for Energy and Climate Change what recent discussions his Department has had with the six largest energy companies on levels of domestic energy bills. [36098]

**Charles Hendry:** DECC Ministers and officials meet with suppliers on a regular basis to discuss market issues. It is important that consumers have the lowest possible energy bills, consistent with the need to invest to reduce carbon emissions from energy and ensure security of supply.

Ofgem therefore, monitors the market closely and reports quarterly on retail prices. Their latest report shows large increases in estimated supplier margins for the year ahead, largely due to recent price increases. 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 Poverty: Bexleyheath

**Mr Evennett:** To ask the Secretary of State for Energy and Climate Change what recent estimate he has made of the number of households in Bexleyheath and Crayford constituency who are living in fuel poverty. [36203]

**Gregory Barker:** In 2006, the latest year for which this information is available, there were around 3,200 fuel poor households in the Bexleyheath and Crayford constituency. This is equivalent to approximately 9% of all households in the constituency.

### Solar Power

**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 solar power, what possible approaches to setting the trigger for an early review of feed-in tariffs were considered. [35005]

**Charles Hendry:** At the stakeholder event referred to in my answer of 20 December 2010, consideration was given to a range of approaches to setting the trigger for an early review of the Feed-in Tariffs (FITs) scheme. Discussion centred around possible metrics for defining deployment, including spend, electricity generation and installed capacity, as well as the level of deployment to use. The starting point was the projections of FITs uptake that informed the impact assessment published prior to the start of the scheme.

A range of views were also expressed about the concept of a trigger-based approach to reviewing FITs. Some participants suggested that, in the light of the spending review, there might be a case for starting the review rather than waiting for it to be triggered.

### Warm Front Scheme

**Mr Bain:** To ask the Secretary of State for Energy and Climate Change if he will assess the merits of including within the warm home discount a compulsory rebate by energy providers to families with children on household incomes below £16,190 per annum. [35971]

**Gregory Barker:** A consultation on the Government's proposals for the warm home discount, which included proposed eligibility arrangements, closed on 14 January. The responses to consultation are currently being considered and the Government will publish a response in due course.

In this initial proposal, the focus of the scheme would be on providing support to older poorer pensioners through the core group, with support also available for other groups through the Broader Group and Legacy Spending.

Additional households will receive support through the Broader and Legacy groups of the warm home discount over the four years of the scheme. These households will be found by energy suppliers, subject to their eligibility being approved by Ofgem.

#### Wind Power: Carbon Emissions

**Mr Lilley:** To ask the Secretary of State for Energy and Climate Change pursuant to his answer of 17 January 2011, *Official Report*, column 482W, on wind power: carbon emissions, what the size was of the adjustment made to take account of intermittency on the efficiency of plant used for back-up during times that wind power was not available. [36153]

**Charles Hendry:** The Department's adjustment was one hundred thousand tonnes of CO<sub>2</sub>, based on an initial analysis of the efficiencies of thermal power plant. This is less than 2% of the overall emissions saved in 2009.

#### Wind Power: Finance

**Christopher Pincher:** To ask the Secretary of State for Energy and Climate Change what estimate he has made of the cost to the public purse of subsidies for (a) on-shore and (b) off-shore wind energy providers in the latest period for which figures are available. [36104]

**Charles Hendry:** We are currently reviewing the level of support for all renewables technologies, and will consult on any changes to renewables obligation (RO) bands this summer. As part of that process, we have asked our consultants Arup and Ernst and Young to provide updated assumptions on potential deployment and costs for each renewable electricity technology.

DECC calculations suggest the levels of wind needed to meet our 2020 renewable energy target imply a subsidy cost of around £5 billion in 2020 through the renewables obligation and around £360 million through the climate change levy exemption (both figures in 2010 prices, undiscounted). Note that these figures represent the total spending. Analysis published in 2009 published lower subsidy cost figures based on the additional level of spending resulting from the increase in renewables ambition, on a different price basis.

### TREASURY

#### Bank Services

**Mr Bain:** To ask the Chancellor of the Exchequer what recent estimate he has made of the number of persons in (a) Glasgow North East constituency, (b) Glasgow, (c) Scotland, (d) England, (e) Wales, (f) Northern Ireland, and (g) the UK who did not have a basic bank account in each of the last four years. [35898]

**Mr Hoban:** On 10 December 2010 the Government released the latest figures on the 'unbanked' drawn from the Family Resources Survey. The figures show that in 2008-09 1.54 million adults in the UK did not have access to a current or basic bank account. The Government have not broken these figures down by region.

### Building and Mutual Societies

**John Stevenson:** To ask the Chancellor of the Exchequer what steps his Department is taking to support building societies and mutuals. [33647]

**Mr Hoban:** The Government are committed to promoting building societies and other financial mutuals, to help further their aim of increasing diversity in the provision of financial services. They are considering how to modify building society legislation to provide more flexibility in structure, and to support the position of societies' members in insolvency. The Government are also planning to update legislation in a number of other areas, including bringing Northern Ireland credit unions under the Financial Services Authority regulation, and introducing important deregulatory measures for industrial and provident societies and credit unions, through a legislative reform order.

#### Child Benefit

**Nic Dakin:** To ask the Chancellor of the Exchequer what mechanism he plans to put in place to identify households which will no longer be eligible for child benefit payments under his proposals for welfare reform where the claimant is not a higher rate taxpayer and their partner's income is unknown. [34848]

**Mr Gauke:** The change to child benefit announced at the spending review does not change the eligibility criteria for child benefit payments. Where a person is currently entitled to receive child benefit they will continue to be entitled to receive payments regardless of whether they or their partner is a higher rate taxpayer. In these circumstances, it is the responsibility of the higher rate taxpayer to notify HM Revenue and Customs that their household is in receipt of child benefit, which will then be recovered through the tax system.

**Nic Dakin:** To ask the Chancellor of the Exchequer whether a single parent living in a household with (a) a parent and (b) a child who is a higher rate taxpayer will be eligible for child benefit payments under his proposals for welfare reform. [34849]

**Mr Gauke:** Child benefit will be withdrawn from families where the claimant, or their partner (with whom they are living) is a higher rate taxpayer. As such, the income of any other child of the claimant or any other member of the household who is not the claimant or their partner would be irrelevant.

#### Child Care Tax Credit

**Mr Marcus Jones:** To ask the Chancellor of the Exchequer if he will review the process for the distribution of the childcare element of tax credit to ensure that direct payment may be made to carers on whose behalf the element is claimed. [34793]

**Mr Gauke:** The purpose of the child care element of the working tax credit is to facilitate parental employment. Cash payments direct to parents provide them with the choice and flexibility that they need in order to work. The provision of child care is a commercial arrangement between a parent and the provider and the child care element is not claimed on behalf of child care providers.

### Children: Day Care

**Chris Ruane:** To ask the Chancellor of the Exchequer what estimate he has made of the average (a) cost of childcare for a low-paid worker and (b) cost to the public purse of childcare provision for a low-paid worker in the last year for which figures are available. [35209]

**Mr Gauke:** I have made no estimate of the average cost of child care for a low paid worker. As at December 2010 the average cost to the public purse of child care provision provided through the child care element of working tax credits is £69.50 a week.

In addition the Department of Education also funds 15 hours per week (for 38 weeks a year) of free early education for all three and four-year-olds. This is also being extended gradually to the most disadvantaged two-year-olds. Local authorities in England spent over £4 billion on provision for under fives last year, on the early education entitlement and reception classes in schools.

### Corporation Tax

**Caroline Lucas:** To ask the Chancellor of the Exchequer what estimate HM Revenue and Customs made of the number of companies liable for corporation tax in (a) 2007-08, (b) 2008-09 and (c) 2009-10; how many such companies were sent a corporation tax return for an accounting period ending in each of those years; how many submitted the corporation tax return (i) within the required time limit and (ii) after the limit in each of those years; and how many were not sent a corporation tax return or a reminder to submit one in each of those years. [33953]

**Mr Gauke:** HM Revenue and Customs sends a notice to file a company tax return to every company which it believes to be active, so with any possibility of having a corporation tax liability.

A notice to file a return is for an accounting period of up to one year and is sent to a company in the month following the end of the period. The time limit for submitting the return is one year after the end of the period, but some returns are received after the time limit.

HM Revenue and Customs sent the following number of notices to file in respect of accounting periods ending in the following years:

	<i>Number</i>
2007-08	1,925,000
2008-09	1,961,000
2009-10	1,796,000

The figures include more than one notice for some companies, for example ones that are recently incorporated.

As regards returns filed: Complete data for accounting periods ending in 2009-10 are not yet available. This is because the time limit for accounting periods ending in March 2010 is not until March 2011, so some returns for that year are not yet due. Some late returns for earlier years are also still arriving, so figures for 2008-09 and even 2007-08 are also subject to minor change.

By the end of November 2010:

1,390,000 returns had been filed within the time limit for 2007-08 liabilities and 184,000 returns had been filed after the limit;

1,402,000 returns had been filed within the time limit for 2008-09 liabilities and 98,000 returns had been filed after the limit;

1,162,000 returns had been filed within the time limit for 2009-10 liabilities and 21,000 returns had been filed after the limit.

There is a significant balance of notices for each year which have not resulted in the delivery of a return. Where HMRC believes that a return is indeed outstanding, they make a determination of tax and pursue payment. The determination can be displaced only by delivery of a return. But in many more cases, information received since the issue of the notice has shown that no return is in fact required. Typically that will be the case where more accurate information about the true accounting periods of the company is received, or where HMRC learns that the company had gone into insolvent liquidation or ceased to trade.

If a company has not submitted its return two months before the filing date a reminder is sent. It is not possible to isolate the number of return reminders as a single output type is used for pure return reminders for payment reminders and for combined return and payment reminders.

### Departmental Furniture

**Kate Green:** To ask the Chancellor of the Exchequer how much his Department has spent on furniture since May 2010. [34546]

**Justine Greening:** Spending on furniture and equipment for complete financial years is shown in Note 11 (Tangible fixed assets) in HM Treasury's Resource Accounts. For the period 1 June 2010 to 31 December 2010, no spending was incurred on furniture and equipment.

### Departmental Manpower

**Kate Green:** To ask the Chancellor of the Exchequer what new units and teams have been set up in his Department since May 2010; and what the (a) name, (b) purpose, (c) number of staff and (d) total annual costs is for each such unit or team. [34538]

**Justine Greening:** HM Treasury has established the following new teams and units since May 2010, in addition to those created from the renaming or merger of existing teams:

- Independent Commission on Equitable Life Payments
- Independent Commission on Banking
- Independent Public Service Pensions Commission
- Fair Pay Review Secretariat
- Office for Budget Responsibility
- Office of Budget Responsibility Design Team
- Office of Tax Simplification.

HM Treasury staff allocated to these new units were redeployed from existing civil service posts. The coalition agreement and Budget 2010 (HC61) set out the context for the creation and purpose of each of

these new units. HM Treasury published details of the resources allocated to each of its teams in its organisational structure charts on its website at:

[www.hm-treasury.gov.uk](http://www.hm-treasury.gov.uk)

in October 2010 and has committed to updating this information regularly.

#### Departmental Offices

**Kate Green:** To ask the Chancellor of the Exchequer how much his Department has spent on redecorating ministerial offices since May 2010. [34547]

**Justine Greening:** I refer the hon. Member to the answer I gave on 27 July 2010, *Official Report*, column 937W, to my hon. Friend the Member for Weaver Vale (Graham Evans).

#### Departmental Redundancy

**Kate Green:** To ask the Chancellor of the Exchequer how much his Department has spent on redundancy costs since May 2010. [34536]

**Justine Greening:** I refer the hon. Member to a previous question answered on 25 October 2010, *Official Report*, column 147W, regarding severance payments to Ministers and special advisers. Nil expenditure has been made on redundancy costs to civil servants.

#### Employment: Barnsley

**Michael Dugher:** To ask the Chancellor of the Exchequer if he will estimate the likely change in the number of (a) public and (b) private sector jobs in Barnsley East constituency in the period to 2015. [36100]

**Danny Alexander:** The Office for Budget Responsibility (OBR) was formed in May 2010 to make an independent assessment of the public finances and the economy.

On 29 November 2010, the OBR released the official forecast for total employment and general government employment, updated for the spending review announcements.

As the OBR sets out in paragraph 3.98, page 62 of its "November 2010 Economic and fiscal outlook" (Cm 7979), it expects total employment to rise by 1.1 million over the next five years, from 29.0 million in 2010 to 30.1 million in 2015. General government employment is projected to fall by just over 400,000 between 2010-11 and 2015-16, more than offset by a rise in market sector employment of around 1.5 million.

The OBR has not published forecasts on a sub-national basis.

#### Excise Duties: Alcoholic Drinks

**Andrew Griffiths:** To ask the Chancellor of the Exchequer what discussion HM Revenue and Customs has had with the European Commission on the classification of duty on ready-to-drink beverages. [35771]

**Justine Greening** [*holding answer 24 January 2011*]: HMRC have taken part in discussions and workshops with the European Commission regarding possible

changes to Council Directive 92/83 on the harmonisation of the structures of excise duties on alcohol and alcoholic beverages. The Commission is seeking to update the directive to bring it into line with current commercial and tax practices. The classification of ready-to-drink beverages was part of these wider discussions.

HMRC have also been in communication with the Commission regarding the interpretation of the directive in light of the judgment in the European Court of Justice case (C-1 50/08—Siebrand BV v. Staatssecretaris van Financiën) which sought to provide clarification in this area.

#### Excise Duties: Fuels

**Anne Marie Morris:** To ask the Chancellor of the Exchequer what discussions he has had with the Secretary of State for Business, Innovation and Skills on the effect of fuel duty on small business. [33819]

**Justine Greening:** Treasury Ministers routinely discuss a range of issues with Cabinet colleagues.

**Mr Andrew Turner:** To ask the Chancellor of the Exchequer what progress his Department is making on the introduction of a rural fuel duty rebate in the Inner and Outer Hebrides, the Northern Isles and the Isles of Scilly; and if he will assess the merits of extending the rebate to the Isle of Wight. [35967]

**Justine Greening:** I refer the hon. Member to the answer given on 21 December 2010, *Official Report*, column 1143W, to the hon. Member for Na h-Eileanan an Iar (Mr MacNeil). The Government are considering the exact scope of the pilots and at present has announced its intention to include the Inner and Outer Hebrides, the Northern Isles, and the Isles of Scilly.

#### Fuels: Prices

**Naomi Long:** To ask the Chancellor of the Exchequer (1) what recent discussions he has had with the devolved Administrations on the development of a fuel duty stabiliser; [35569]

(2) what discussions he has had with the devolved Administrations on the variation in the effects on different regions of fuel price increases; and whether he plans to bring forward proposals to address this matter. [35570]

**Justine Greening:** I refer the hon. Member to the answer given on 1 November 2010, *Official Report*, column 665W, to the hon. Member for Richmond Park (Zac Goldsmith). Treasury Ministers routinely discuss matters of mutual interest with members of the devolved Administrations.

#### Income Tax

**Guto Bebb:** To ask the Chancellor of the Exchequer what estimate he has made of the change in the number of households with children and one or more individuals paying income tax at the higher rate in April 2011. [32392]

**Mr Gauke:** In 2011-12 there is estimated to be around 160,000 more households with children aged 19 or younger containing one or more individuals

paying income tax at the higher rate than in 2010-11. These households are all within the top 20% of household incomes.

#### Stamp Duties

**Christopher Pincher:** To ask the Chancellor of the Exchequer if he will make an estimate of the effect on Exchequer receipts from stamp duty of reductions in property prices attributable to the construction of High Speed Two. [35983]

**Mr Gauke:** No such estimate has been made at this time.

#### Tax Allowances: Cycling

**Gregg McClymont:** To ask the Chancellor of the Exchequer how many (a) employers and (b) employees have participated in the cycle-to-work scheme in the months August to December in each of the last five years. [35347]

**Mr Gauke:** This information is not collected by Government.

Employers are not required to report to Her Majesty's Revenue and Customs that they offer a cycle to work scheme to their employees, or the level of uptake where it is offered.

### WALES

#### Constituencies

**Mr Llwyd:** To ask the Secretary of State for Wales on what dates and at what locations she has met Cabinet colleagues to discuss proposed changes to the number of parliamentary constituencies in Wales. [35608]

**Mr David Jones:** My right hon. Friend and I have regular discussions with Cabinet colleagues on issues affecting Wales, including the Government's plans for constitutional reform.

#### Courts: Closures

**Mr Llwyd:** To ask the Secretary of State for Wales how many written representations she has received on the issue of court closures in Wales. [35539]

**Mr David Jones:** The Secretary of State for Wales has received three written representations on the issue of court closures in Wales.

**Mr Llwyd:** To ask the Secretary of State for Wales what meetings she has had with Cabinet colleagues on the issue of proposed court closures in Wales. [35541]

**Mr David Jones:** The Secretary of State for Wales and I have met with the Under-Secretary of State for Justice, the hon. Member for Huntingdon (Mr Djanogly) to discuss the proposed court closures in Wales and discussions are ongoing.

#### Departmental Communication

**Alok Sharma:** To ask the Secretary of State for Wales what measures she has undertaken to reduce jargon and promote plain English in Departmental communications. [35780]

**Mr David Jones:** My Department attaches great importance to communicating not only in plain English but plain Welsh as well. All staff are required to have effective communication skills, and support is available to help them achieve the standards we expect.

#### Departmental Manpower

**Mr Llwyd:** To ask the Secretary of State for Wales how many press officers her Department employs (a) in London and (b) in Cardiff; and how many press officers it employed in each location in (i) 2007-08, (ii) 2008-09 and (iii) 2009-10. [35609]

**Mr David Jones:** The Wales Office currently has three press officer posts, the same number as in 2007-08, 2008-09 and 2009-10.

Press Office staff are required to divide their working time between Wales and London depending on the business of the week.

**Mr Llwyd:** To ask the Secretary of State for Wales how many members of staff her Department employs; and how many it employed in 2009. [35612]

**Mr David Jones:** As at 1 January 2011 the Wales Office employs 56 members of staff. On 1 January 2009 it employed 59 members of staff.

#### Official Visits

**Mr Llwyd:** To ask the Secretary of State for Wales (1) on how many occasions she has visited Ceredigion constituency on official business since her appointment; [35590]

(2) what plans she has to visit Montgomeryshire constituency on official business in the next six months; [35591]

(3) on how many occasions she has visited Dwyfor Meirionnydd constituency in an official capacity since her appointment. [35613]

**Mrs Gillan:** I have yet to visit Ceredigion, Montgomeryshire or Dwyfor Meirionnydd in an official capacity. However I intend to carry out numerous ministerial visits across Wales in the coming months.

#### River Severn: Tidal Power

**Mr Llwyd:** To ask the Secretary of State for Wales on what dates and at what locations she has held meetings to discuss the Severn Barrage scheme since her appointment. [35611]

**Mr David Jones:** My right hon. Friend and I have regular discussions with ministerial colleagues, Welsh Assembly Government Ministers and other stakeholders on future energy production including the Severn Barrage.

In October 2010, my right hon. Friend the Secretary of State for Energy and Climate Change published the Severn Tidal Power feasibility study which clearly shows that there is no strategic case for a scheme for generating energy in the Severn estuary at this time. It is our opinion that other low carbon options represent a better deal for industry and consumers.

### S4C

**Mr Llwyd:** To ask the Secretary of State for Wales how many written representations she has received on the future of S4C. [35592]

**Mrs Gillan:** I have received 15 direct written representations, together with five letters that were copied to me regarding the future of S4C from members of the public, hon. Members, Assembly Members and peers.

I have also had numerous meetings relating to the future of S4C with stakeholders including several meetings with my right hon. Friend the Secretary of State for Culture, Media and Sport, the First Minister and the Deputy First Minister.

#### South Wales Railway Line: Electrification

**Mr Llwyd:** To ask the Secretary of State for Wales (1) what discussions she has had with representatives of the Welsh Assembly Government on the electrification of the South Wales main line; [35540]

(2) on how many occasions she has met with Cabinet colleagues to discuss the issue of the electrification of the South Wales main line railway line. [35542]

**Mrs Gillan:** I have regular meetings with the First Minister and the Deputy First Minister to discuss a range of issues affecting Wales, including the electrification of the South Wales main line.

I also have had regular discussions with Cabinet colleagues regarding the electrification of the South Wales main line and these discussions are ongoing.

### DEPUTY PRIME MINISTER

#### Tibet: Human Rights

**Glenda Jackson:** To ask the Deputy Prime Minister whether he raised the issue of human rights in Tibet during the recent visit of the Chinese Vice-Premier. [35566]

**The Deputy Prime Minister:** In my meeting with Vice-Premier Li, I raised the issue of human rights in Tibet.

### JUSTICE

#### Courts: Closures

**Mr Slaughter:** To ask the Secretary of State for Justice what estimate he has made of the cost, in each cost category, of closing each courthouse scheduled for closure under his proposals. [35545]

**Mr Djanogly:** Discussions are currently ongoing with landlords, construction and removal firms. Releasing details of the estimated costs for closing each courthouse would adversely impact on these discussions.

**Mr Slaughter:** To ask the Secretary of State for Justice what estimate he has made of the number of staff (a) in each courthouse to be closed and (b) in total who will be made redundant under his proposals for courthouse closures. [35548]

**Mr Djanogly:** Following the decisions announced on 14 December, HMCS has commenced an internal consultation on staff impacts using the management of organisational change framework (MOCF) to look at staff impacts across the Court Estate Reform Programme. During this period HMCS will conduct discussion with the Department trade union side and with staff (on a one-to-one basis) to consider how the changes will effect them. Only after these discussions take place will we be in a position to know the impact on staff.

After the MOCF consultation has concluded, HMCS will implement a phased approach to closures from April 2011.

**Mr Slaughter:** To ask the Secretary of State for Justice what estimate he has made of the number of (a) people, (b) disabled people and (c) people of pensionable age in (i) Wales, (ii) Greater Manchester, (iii) the Humber and South Yorkshire, (iv) Kent, Surrey and Sussex, (v) London, (vi) Staffordshire and West Mercia, (vii) Warwickshire and the West Midlands, (viii) Cambridgeshire, Essex, Norfolk and Suffolk, (ix) Cheshire and Merseyside, (x) Bedfordshire, Hertfordshire and the Thames Valley, (xi) Cleveland, Durham and Northumbria, (xii) Cumbria and Lancashire, (xiii) Devon and Cornwall, Avon and Somerset and Gloucestershire; (xiv) Dorset, Hampshire and the Isle of Wight and Wiltshire and (xv) the East Midlands who will live further than one public transport commute from their local court following implementation of his proposals for courthouse closures. [35553]

**Mr Djanogly:** The consultation response documents detail the percentage of the population in each area estimated to be within a 60 minute public transport commute of their local court, before and after closures. Due to the size and complexity of the data it would be necessary to analyse in order to provide estimates of the impact on the public transport commute of individual groups of people, such estimates have not been made.

The equality impact assessments (EIAs) that accompany each of the 16 HMCS area consultation responses papers identify the potential impacts of the court estate reform programme on different communities and groups of people.

**Mr Llwyd:** To ask the Secretary of State for Justice what plans he has for the disposal or alternative use of each court building in Wales identified for closure under his proposals of 14 December 2010. [35589]

**Mr Djanogly:** HMCS is currently conducting detailed planning on the implementation of the closures that I announced on 14 December 2010.

While buildings are being decommissioned, HMCS's professional estate advisors will provide a full marketing strategy for those properties to be disposed of. Following instruction they will arrange marketing with advertisements in local journals and liaison with local authorities regarding potential future use. HMCS will have regard to HM Treasury guidelines, which state that the Department is obliged to obtain the best possible price in disposing of properties.



**Mr Slaughter:** To ask the Secretary of State for Justice how many representations he received in respect of each proposed court closure (a) before and (b) after the close of the consultation; and how many of these (i) supported, (ii) opposed and (iii) were neutral on the court closure in each case. [35895]

**Mr Djanogly:** Full details of the responses to consultation on each court are available in the consultation response papers, which can be found on the Ministry of Justice website at:

<http://www.justice.gov.uk/consultations/consultations-closed-with-response.htm>

In total over 2,500 responses were received expressing views relating to proposals on individual courts, groups of proposals within an area or proposals in relation to courts across the whole of England and Wales.

### Departmental Communication

**Alok Sharma:** To ask the Secretary of State for Justice what measures he has undertaken to reduce jargon and promote plain English in departmental communications. [35782]

**Mr Djanogly:** Communications provide an advisory and editing role in simplifying language for internal and external audiences. The guidance and advice on promoting use of plain English are available to staff on the internal website.

In 2010 the following measures were undertaken to reduce jargon in the departmental communications:

Internal workshops for IT and finance professionals that included signposting participants to the campaign for Plain English website.

Internal 'Writing for web' workshops are regularly run for the Ministry's HQ staff.

MoJ content on Directgov has been developed with the needs of the user in mind and is written for a readership age of nine years old.

Sentencing Council and Youth Justice Board and selected public information on the Ministry of Justice's website are presented in simplified versions.

Juror, victims and witnesses guides and DVDs are specifically written so that they are clear and easy to understand.

Your Justice Your World was developed to enable educators to provide information to young people about justice in a clear and straightforward way.

### Departmental Conferences

**Gemma Doyle:** To ask the Secretary of State for Justice how much his Department has spent on conferences since May 2010. [35353]

**Mr Djanogly:** The Ministry of Justice is a large Department employing over 80,000 people in over 800 locations including courts, prisons and local offices.

The Ministry of Justice (including MoJ headquarters, Her Majesty's Courts Service, Tribunals Service, National Offender Management Service and the Office of the Public Guardian) has spent £2.1 million on events and conferences between May 2010 and December 2010.

It is not possible to break this amount down to purely conferences without incurring disproportionate costs by examining each individual transaction. Many of these events will have been related to staff and

judicial training, policy changes, question and answer sessions with senior staff about the impact of the spending review, as well as exchange of best practice in different fields.

### Departmental Consultants

**Gemma Doyle:** To ask the Secretary of State for Justice how much his Department has spent on consultants since May 2010. [35355]

**Mr Djanogly:** The amount MoJ Core Department and its Agencies spent on consultancy between May to December 2010 was £7 million.

This figure includes data for Ministry of Justice HQ and the executive agencies: The National Offender Management Service; The Office of the Public Guardian; HM Courts Service; and The Tribunals Service.

In specific circumstances consultancy support offers MoJ a fast and flexible way of obtaining skills and experience that are not available in house. All contracts, in such cases, are let with best value for money in mind and follow established OGC frameworks. They are only used when there is a compelling business need to do so; they are used to provide specialist skills and expertise for a limited period of time where in-house skills are not available.

This figure is not yet audited and may be subject to change following audit. Some of this total may be for non-consultancy work carried out by suppliers who also supplied consultancy services.

### Departmental Furniture

**Gemma Doyle:** To ask the Secretary of State for Justice how much his Department has spent on furniture since May 2010. [35191]

**Mr Djanogly:** The Ministry of Justice HQ (MoJ) and the National Offender Management Service (NOMS) have spent £2,496,596 on furniture since May 2010. MoJ and NOMS share a procurement department so their total spend is produced as a single figure. As a part of the estates rationalisation project NOMS HQ moved from two buildings; Cleland house and Abell house, to one building; Clive house, during the summer of 2010. Some of the spend during this period was on furniture for the new HQ building, where some of the furniture from older buildings couldn't be reused due to wear and tear. The estates rationalisation programme is reducing the London estate from 18 buildings to four. This is anticipated to save £41 million by 2015.

The Tribunals Service spent £32,583 on furniture between May and December 2010.

The Office of the Public Guardian has spent £10,000 on furniture since May 2010.

HM Courts Service has spent £1,059,353 on furniture since May 2010.

### Departmental Public Appointments

**Fiona Mactaggart:** To ask the Secretary of State for Justice how many (a) women and (b) men have been appointed to public duties by his Department since May 2010. [35405]

**Mr Djanogly:** The staff numbers provided add together civil servants from the following:

Ministry of Justice HQ;  
NOMS Agency;  
HMCS;  
Tribunals;  
Office of the Parent Guardian;  
Wales Office; and  
Scotland Office.

Since May 2010 the Ministry of Justice has appointed 1,468 women and 1,475 men.

	Headcount	Full-time equivalent
Male	1,475	1,435.69
Female	1,468	1,392.04
Total	2,943	2,827.73

Source: MoJ, NOMS Agency and Scottish Government HR systems.

**Fiona Mactaggart:** To ask the Secretary of State for Justice what public appointments he has made since his appointment; and to what payments each person so appointed is entitled. [35427]

**Mr Djanogly:** Details of public appointments made by, or on behalf of, the Lord Chancellor and Secretary of State for Justice, the right hon. and learned Member for Rushcliffe (Mr Clarke), have been placed in the Libraries of the House. This includes appointments and reappointments regulated and not regulated by the Office of the Commissioner for Public Appointments (OCPA). This information is not held centrally, but details of key public appointments made since May 2010 is published in individual press releases. These should include information on remuneration. Press releases are available at:

<http://www.justice.gov.uk/>

### Departmental Temporary Employment

**Gemma Doyle:** To ask the Secretary of State for Justice how many officials of his Department were employed on fixed-term contracts in the latest period for which figures are available; and what the job title was of each such appointment. [35214]

**Mr Djanogly:** The fixed-term contract numbers provided add together civil servants from the following: Ministry of Justice HQ, NOMS Agency, HMCS, Tribunals, Office of the Public Guardian, Wales Office and Scotland Office. In order to give a consistent view across the Ministry in respect of job titles, the figures are shown separately for MoJ and NOMS Agency due to the two HR systems in use.

As at 31 December 2010 there were 1,981 (FTE: 1,894.58) fixed-term contractor's employed by the Ministry of Justice.

Ministry of Justice—FTC		
Grade	FTC headcount	FTC fixed-term equivalent
Administrative assistant	312	271.06
Administrative officer	851	826.61
Team leader/supervisor	76	73.42
Team manager	40	38.90
Senior manager	23	21.98
Head of section	46	45.67
Fast streamer	0	0.00

### Ministry of Justice—FTC

Grade	FTC headcount	FTC fixed-term equivalent
Senior civil servant	8	8.00
Total	1,356	1,285.63

Source:

MoJ HR Oracle Database, MoJ staff on the NOMS Agency HR Oracle Database and Scotland Office staff on the Scottish Government HR Database

NOMS Agency—FTC as at 31 December 2010

Grade	FTC headcount	FTC fixed-term equivalent
Administrative assistant	18	16.14
Administrative officer	75	67.01
Executive officer	4	4.00
Industrial	18	18.00
Manager E	8	8.00
Manager F	4	1.86
Manager G	7	7.00
Nursing grades	2	1.35
Operational support grade	463	462.00
Professional and technical officer	1	0.43
Psychological assistant	7	7.00
Senior manager B	2	1.63
Senior manager C	1	1.00
Senior manager D	5	5.00
Substance misuse worker	1	1.00
Support band 1	1	0.52
Support band 2	5	4.00
Trainee psychologist	3	3.00
Total	625	608.95

Source:

NOMS Agency HR Oracle Database

### Domestic Violence

**Karl Turner:** To ask the Secretary of State for Justice what legal support is available for victims of domestic violence who have more than £8,000 of equity in their home. [35879]

**Mr Djanogly:** The Legal Services Commission has the power to waive all the civil legal aid financial eligibility limits for legal representation for the victims of domestic violence. The waiver applies to any application for legal representation in proceedings where a client either seeks an injunction or other order for protection from harm; or for a breach of that order.

### HM Courts Service: Manpower

**Mr Llwyd:** To ask the Secretary of State for Justice how many full-time equivalent staff are employed at each courthouse in Wales identified for closure under his proposals of 14 December 2010; and how many such staff will be transferred. [35588]

**Mr Djanogly:** The numbers of full-time equivalent staff at each closing court in Wales as at 30 December 2010 are provided in the following table.

	FTE
Magistrates court name:	
Aberdare magistrates court	9.41
Abertillery magistrates court	0.27
Ammanford magistrates court	0

	<i>FTE</i>
Barry magistrates court	7.54
Cardigan magistrates court	0
Chepstow magistrates court	0
Denbigh magistrates court	29.54
Flint magistrates court	0
Llandoverly magistrates court	0
Llangefni magistrates court	0
Llwynypia magistrates court	0
Pwllheli magistrates court	0
<i>County court name:</i>	
Aberdare county court	0.8
Chepstow county court	0
Pontypool county court	1
Rhyl county court	15.87
<b>Total</b>	<b>64.43</b>

*Note:*

The information provided is correct as at 30 December 2010.

*Source:*

Ministry of Justice HR Directorate database

It is not yet possible to say how many staff will be transferred to other courts. Following the decisions announced on 14 December, HMCS has commenced an internal consultation on staff impacts using the Management of Organisational Change Framework (MOCF) to look at staff impacts across the Court Estate Reform programme. During this period, HMCS will conduct discussion with the Department Trade Union Side and with staff (on a one-to-one basis) to consider how the changes will effect them. Only after these discussions take place will we be in a position to know the impact on staff.

After the MOCF consultation has concluded, HMCS will implement a phased approach to closures from April 2011.

### Legal Aid

**Karl Turner:** To ask the Secretary of State for Justice with reference to his Department's cumulative equalities impact assessment, what steps he plans to take to ensure that (a) women, (b) disabled and (c) black and minority ethnic people are not disproportionately affected by reductions in the legal aid budget. [35538]

**Mr Djanogly:** The initial cumulative equalities impact assessment (EIA) that was published alongside the consultation 'Proposals for the Reform of Legal Aid in England and Wales' identifies the potential for some of the civil legal aid proposals to disproportionately affect women, disabled people and Black, Asian, and minority ethnic people. This appears to be primarily a reflection of the composition of the client base of civil legal aid recipients. People from these groups are overrepresented among recipients of civil legal aid services—because of this any changes to the system have the potential to affect them more.

The EIA also explains the Government's initial view that any such disadvantage would be a proportionate means of achieving a legitimate aim and therefore justified for reasons which are set out for each of the proposals. Legal aid must make a substantial contribution to necessary reductions in the budget of the Ministry of Justice. Our proposals seek to deliver these savings in a

fair, balanced and sustainable way, targeting legal aid on those who need it most, for the most serious cases in which legal advice or representation is justified.

One of the purposes of publishing the initial EIA is to allow respondents to the consultation to comment on our assessment of the potential impact of the proposals. We will take this feedback into account in finalising our proposals and making decisions on the final proposals for implementation. We will also complete a final EIA, updating the analysis we have already published and incorporating evidence on the impact on different groups submitted during the consultation. This will be published alongside the Government's response to the consultation.

### Legal Services Commission

**Mr Buckland:** To ask the Secretary of State for Justice (1) how much funding the Legal Services Commission provided from the Legal Aid budget for legal help and representation relating to pursuing actions for clinical negligence in 2008-09; and if he will make a statement; [35715]

(2) how much funding the Legal Services Commission provided from the Legal Aid budget for legal help and representation relating to consumer law and general contract issues in 2008-09; and if he will make a statement; [35716]

(3) how much funding the Legal Services Commission provided from the Legal Aid budget for legal help and representation relating to education law issues in 2008-09; and if he will make a statement; [35717]

(4) how much funding the Legal Services Commission provided from the Legal Aid budget for legal help and representation relating to the provision of welfare benefits in 2008-09; and if he will make a statement. [35718]

**Mr Djanogly:** The information is provided in the following table.

<i>Category of law</i>	<i>£ million</i>		
	<i>Civil representation<sup>1</sup></i>	<i>Legal help</i>	<i>Total</i>
Clinical negligence	27.0	0.8	27.8
Consumer law and general contract issues	2.4	0.5	2.9
Education	1.4	2.0	3.4
Welfare Benefits	0.1	24.7	24.8

<sup>1</sup> Civil representation is work funded under a legal aid certificate. However, a case may settle outside of court before the need for representation in court.

**Mr Buckland:** To ask the Secretary of State for Justice (1) how much funding the Legal Services Commission provided from the Legal Aid budget for legal help and representation in housing matters in cases involving homelessness and housing disrepair (non-damages) in 2008-09; and if he will make a statement; [35719]

(2) how much funding the Legal Services Commission provided from the legal aid budget for legal help and representation in housing matters other than cases involving homelessness and housing disrepair (non-damages) in 2008-09; and if he will make a statement. [35720]

**Mr Djanogly:** The following table shows the expenditure on housing cases in 2008-09 for legal help and representation.

Other legal help includes payments made to telephone advice services, community legal advice centres. It is not, however, possible to provide a breakdown of total spend within this category.

	<i>Representation</i>	<i>Legal help</i>	<i>£ million Other legal help</i>
Homelessness	2.6	5.9	n/a
Housing disrepair	0.4	1.8	n/a
Other	26.7	14.7	n/a
Total	29.8	22.4	6.9

#### Members: Correspondence

**Sir Gerald Kaufman:** To ask the Secretary of State for Justice when he plans to respond to the letter from the right hon. Member for Manchester, Gorton of 11 November 2010 in regard to Israr Hussain Malik. [36053]

**Mr Djanogly:** The Lord Chancellor and Secretary of State for Justice, my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke), will reply shortly. I apologise for the delay in responding.

#### Offenders: Mental Health

**Chi Onwurah:** To ask the Secretary of State for Justice what mechanism his Department has put in place to ensure that GPs work with public protection agencies in the care of offenders with mental health disorders; and if he will make a statement. [36228]

**Mr Blunt:** Under section 325 of the Criminal Justice Act 2003, every health authority or strategic health authority has a duty to co-operate with the “responsible authorities” charged with assessing and managing the risk of harm presented by sexual, violent and other high risk offenders, including those with mental health problems. The responsible authorities for any area are the chief officer of police, the probation trust and the Minister of the Crown exercising functions in relation to prisons, acting jointly. Responsible authorities and agencies with a duty to co-operate with the responsible authorities are required to draw up a memorandum of understanding, setting out the ways in which they are to co-operate in the management of relevant offenders. The role of GPs in this process and the care of their patients should be covered by the relevant health authority contribution to the memorandum.

#### Prison Service: Rehabilitation

**Mrs Chapman:** To ask the Secretary of State for Justice what recent discussions he has had with the Prison Officers Association on the role of prison officers in the rehabilitation of offenders. [35853]

**Mr Blunt:** A meeting with the POA to discuss the Rehabilitation Revolution Green Paper took place on 24 November 2010. There have been no further ministerial

meetings with the POA that have been dedicated to discussing the role of prison officers in the rehabilitation of offenders.

#### Prisoners

**Rachel Reeves:** To ask the Secretary of State for Justice what estimate he has made of the proportion of prisoners who had no fixed address when they (a) entered custody and (b) left custody in the latest period for which figures are available. [35706]

**Mr Blunt:** Accommodation matters are managed locally, and the proportion of prisoners who enter and leave custody with no fixed address is not collected centrally.

The Ministry of Justice’s Compendium of Reoffending Statistics and Analysis which was published 4 November 2010 includes findings from ‘Surveying Prisoner Crime Reduction’, a cohort survey of 3,849 prisoners sentenced in 2005-06 and serving between one month and four years. 15% of prisoners surveyed reported having been homeless prior to custody.

#### Prisoners: Mental Health

**Mr Offord:** To ask the Secretary of State for Justice what assessment he has made of the recent conclusions made by the Chief Inspector of Prisons on the mental health of prisoners in HM Prison Brixton. [35619]

**Mr Blunt:** The Inspectorate of Prisons visited HMP Brixton between 1 and 10 December. The Inspectorate has not yet submitted the draft report of that inspection. Upon receipt of the report the National Offender Management Service will respond to all the recommendations, including any relating to mental health.

#### Re-offenders

**Philip Davies:** To ask the Secretary of State for Justice what assessment he has made of the effect on re-offending rates of the frequency of visits to prison inmates. [36208]

**Mr Blunt:** Surveys of prisoners shortly before release in 2001, 2003, and 2004 showed that 52% of prisoners who were visited by a partner or family member in prison re-offended compared with 70% of those who were not visited by a partner or family member. However, it is not clear if the prison visits caused the reduction in re-offending directly, or whether they are indicators of other important factors, such as strength of familial relationships and community ties.

#### Senior Civil Servants

**Gemma Doyle:** To ask the Secretary of State for Justice what senior civil service staff moves there have been in his Department since May 2010; and what the (a) name and (b) salary is of each person (i) moving posts within and (ii) leaving his Department. [35437]

**Mr Djanogly:** Since May 2010, six senior civil servants have moved posts within the Ministry of Justice, and 34 have left. Individual names and salaries cannot be disclosed, but the following table shows the

number of staff involved whose salary (either current or at the point of departure) falls within each bracket of £20,000:

Salary range	Total
£60,000-£79,999	17
£80,000-£99,999	13
£100,000-£119,999	5
£120,000-£139,999	4
£140,000-£159,999	0
£160,000-£179,999	1
Total	40

**Gemma Doyle:** To ask the Secretary of State for Justice what senior civil service staff exits from his Department there have been since May 2010; and what (a) contractual and (b) non-contractual payments have been made as part of such exits. [35438]

**Mr Djanogly:** There have been 34 senior civil service staff exits from the Ministry of Justice since May 2010. A total of £671,573 contractual payments and £260,749 non-contractual payments have been made in relation to these exits.

### Sentencing

**Gloria De Piero:** To ask the Secretary of State for Justice how many prisoners serving sentences of less than 12 months have been convicted of (a) violence against the person offences, (b) sexual offences, (c) burglary, (d) robbery and (e) drug offences on the most recent date for which figures are available. [36048]

**Mr Blunt:** From the most recent available data, 31 December 2010, the number of prisoners serving sentences of less than 12 months was (a) 1,551 for violence against the person offences, (b) 229 for sexual offences, (c) 461 for burglary, (d) 113 for robbery and (e) 202 for drug offences.

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.

### Units and Teams

**Gemma Doyle:** To ask the Secretary of State for Justice how many (a) units and (b) teams have been set up in his Department since May 2010; and what the (i) name, (ii) purpose, (iii) number of staff and (iv) annual running costs are for each such unit or team. [35253]

**Mr Djanogly:** The Ministry of Justice is currently restructuring, prioritising front line delivery, in order to ensure that it provides effective and efficient front line services. The Ministry of Justice is responsible for the HM Courts Service, the Tribunals Service, the National Offender Management Service, the Office of the Public Guardian and a number of other arm's length bodies, as well as corporate and policy functions in its headquarters.

To answer the question, each member of the senior civil service across the Department's range of business would need to separately identify the required information and this would then have to be centrally collated. This would incur disproportionate cost to the Department.

## COMMUNITIES AND LOCAL GOVERNMENT

### Bed and Breakfast Accommodation: Greater London

**Chris Ruane:** To ask the Secretary of State for Communities and Local Government which five towns accommodated the largest number of bed and breakfast placements that had been funded by London borough councils in the last 13 years for each such council. [35207]

**Andrew Stunell:** Information is not held centrally on the location of bed and breakfast placements funded by local authorities.

Data are collected on the number of households in bed and breakfast style temporary accommodation arranged under homelessness legislation. National figures for the past 13 years can be found in table 6 of the following link:

<http://www.communities.gov.uk/documents/statistics/xls/1791620.xls>

Information about local authorities' discharge of their duties under homelessness legislation is collected on quarterly PIE returns. Summary information about English local housing authorities' actions under the homelessness legislation (Part 7 of the Housing Act 1996) is collected at local authority level, and published by the Department in the quarterly Statistical Releases on Statutory Homelessness, available both in the Library of the House and via the DCLG website:

<http://www.communities.gov.uk/housing/housingresearch/housingstatistics/housingstatisticsby/homelessnessstatistics/publicationshomelessness/>

### Bus Services: Concessions

**Mr Sanders:** To ask the Secretary of State for Communities and Local Government what factors informed his Department's decision to reduce the formula grant for concessionary bus travel for (a) Torbay council and (b) Devon county council for financial year 2011-12. [35249]

**Robert Neill:** Formula grant is an unhypothecated block grant i.e. 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.

### Citizen Engagement

**Chris Ruane:** To ask the Secretary of State for Communities and Local Government what steps he has taken to encourage citizen engagement since May 2010. [35809]

**Andrew Stunell:** The Government are committed to building a big society in which all citizens have more say in the future of their community.

Since May the Department for Communities and Local Government has introduced new legislation and removed bureaucracy to achieve this ambition.

The Localism Bill contains a wide range of measures to devolve more powers to councils and neighbourhoods and give local communities greater control over local

decisions. It encourages citizen engagement by giving local people more power over local government and over how public money is spent in their area, and ensures that councillors are more directly accountable to them; and it enables local people to drive real change, encouraging them to get actively involved in planning, housing and other local services.

This is supported by our drive for greater transparency on how public money is spent, so local people have the information they need to hold Government to account. We have also removed needless bureaucracy such as comprehensive area assessments and centrally-imposed targets to free councils to serve their communities better.

### Community Development

**Caroline Lucas:** To ask the Secretary of State for Communities and Local Government what recent meetings Ministers and officials of his Department have had with the Local Government Association Selector Panel on the proposals by councils to be implemented under the Sustainable Communities Act 2007; and what the outcomes were of those meetings. [33486]

**Greg Clark:** I held several conversations with Councillor Keith Mitchell in his capacity as Chair of the Selector Panel during the course of 2010. On 23 November 2010, I met Councillor Mitchell and representatives of the Selector Panel to discuss proposals submitted under the Sustainable Communities Act 2007.

Officials have also regularly discussed proposals with their counterparts from the Local Government Association. These constructive discussions have been helpful and have influenced the Secretary of State's decisions, published on 15 December 2010.

On 15 December 2010, I issued a second invitation to local authorities to consult people and try to reach agreement with them about how to improve their local area. Local authorities can submit proposals through the new barrier-busting portal at:

<http://barrierbusting.communities.gov.uk>

where progress on their consideration will be made transparent.

**Bridget Phillipson:** To ask the Secretary of State for Communities and Local Government what timetable he has set for the implementation of shortlisted proposals for action under the provisions of the Sustainable Communities Act 2007. [34031]

**Greg Clark:** The Secretary of State has detailed the actions he will take with a view to implementing, or implementing in part, proposals submitted under the Sustainable Communities Act 2007, and when these will take place, in 'Sustainable Communities Act 2007: Decisions on proposals submitted following the 2008 invitation', published on 15 December 2010.

The Secretary of State will publish a progress report on any actions not completed by 15 December 2011.

**Chris Ruane:** To ask the Secretary of State for Communities and Local Government what measures are in place to spread best practice in the development of social capital within communities. [35216]

**Andrew Stunell:** The Government are committed to giving people and front line professionals new rights and greater freedoms to shape their community by opening up public services to encourage more innovation, diversity and responsiveness. We also recognise that not all communities currently have the same level of capacity to take on new rights and responsibilities.

Any community group or organisation involved in developing local initiatives which rely on the commitment, ideas and energy of its members are encouraged to promote best practice and share learning.

The Department for Communities and Local Government will publish case studies, including the work of the big society vanguards, in due course. Furthermore, the big society awards, launched by the Prime Minister on 22 November, will recognise outstanding examples of social capital in action across the country.

We continue to work closely with the Local Government Association to encourage them to promote best practice among their members.

### Departmental Internet

**Helen Goodman:** To ask the Secretary of State for Communities and Local Government what his Department's policy is on the sale of advertising space on its website. [36146]

**Robert Neill:** The Department does not sell advertising space on its corporate website.

### Departmental Legal Costs

**Mr Raynsford:** To ask the Secretary of State for Communities and Local Government pursuant to the answer of 15 December 2010, *Official Report*, column 809W, on departmental legal opinion, how much of the £430,804 spent by his Department on external legal fees in November 2010 is attributable to legal issues initiated under the previous administration. [32208]

**Robert Neill [holding answer 21 December 2010]:** The information requested is not held centrally and could be provided only at disproportionate cost.

To place this in context, in relation to litigation, there are around 220 to 240 open cases at any one time with around 40 to 60 new cases entered and around the same number closed over a period of 12 months.

### Housing

**Grahame M. Morris:** To ask the Secretary of State for Communities and Local Government what the level of single occupancy residency is in (a) England, (b) the North East and (c) Easington constituency. [35262]

**Andrew Stunell:** An estimated 29% of households in England and 34% of households in the north-east were single person households in 2008-09. These estimates are based on data from the English Housing Survey. Estimates of the proportion of single person households at constituency level are not possible using survey data.

Based on 2001 census data, the proportion of single person households in England in 2001 was 30%; the proportion in the north-east was 31%; and the proportion in the Easington constituency (2010 boundary) was 28%.

### Housing Associations: Pensions

**Rosie Cooper:** To ask the Secretary of State for Communities and Local Government what information his Department holds on the number of housing associations which offer final salary pension schemes; and if he will estimate the deficits on the funds of such schemes (a) for each association and (b) in total. [35682]

**Andrew Stunell:** This information is not held by the Department or by the regulator of social housing. Individual housing associations are required to publish details of their pension schemes in their annual audited accounts, governed by a reporting standard set by the Accounting Standards Board.

### Housing: Peterborough

**Mr Stewart Jackson:** To ask the Secretary of State for Communities and Local Government how much the Homes and Community Agency has allocated to Accent Nene Housing Society for (a) social rented housing and (b) intermediate housing in Peterborough in (i) 2010-11, (ii) 2011-12 and (iii) 2012-13; and if he will make a statement. [36152]

**Grant Shapps:** The Homes and Communities Agency has allocated a total of £948,000 in 2010-11 for schemes being developed by Accent Nene in Peterborough. Of these funds £752,000 is for social rented housing and £196,000 is for affordable home ownership.

For existing commitments through the National Affordable Housing Programme there is forecast expenditure of £474,000 in 2012-13 for Accent Nene in Peterborough including £98,000 for affordable home ownership. New allocations for 2011-12 and 2012-13 will be made later in the year following the commencement of the new Affordable Homes Programme from April 2011.

### Landlord and Tenant

**Stephen Twigg:** To ask the Secretary of State for Communities and Local Government how many tenants of (a) social landlords and (b) private landlords are resident in Liverpool, West Derby constituency. [35284]

**Andrew Stunell [holding answer 21 January 2011]:** Information is available on the number of households rather than the number of tenants. The number of households in each constituency which were (a) rented from the council, (b) other social rented and (c) private rented or living rent free, is available from the Census 2001. More recent information is not available.

*Number of occupied households Liverpool, West Derby*

	2001
Rented from council	9,989
Other social rented	2,703

*Number of occupied households Liverpool, West Derby*

	2001
Private rented or living rent free	4,072

*Notes:*

- The terms used to describe tenure are defined as:  
Other social rented includes rented from Registered Social Landlord, Housing association, Housing Co-operative and Charitable Trust.  
Private rented: renting from a private landlord or letting agency, employer of a household member, or relative or friend of a household member or other person.
- 'Living rent free' could include households that are living in accommodation other than private rented.
- In general, a household's accommodation is defined as an unshared dwelling if all the rooms are behind a door that only that household can use.

*Source:*  
Census 2001

Data on the number of dwellings owned by (a) local authorities, (b) registered social landlords and (c) in the private sector (rather than by private landlords), are available by local authority area as at 1 April 2010, including Liverpool, on the DCLG website in live table 100:

<http://www.communities.gov.uk/documents/housing/xls/1783239.xls>

### Local Government Executive

**Simon Kirby:** To ask the Secretary of State for Communities and Local Government how many local authorities have indicated to his Department that they plan to move to committee-style governance arrangements after the enactment of the Localism Bill; and if he will make a statement. [34050]

**Greg Clark:** Brighton and Hove city council has indicated to my Department that they plan to move to committee-style governance arrangements after the enactment of the Localism Bill. We would expect more councils to consider the merits of the greater local choice on governance arrangements as the Localism Bill progresses through its legislative stages.

### Local Government: Aarhus Convention

**Sir Paul Beresford:** To ask the Secretary of State for Communities and Local Government what assessment he has made of the likely role of the provisions of the Aarhus Convention in planning applications and decisions following enactment of the Localism Bill; and if he will make a statement. [34133]

**Greg Clark [holding answer 17 January 2011]:** In December 2010 the Government submitted the United Kingdom's National Implementation Report under the Aarhus Convention to the Commission Secretariat. This set out the legislative, regulatory and other measures taken to implement the Convention. The Government consulted on this Report from 15 October to 17 November 2010.

Public participation in plan making and the right to make representations on individual planning applications are well established traditions in the UK and enshrined in planning law.

A firm commitment to promote democratic and local control is at the heart of our planning reforms as set out in the Localism Bill. Crucially, we will deliver a fundamental power shift by giving communities the right to develop neighbourhood plans and real power to shape, drive

and permit development through Neighbourhood Development Orders, and we will require large developers to consult with communities prior to submitting planning applications.

#### Local Government: Petitions

**Simon Kirby:** To ask the Secretary of State for Communities and Local Government what plans he has for the future of the local authority petition system after the enactment of the Localism Bill. [34054]

**Greg Clark:** Local authorities in England are currently required to have an overly prescriptive scheme in place for dealing with petitions from local people. We plan to repeal the petitions duty through the Localism Bill.

Prior to the imposition of the statutory duty in June 2010, councils up and down the land regularly and properly considered petitions from local residents. The new statutory duty just added unnecessary bureaucracy to the process.

Following enactment of the Localism Bill people will continue to submit petitions and their local authorities will continue to deal with the issues raised as they consider appropriate.

**Caroline Flint:** To ask the Secretary of State for Communities and Local Government how many petitions to local authorities were made in each local authority area in (a) 2009 and (b) 2010. [34885]

**Andrew Stunell:** This information is not held centrally and could be provided only at disproportionate cost. Local authorities are not required to provide central Government with data on the number of petitions they have received.

#### Local Government: Referendums

**Simon Kirby:** To ask the Secretary of State for Communities and Local Government who will be responsible for the cost of holding local referendums under the provisions of the Localism Bill. [34053]

**Greg Clark:** Local authorities will be responsible for the cost of holding local referendums on local issues. The Government are committed to ensuring that additional burdens on local authorities are funded in accordance with the new burdens doctrine.

#### Members: Correspondence

**Sir Gerald Kaufman:** To ask the Secretary of State for Communities and Local Government when he plans to respond to the letter from the right hon. Member for Manchester, Gorton of 29 November 2010 in regard to Mr F O'Flynn. [36054]

**Grant Shapps:** A reply was sent on 21 January 2011.

#### Non-domestic Rates

**Mr George Howarth:** To ask the Secretary of State for Communities and Local Government (1) what consultation he plans to carry out as part of his review of business rates on (a) equalisation, (b) minimising the adverse effects in deprived areas and (c) the need to put in place appropriate support mechanisms; [35168]

(2) what the terms of reference are for the review of business rates which he is chairing; [35170]

(3) what objectives he has set for the review of business rates which he is chairing. [35171]

**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.

#### Non-domestic Rates: Empty Property

**Paul Uppal:** To ask the Secretary of State for Communities and Local Government what estimate he has made of the likely level of savings which will accrue from ending empty property business rate relief on all buildings with a rateable value higher than £2,600 from 1 April 2011. [34783]

**Robert Neill:** I refer my hon. Friend to the written ministerial statement of 13 December 2010, *Official Report*, columns 61-62WS.

#### Planning Permission: Appeals

**Bob Russell:** To ask the Secretary of State for Communities and Local Government pursuant to the answer of 29 November 2010, *Official Report*, column 480W, on planning permission: appeals, whether he plans to reform the right of appeal for (a) applicants and (b) opponents; and if he will make a statement. [32803]

**Greg Clark:** The Government's reforms to the planning system as set out in the Localism Bill do not contain proposals to reform the right of appeal.

#### Planning: Gateshead

**Ian Mearns:** To ask the Secretary of State for Communities and Local Government whether he has made an estimate of the cost to the public purse of implementing his proposals in the Localism Bill for individual neighbourhood plans in respect of Gateshead local authority area. [33200]

**Greg Clark:** We have made no separate assessment of the cost to the public purse of implementing neighbourhood plans in the Gateshead local authority area specifically. We will be publishing an Impact Assessment on our Neighbourhood Plan proposals in due course which will outline how the changes will increase sustainable development and deliver monetised benefits to local authorities and developers.

#### Voluntary Work

**Chris Ruane:** To ask the Secretary of State for Communities and Local Government (1) if he will estimate the number and proportion of (a) young people and (b) pensioners involved in volunteering in each year for which figures are available; [35057]



(2) what estimate he has made of the level of volunteering amongst unemployed people in each year for which data is available; [35058]

(3) what information his Department holds on levels of volunteering in each (a) local authority and (b) socio-economic group. [35081]

**Andrew Stunell:** Data from the Citizenship Survey provide the percentage of young people (aged 16 to 25 years), retired people and unemployed people who participated in regular (at least once a month) formal and informal volunteering in England, plus a breakdown by socio-economic group. The table also provides estimates of the number of young people who participated in these activities. Estimates on the number of retired people participating in volunteering cannot be calculated because population estimates do not provide relevant numbers.

Table 1: Number of young people (aged 16-25) participating in formal and informal volunteering (at least once a month) in England, by year

	Formal volunteering		Informal volunteering	
	Percentage <sup>1</sup>	Estimated number (thousand) <sup>3</sup>	Percentage <sup>2</sup>	Estimated number (thousand) <sup>3</sup>
2003	24	1,527	44	2,758
2005	28	1,848	46	3,051
2007-08	23	1,582	41	2,810
2008-09	24	1,644	38	2,662
2009-10	23	1,568	32	2,248

<sup>1</sup> None of the year-on-year changes for formal volunteering are statistically significant for young people.

<sup>2</sup> The only year on year statistically significant change for informal volunteering is from 2008-09 to 2009-10 for young people, where a decrease was found (38% to 32%).

<sup>3</sup> Estimated numbers are calculated by applying proportions from the Citizenship Survey to the Office of National Statistics Mid-Year Population Estimates for young people (aged 16-25).

Table 2: Proportion of pensioners participating in formal and informal volunteering (at least once a month) in England, by year

	Pensioners	
	Formal volunteering <sup>1</sup>	Informal volunteering <sup>2</sup>
2003	27	36
2005	27	34
2007-08	28	33
2008-09	27	36
2009-10	25	29

<sup>1</sup> None of the year-on-year changes for formal volunteering are statistically significant for retired people.

<sup>2</sup> Year on year significant changes for informal volunteering were from 2007-08 to 2008-09 (an increase from 33% to 36%) and 2008-09 to 2009-10 (a decrease from 36% to 29%—though this change may, in part, reflect a change in the way the question was asked in 2009-10), for retired people.

Table 3: Proportion of unemployed people participating in formal and informal volunteering (at least once a month) in England, by year

	Unemployed people <sup>1</sup>	
	Formal volunteering <sup>2</sup>	Informal volunteering <sup>2</sup>
2003	25	43
2005	32	39
2007-08	23	40
2008-09	21	41
2009-10	24	32

<sup>1</sup> Unemployed people are defined as out of paid work but looking for employment (in the four weeks before interview).

<sup>2</sup> None of the year-on-year changes for unemployed people is statistically significant—there are low numbers of unemployed people answering this question meaning that large percentage point changes are required to detect a difference.

Table 4: Proportion of participating in formal and informal volunteering (at least once a month) in 2009-10, by socio-economic group, England

Socio-economic classifications	Formal volunteering	Percentage
		Informal volunteering
Higher/lower managerial and professions	33	32
Intermediate occupations/small employers	25	30
Lower supervisory and technical/semi-routine	20	28
Routine occupations	16	24
Never worked/long term unemployed	13	21
Full time students	30	32
Not stated/classified	17	24

Information on levels of volunteering in local authority areas is not held centrally and could be provided only at disproportionate cost.

The Citizenship Survey definition of formal volunteering is:

‘Giving unpaid help through groups, clubs or organisations to benefit other people or the environment’.

This excludes giving money and activities related to job requirements.

Formal volunteers are those who have given unpaid help through any UK groups, clubs or organisations via the following activities: raising or handling money/taking part in sponsored events; leading the group/member of a committee; organising or helping run an activity or event; visiting people; befriending or mentoring people; giving advice/information/counselling; secretarial, admin or clerical work; providing transport/driving; representing; campaigning; other practical help (e.g. helping out at school); and any other help.

The Citizenship Survey definition of informal volunteering is:

‘Giving unpaid help as an individual to people who are not relatives’.

Informal volunteers are those who have given unpaid help to someone who is not a relative via the following activities: keeping in touch with someone who has difficulty getting out and about; doing shopping/collecting prescription/paying bills; cooking/cleaning/laundry/gardening or other routine household jobs; decorating or doing any kind of home or car repairs; babysitting or caring for children; sitting with or providing personal care (e.g. washing, dressing) for someone who is sick or frail; looking after property or a pet for someone who is away; giving advice; writing letters or filling in forms; representing someone (e.g. talking to a council department or a doctor); transporting or escorting someone (e.g. to hospital).

## Written Questions: Government Responses

**Mr Raynsford:** To ask the Secretary of State for Communities and Local Government when he plans to answer question 32208 tabled on 16 December 2010 by the right hon. Member for Greenwich and Woolwich on external legal fees paid by his Department in November 2010. [35778]

**Robert Neill [holding answer 24 January 2011]:** This question has now been answered.

## SCOTLAND

## Departmental Procurement

**Jon Trickett:** To ask the Secretary of State for Scotland what single tender contracts his Department has awarded since his appointment; and what the monetary value is of each contract above the EU public procurement threshold. [36192]

**David Mundell:** Other than minor purchases, the Scotland Office does not undertake direct procurement or tendering projects. It utilises existing service contracts between suppliers and the Scottish Government or the Ministry of Justice. Since the Secretary of State for Scotland's appointment on 30 May 2010, no single tender contracts have been awarded directly by the Scotland Office.

## CABINET OFFICE

## Community Development

**Chris Ruane:** To ask the Minister for the Cabinet Office what measures he uses to measure the well-being of (a) individuals and (b) communities. [35813]

**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 (ONS), I have been asked to reply to your Parliamentary Question asking what measures are used to measure the well being of (a) individuals and (b) communities. 035813

There are no regular, official measures of well-being. However, on 25 November 2010 the National Statistician launched a debate on the measurement of national well-being and announced plans to include questions on subjective well-being—how people assess their own well-being—in ONS surveys.

This is the first stage in the development of wider measures, to supplement GDP and other measures of economic welfare. The aim is that these new measures will cover the quality of life of people in the UK, environmental and sustainability issues, as well as the economic performance of the country.

We want as many people as possible to take part in the debate in a variety of ways, including at events we are organising around the country. Details can be found on our website at:

[www.ons.gov.uk/well-being](http://www.ons.gov.uk/well-being)

by emailing the National Well-being Programme at:

[nationalwell-being@ons.gsi.gov.uk](mailto:nationalwell-being@ons.gsi.gov.uk)

or by writing or telephoning.

## Former Prime Ministers: Allowances

**Pete Wishart:** To ask the Minister for the Cabinet Office how much in public duty costs allowance has been paid to former Prime Ministers in each of the last five years. [34218]

**Mr Maude:** The total amount reimbursed each year, on the public duties costs allowance is:

	<i>Total expenditure (£)</i>
2005-06	294,546
2006-07	244,638

*Total expenditure (£)*

2007-08	174,551
2008-09	190,888
2009-10	207,624

## Urenco: Mutual Societies

**Charlie Elphicke:** To ask the Minister for the Cabinet Office if he will consider the merits of Urenco Ltd UK becoming an employee mutual rather than being sold to an overseas buyer. [36013]

**Charles Hendry:** I have been asked to reply.

The Government are currently assessing their options with regard to the UK's one-third stake in Urenco. No decisions have yet been taken and any change in the present ownership arrangements will be dependent upon our being satisfied that adequate protections will remain in place in the areas of nuclear non-proliferation, safety and security, while also securing value for money for the tax payer.

## LEADER OF THE HOUSE

## Private Members' Bills

**Mr Offord:** To ask the Leader of the House what recent representations he has received on the consideration of Private Members' Bills on days other than Fridays. [35618]

**Sir George Young:** I have received representations from hon. Members on this issue during Business Questions and Oral Questions to the Leader of the House of Commons.

I would be happy to meet my hon. Friend to discuss this issue.

## INTERNATIONAL DEVELOPMENT

## Departmental Public Appointments

**Fiona Mactaggart:** To ask the Secretary of State for International Development how many (a) women and (b) men have been appointed to public duties by his Department since May 2010. [35393]

**Mr Andrew Mitchell:** From May 2010 the Department for International Development (DFID) has appointed two women and three men to public duties.

**Fiona Mactaggart:** To ask the Secretary of State for International Development what public appointments he has made since his appointment; and to what payments each person so appointed is entitled. [35417]

**Mr Andrew Mitchell:** Since May 2010 the Department for International Development (DFID) has made five public appointments. DFID has appointed:

one new non-executive director and reappointed one non-executive director. Post holders are entitled to £15,000 per annum and an additional £5,000 for the non-executive director who chairs DFID's Audit Committee;

one chief commissioner to the Independent Commission for Aid Impact, entitled to £600 per day for approximately 45 days per annum; and

two replacement commissioners to the Commonwealth Scholarship Commission, DFID's non-departmental public body. The Commission meet up to three times per year and commissioners are entitled to receive up to £250 per meeting to cover expenses.

### Nigeria: Education

**Alison McGovern:** To ask the Secretary of State for International Development what assessment he has made of the effectiveness of the Education Sector Support Programme in Nigeria in increasing the accountability of the Nigerian government to its citizens through (a) working with local government officials and (b) working with civil society organisations; and if he will make a statement. [35259]

**Mr O'Brien:** The Education Sector Support Programme in Nigeria (ESSPIN) is subject to regular scrutiny, and the last major review took place in May 2010. This provided strong evidence that the programme is increasing the accountability of the Nigerian Government to its citizens. ESSPIN works closely with another programme which is funded by the Department for International Development (DFID)—the State Accountability and Voice Programme (SAVI)—to identify, train and support civil society organisations to mobilise communities and encourage greater government accountability. ESSPIN works with local government officials to establish school based management committees, which make schools, teachers and local officials more accountable to the local community.

**Alison McGovern:** To ask the Secretary of State for International Development what programmes his Department supports in respect of skills development for young people in Nigeria; and if he will make a statement. [35260]

**Mr O'Brien:** The Department of International Development (DFID) has a number of programmes aimed at increasing economic growth, employment and incomes for poor people in various industrial and agricultural sectors in Nigeria. Two programmes under design, in meat and leather, and in construction, are likely to address lack of skills in the labour force, especially amongst youth and the unemployed. These proposals are under review with experts and providers of vocational training services.

DFID is also exploring a new skills programme that will build on this work, and expand it to more sectors of the economy, with a particular focus on women and girls.

### Overseas Aid

**Anas Sarwar:** To ask the Secretary of State for International Development if he will estimate the change in monetary terms in the level of the UK's official development assistance (ODA) in each year to 2014 if ODA increased incrementally to (a) 0.61 per cent. of gross national income (GNI) in 2011, (b) 0.65 per cent. of GNI in 2012 and (c) 0.7 per cent. of GNI in 2013. [36059]

**Mr Andrew Mitchell:** The Government are committed to spend 0.7% of gross national income (GNI) as official development assistance (ODA) from 2013 in line with

the UK's commitments to help the very poorest in the world. We will enshrine this commitment in law.

ODA projections for each year to 2014 were laid out in the 2010 spending review based on GNI projections provided by the Office of Budget Responsibility (OBR).

	Spending review 2010				
	2010	2011	2012	2013	2014
ODA:GNI (percentage)	0.56	0.56	0.56	0.70	0.70
ODA (£ billion)	8.4	8.7	9.1	12.0	12.6

### HEALTH

#### StartHere

16. **Alun Michael:** To ask the Secretary of State for Health if he will assess the potential of StartHere to contribute to savings in the NHS. [35647]

**Mr Simon Burns:** We have been supporting StartHere through NHS Choices. We are now reviewing the benefits of this joint working. That will help us understand the potential contributions to savings.

#### NHS Reorganisation

18. **Luciana Berger:** To ask the Secretary of State for Health which organisations have indicated to him their support for plans for the internal reorganisation of the NHS. [35649]

**Paul Burstow:** Many organisations have indicated their support for the principles of our national health service reforms including:

- The Academy of Medical Royal Colleges;
- NHS Confederation;
- The Health Foundation;
- Patient's Association;
- The King's Fund;
- Carers UK;
- Cancer Research UK;
- Royal College of Surgeons;
- Royal College of Nursing;
- Royal College of GPs;
- Royal College of Physicians;
- Royal College of Paediatrics and Child Health;
- Royal College of Speech and Language Therapists;
- Royal College of Ophthalmologists;
- The Royal College of Obstetricians and Gynaecologists;
- The Nuffield Trust;
- The British Dental Association;
- New Local Government Network;
- Core Cities Chief Executives Network;
- Allied Health Professionals Federation;
- British Psychological Society;
- College of Optometrists;
- The Queen's Nursing Institute;
- Foundation Trust Network;
- The UK Public Health Association;
- Chartered Institute of Environmental Health;

British Dental Association;  
 Guild of Healthcare Pharmacists;  
 College of Emergency Medicine;  
 Dental Schools Council;  
 British Association for Counselling and Psychotherapy;  
 The Renal Association;  
 The Chartered Society of Physiotherapy;  
 College of Occupational Therapists;  
 The College of Paramedics;  
 British Association of Social Workers;  
 Neurological Alliance;  
 National Clinical Homecare Association;  
 The Association of UK University Hospitals;  
 Age UK;  
 Terence Higgins Trust;  
 Children's Hospices UK;  
 Citizens Advice Bureau;  
 British Liver Trust;  
 Turning Point;  
 Genetic Alliance UK;  
 Centre for Mental Health;  
 Alzheimer's Society;  
 The Prostate Cancer Charity;  
 Breast Cancer Care;  
 RNIB;  
 Diabetes UK; and  
 The MS Society

to name but a few.

#### GP Commissioning

19. **Emma Reynolds:** To ask the Secretary of State for Health what consultation he undertook prior to publication of his proposals for GP commissioning. [35650]

**Mr Simon Burns:** The White Paper "Equity and Excellence: Liberating the NHS" was published in July last year, and set out our long-term vision for the national health service. Shortly after, we set out further details of our proposals to devolve power and responsibility for commissioning services to local consortia of general practices. In December, we published our response to the consultation, setting out our plans in further detail.

#### Alternative Medicine: Regulation

20. **David Tredinnick:** To ask the Secretary of State for Health what recent discussions he has had on the statutory regulation of herbal medicine, acupuncture and traditional Chinese medicine; and if he will make a statement. [35651]

**Anne Milton:** The transitional period under the 2004 Directive on Traditional Herbal Medicinal Products (THMP) will end on 30 April 2011.

From this date, all manufactured herbal medicines placed on the market must have either a traditional herbal registration (THR) or a marketing authorisation (MA).

The Medicines and Healthcare products Regulatory Agency (MHRA) has identified the possibility of creating a national regulatory scheme allowing authorised herbal practitioners to continue to commission unlicensed manufactured herbal medicines after 30 April 2011.

When practitioners legally hold stock at 30 April 2011, they will not be required to dispose of these existing stocks.

We are currently in discussion with the devolved administrations, the Health Professions Council and the Complementary and Natural Healthcare Council about the feasibility of a statutory register and we expect to make an announcement shortly.

I can assure you that this Government are treating this issue as a priority.

#### Prescription Drugs

21. **Mr Sanders:** To ask the Secretary of State for Health what assessment he has made of the potential effects on the variation in the cost of prescription drugs of the proposals in the Health White Paper; and if he will make a statement. [35652]

**Mr Lansley:** The White Paper sets out our intention that, from 2014, new medicines subject to the Pharmaceutical Price Regulation Scheme should have a price reflective of their value. For drugs dispensed via pharmacies, we will ensure that there are fair, but not excessive, margins on dispensing.

#### Cancer Patients: Outcomes

22. **Mr Brine:** To ask the Secretary of State for Health what steps his Department is taking to improve outcomes for cancer patients. [35653]

**Paul Burstow:** The Cancer Strategy that we published earlier this month sets out a range of actions to improve outcomes for cancer patients. Earlier diagnosis is crucial to improving outcomes and we have set out plans to deliver this, in particular through improving general practitioner access to diagnostic tests, supporting symptom awareness initiatives and extending cancer screening programmes. We are also improving access to treatment and support for survivors.

#### Interim Cancer Drugs Fund

23. **Sajid Javid:** To ask the Secretary of State for Health what recent representations he has received on the operation of the interim cancer drugs fund; and if he will make a statement. [35654]

**Paul Burstow:** We have received representations from hon. Members, noble Lords, and members of the public on how the interim arrangements for cancer drugs funding are operating. This includes a number welcoming the additional support we are giving to cancer patients in need.

#### Elective Surgery

24. **Mrs Glendon:** To ask the Secretary of State for Health how many elective surgical procedures have been (a) postponed and (b) cancelled since 1 October 2010. [35655]

**Mr Simon Burns:** The Department does not collect data on postponements or total cancelled elective operations. However, the Department publishes data on how many elective operations were cancelled for non-clinical reasons on the day of admission or of operation.

Latest published data show that there were 13,015 such cancellations during the period July to September 2010 compared with 13,547 during the same period in 2009, under the previous Administration.

### Obesity

25. **Mr Evennett:** To ask the Secretary of State for Health what steps he is taking to reduce the incidence of obesity; and if he will make a statement. [35656]

**Anne Milton:** This Government have set out an ambitious new public health strategy in “Healthy Lives, Healthy People”. Its radical reforms put health and wellbeing at the centre of all we do.

We will be publishing a document on obesity in the spring that will set out how obesity will be tackled in the new public health and national health service systems, and the role of key partners.

The role of Government is to bring together key partners to help and support people to make healthier choices. We cannot tackle obesity alone—it is an issue for society as a whole. We all have a role to play.

We want people to know that they can change their lifestyle and in doing so they can make a difference to their health.

### Alcoholic Drinks and Drugs: Misuse

**Chris Ruane:** To ask the Secretary of State for Health how many people aged (a) 16 to 19 and (b) 20 to 24 were registered (i) alcoholics and (ii) drug addicts in each year for which figures are available. [35803]

**Anne Milton:** There is no scheme or requirement for registration by alcoholics or drug addicts 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 for 2000 and 2007. Estimates of the number and percentage of alcohol dependent individuals aged 16 to 19 and 20 to 24 are in the following table. Estimates for other years are not available.

*Estimate of the number and percentage of alcohol dependent<sup>1</sup> individuals aged 16 to 19 and 20 to 24, 2000 and 2007*

Age (years):	16- 19		20-24	
	Estimated number	Estimated percentage	Estimated number	Estimated percentage
2000	120,000	5	240,000	8
2007	130,000	5	290,000	8

<sup>1</sup> Scoring 16 or more on the Alcohol Use Disorders Identification Test (AUDIT)

Data on drug treatment, including that for individuals with a drug dependency problem, are collected by the National Drug Treatment Monitoring System (NDTMS).

NDTMS data on the number of 18 to 24-year-olds in treatment for the years 2005-06 to 2009-10 are given in the following table.

*Number of 18 to 24-year-olds in treatment for the years 2005-06 to 2009-10*

	Number
2005-06	32,948
2006-07	32,981
2007-08	31,239
2008-09	30,210
2009-10	27,071

In December 2010 the National Treatment Agency for Substance Misuse published ‘Substance misuse among young people: the data for 2009-10’, which included data on the number of young people aged 18 and under accessing drug treatment services. Data on young people accessing treatment services are available for the years 2005-06 to 2009-10 and are given in the following table.

*Number of young people accessing drug treatment services by age and year*

Age	2005-06	2006-07	2007-08	2008-09	2009-10
16 to 17	4,347	5,315	5,987	6,133	5,823
17 to 18	4,780	6,019	6,624	6,663	6,701

The ‘National and Regional Estimates of the Prevalence of Opiate and/or Crack Cocaine Use 2008-09’ report provides data on opiate and/or crack cocaine use for the years 2006-07 and 2008-09. Estimates on opiate and/or crack cocaine use for those aged 15 to 24 are given in the following table.

*Estimates on opiate and/or crack cocaine use for those aged 15 to 24 for 2006-07 and 2008-09*

	Estimate of opiate and/or crack cocaine use by 15 to 24-year-olds
2006-07	60,672
2008-09	58,618

### Blood: Contamination

**Amber Rudd:** To ask the Secretary of State for Health what the difference is in the level of compensation payments for those affected by contaminated blood and blood products (a) in the Republic of Ireland and (b) in the UK under the settlement he announced on 10 January 2011; and for what reasons he considers that a difference in such levels is appropriate. [35930]

**Mr Lansley:** It is not possible to make meaningful comparisons between the level of compensation made to individuals in the Republic of Ireland and the level of ex-gratia payments made to individuals here in the United Kingdom, because the two systems are completely different. In the Republic of Ireland, lump sum payments are made, the size of which varies according to the circumstances of the individual claimant. Here in the UK, there is a system of lump sum, annual, and discretionary ex-gratia payments. The recurrent annual payments will be made over the lifetime of the infected individual, so it is impossible to ascertain how much individual patients might receive in future.

As I explained to the House on 10 January 2011, *Official Report*, columns 33-42, the circumstances in the Republic of Ireland are unique to them, in that the Irish Government chose to establish an independent Compensation Tribunal to determine the quantum of

payments by reference to Irish principles of law governing the calculation of damages. In consequence, the basic awards made in Ireland (leaving aside exemplary or aggravated damages) are compensatory in nature but are paid without proof of negligence in any given case. The article in *The Irish Times* on 5 August 1997, has already been placed in the Library on 14 October 2010, demonstrates that there is a clear indication of an acceptance by the Irish Government that in many, if not all cases, the claimants were likely to have a good cause of action because the Irish Attorney General advised that the Irish Blood Transfusion Service Board (for which the Irish Government are responsible) would be found guilty of negligence.

In my remarks to the House on 10 January 2011, *Official Report*, columns 33-42, I referred to the question of liability in relation to the Republic of Ireland. For the avoidance of doubt, I am aware that no liability was formally accepted by the Government of the Republic of Ireland, nor was such a determination made by a court. My response to questions highlighted that, in view of the acknowledgement of mistakes made by the Irish Blood Transfusion Service Board, the nature of the payments in Ireland were consistent with a finding of liability leading to compensation as was set out in that article. The approach we have taken in the UK is therefore distinct and different, and is *ex gratia* in nature. Our payments are not equivalent to those that would be made on the basis of legal liability.

### Cancer: Drugs

**Mr Liddell-Grainger:** To ask the Secretary of State for Health (1) how many people have applied for funding from the Cancer Drugs Fund (*a*) in total, (*b*) by primary care trust and (*c*) by constituency to date; [35500]

(2) how many people have received funding from the Cancer Drugs Fund to date; [35501]

(3) how many people have applied for funding for selective internal radiation therapy from the Cancer Drugs Fund to date; [35502]

(4) how many people have received funding for selective internal radiation therapy from the Cancer Drugs Fund to date; [35503]

(5) for what reasons selective internal radiation therapy has been rejected by strategic health authorities. [35505]

**Paul Burstow:** The Cancer Drugs Fund does not take effect until April 2011. Under the arrangements for the additional £50 million made available to the national health service for additional cancer drugs on an interim basis in this financial year, up to 10 January 2011, strategic health authorities had received around one thousand applications for funding. Of these, applications for over 750 patients had been agreed with most of the remaining applications under consideration.

We do not hold a breakdown of these applications by primary care trust or constituency, or the number of applications made for funding of selective internal radiation therapy.

Decisions on which cancer drugs are funded from the additional £50 million are a matter for regional clinically-led panels based on the advice of cancer specialists. We expect these decisions to be informed by the guidance issued by the Department to strategic health authorities in July 2010, a copy of which has been placed in the Library. This guidance specifies that the primary focus of the funding is on improving access to cancer drugs, which may include radiopharmaceuticals.

We have consulted on our plans for the design of the Cancer Drugs Fund and our consultation closed on 19 January. Decisions on the implementation of the Cancer Drugs Fund will be taken once the responses to the consultation have been considered.

**Mr Liddell-Grainger:** To ask the Secretary of State for Health what criteria strategic health authorities use to determine funding for the Interim Cancer Drugs Fund. [35504]

**Paul Burstow:** Decisions on the use of the additional £50 million made available to the national health service in this financial year are a matter for regional clinically-led panels based on the advice of cancer specialists. We expect these decisions to be informed by the guidance issued by the Department to strategic health authorities (SHAs) in July 2010, a copy of which has been placed in the Library.

Details of the arrangements and criteria that SHAs have in place for the distribution of this funding are available on their websites as follows:

<i>SHA</i>	<i>Website</i>
NHS South East Coast	<a href="http://www.southeastcoast.nhs.uk/For%20the%20Public/Interim-drug-fund.htm">www.southeastcoast.nhs.uk/For%20the%20Public/Interim-drug-fund.htm</a>
NHS South Central	<a href="http://www.southcentral.nhs.uk/30/09/2010/nhs-south-central-additional-cancer-drug-funding/">www.southcentral.nhs.uk/30/09/2010/nhs-south-central-additional-cancer-drug-funding/</a>
NHS South West	<a href="http://www.southwest.nhs.uk/interim_cancer_drugs_fund.html">www.southwest.nhs.uk/interim_cancer_drugs_fund.html</a>
NHS Yorkshire and the Humber	<a href="http://www.yorksandhumber.nhs.uk/what_we_do/improving_patient_care_and_service_quality/yorkshire_and_the_humber_interim_cancer_drugs_fund">www.yorksandhumber.nhs.uk/what_we_do/improving_patient_care_and_service_quality/yorkshire_and_the_humber_interim_cancer_drugs_fund</a>
NHS East Midlands	<a href="http://www.eastmidlands.nhs.uk/interim-cancer-drug-fund/">www.eastmidlands.nhs.uk/interim-cancer-drug-fund/</a>
NHS West Midlands	<a href="http://www.westmidlands.nhs.uk/WhatWeDo/WestMidlandsCancerDrugFund.aspx">www.westmidlands.nhs.uk/WhatWeDo/WestMidlandsCancerDrugFund.aspx</a>
NHS London	<a href="http://www.london.nhs.uk/news-and-health-issues/press-releases/latest-press-releases/new-76m-cancer-drugs-fund-available-for-patients-in-london">www.london.nhs.uk/news-and-health-issues/press-releases/latest-press-releases/new-76m-cancer-drugs-fund-available-for-patients-in-london</a>
NHS North East	<a href="http://www.northeast.nhs.uk/news-centre/news-releases/release/?id=157">www.northeast.nhs.uk/news-centre/news-releases/release/?id=157</a>
NHS East of England	<a href="http://www.eoe.nhs.uk/page.php?page_id=1247">www.eoe.nhs.uk/page.php?page_id=1247</a>
NHS North West	<a href="http://www.nwcancerdrugsfund.nhs.uk/">www.nwcancerdrugsfund.nhs.uk/</a>

### Community Services

**Harriett Baldwin:** To ask the Secretary of State for Health whether he plans to shorten or simplify the standard NHS Contract for Community Services. [35464]

**Mr Simon Burns:** In line with the planned revision for the NHS Standard Contracts, the 2011-12 NHS Standard Contract for Community Services is undergoing a review with the aim to remove any element that is dealt with by regulatory and other organisations and the simplification of clauses and wording following feedback received from a wide range of provider and commissioner stakeholders.

### Cot Deaths

**Mr Burley:** To ask the Secretary of State for Health what steps his Department has put in place to prevent deaths of young people from sudden death syndrome. [33445]

**Mr Simon Burns:** In March 2005, the national service framework for coronary heart disease was extended with a new chapter that provides models of care and markers of quality for arrhythmias and sudden cardiac death.

The Department works closely with national health service and charitable organisations such as Cardiac Risk in the Young and British Heart Foundation in developing services aimed at identifying people who are at risk and assessing them and their families to reduce their chances of dying from an arrhythmic condition. It has also worked with these organisations to ensure that systems are in place for those diagnosed with a potentially life threatening condition, and their families, to produce appropriate counselling, advice information and psychological support.

The Department supported formation of the UK Cardiac Pathology Network (UKCPN) in order to provide local coroners with an expert cardiac pathology service and to promote best pathological practice in sudden death cases. A national database on sudden arrhythmic death was launched in November 2008 funded by the Department allowing UKCPN pathologists to record information on cases referred to them.

### Departmental Public Appointments

**Fiona Mactaggart:** To ask the Secretary of State for Health how many (a) women and (b) men have been appointed to public duties by his Department since May 2010. [35398]

**Mr Simon Burns:** Since 1 May 2010, the Secretary of State for Health has appointed one man and one woman to a public appointment.

**Fiona Mactaggart:** To ask the Secretary of State for Health what public appointments he has made since his appointment; and to what payments each person so appointed is entitled. [35420]

**Mr Simon Burns:** Since the Secretary of State for Health's appointment, he has appointed the Chair of the Care Quality Commission who is remunerated at £60,000.

### Genito-urinary Medical Services

**Ms Abbott:** To ask the Secretary of State for Health what modelling his Department has undertaken to estimate the annual cost of providing genito-urinary medical services; what recent assessment he has made of the cost of such services; and if he will make a statement. [35439]

**Anne Milton:** The Department has not undertaken any specific modelling to estimate the annual cost of providing genito-urinary medical services.

In 2009-10 it is estimated that England-level gross expenditure on genito-urinary medical services was £4.63 billion. The following table provides an estimated breakdown of this expenditure.

	£ billion
Genital tract problems	1.08
Renal problems	1.64
Sexually transmitted infections	0.29
Problems of genito-urinary system (other)	1.61
Total	4.63

Additionally, the estimated expenditure on HIV and AIDS in 2009-10 was £0.76 billion.

#### Source:

Expenditure figures above are from estimated England level programme budgeting data, which are calculated using primary care trust (PCT) and strategic health authority programme budgeting returns and Department of Health resource accounts data. Figures will include an estimation of special health authority expenditure. Full table is available at:

[www.dh.gov.uk/en/Managingyourorganisation/Financeandplanning/Programmebudgeting/DH\\_075743#\\_5](http://www.dh.gov.uk/en/Managingyourorganisation/Financeandplanning/Programmebudgeting/DH_075743#_5)

In addition, through a separate exercise of the annual reference cost collection, the Department collects information on the cost to national health service providers (NHS trusts, NHS foundation trusts and PCT provider arms) of providing a defined service in a given financial year.

The following table contains total reported cost information from the 2009-10 reference costs (the most recent year for which data has been published) for collection categories which relate explicitly to genito-urinary medical services.

Collection category	£ million
Out-patient attendances <sup>2</sup>	291.7
Other settings <sup>3,4</sup>	11.0

<sup>1</sup> The total reported cost figures have been rounded to the nearest £100,000.

<sup>2</sup> The out-patient attendance figure relates to costs reported against Service Code 360 (Genito-Urinary Medicine).

<sup>3</sup> The 'other settings' figure includes the cost of providing genito-urinary medical services in the following settings—elective, non-elective, day case, out-patient procedure and regular day/night admissions—as reported against three Healthcare Resource Groups (HRGs):

(a) LB20A (Infection and Mechanical Problems Related to Genito-Urinary Prostheses, Implants and Grafts with complications/comorbidities)  
 (b) LB20B (Infection and Mechanical Problems Related to Genito-Urinary Prostheses, Implants and Grafts without complications/comorbidities)  
 (c) WA10Z (Other infections (Genito Urinary Medicine))

<sup>4</sup> As it is possible that some GUM services may have been provided alongside other treatments, this activity will have mapped to other HRGs which do not relate explicitly to GUM services. It is not possible to separately identify the costs associated with GUM services that may have mapped to other HRGs.

#### Source:

Figures in the table are taken from schedule 4 (NHS trusts and PCTs combined) of the national schedules of reference costs for the financial year 2009-10, available at:

[www.dh.gov.uk/en/Managingyourorganisation/NHScostingmanual/index.htm](http://www.dh.gov.uk/en/Managingyourorganisation/NHScostingmanual/index.htm)

These figures do not reflect the cost to PCTs of commissioning GUM medical services, as these costs are not covered by the reference costs collection.

### Health: Telephone Services

**Anne Marie Morris:** To ask the Secretary of State for Health what guidelines are in place on the use of 0844 and 0845 telephone numbers by (a) GP surgeries, (b) hospitals and (c) dental practices. [33818]

**Mr Simon Burns:** Following a public consultation on the future use of 0844 and 0845 numbers in the national health service, the Department announced on 14 September 2009, that it would be prohibiting the use of telephone numbers which charged the patient more than the equivalent cost of calling a geographical number. The Department issued guidance and directions to general practitioner practices and NHS bodies, including hospitals, which came into force on 21 December 2010.

There are no regulations or guidelines in place regarding the use of 0844 or 0845 numbers in dental practices.

### Hearing Aids

**Ms Angela Eagle:** To ask the Secretary of State for Health what the average waiting time is for a patient to receive a hearing aid in (a) Wirral primary care trust, (b) primary care trusts in the North West and (c) England. [35297]

**Paul Burstow:** The average (median) waiting time for a completed Direct Access audiology pathway in November 2010 for:

- (a) Wirral Primary Care Trust was 6.0 weeks
- (b) North West SHA was 4.7 weeks
- (c) England was 4.8 weeks

The Department collects data on waiting times for Direct Access audiology pathways, from general practitioner referral to first definitive treatment, which includes the fitting of a hearing aid and other types of treatment. This is the latest available data published on 20 January 2011.

### Hospital Beds

**Ms Angela Eagle:** To ask the Secretary of State for Health how many critical care beds are available in (a) Wirral primary care trust, (b) primary care trusts in the North West and (c) England. [35299]

**Mr Simon Burns:** There are 18 critical care beds available at Wirral University Teaching Hospitals NHS Trust.

Information on the number of critical care beds is collected at the level of hospital trusts, not primary care trusts. There are 566 critical care beds in North West strategic health authority.

There are 3,662 critical care beds in England.

KH03a data are the official and validated source for information on the number of open and staffed critical care beds in England. KH03a data are published biannually by the Department and the latest available data sets out the position at 15 July 2010. The information includes all data and amendments received up to 25 August 2010.

### Hospitals: Parking

**Mr Jim Cunningham:** To ask the Secretary of State for Health what steps his Department is taking to ensure hospitals observe its guidance on car park charges. [35236]

**Mr Simon Burns:** National health service organisations are responsible locally for their own policy on car parking, taking into account operational circumstances and community interests. We have made clear that local policies should include fair concessions for all patients whose healthcare needs require extended or frequent access to hospital. Patients on low incomes are entitled to recover travel costs, including car parking charges, under the Hospital Travel Costs scheme.

The Department does not directly monitor the NHS to ensure that local policies provide fair concessions to patients and the local public. NHS trust boards should be held to account by their local communities including foundation trust members and other public groups.

### In Vitro Fertilisation

**Bob Russell:** To ask the Secretary of State for Health (1) how many primary care trusts are funding (a) one cycle, (b) two cycles and (c) three cycles of in vitro fertilisation; and how many include frozen embryo transfers as part of each cycle; [35308]

(2) what his policy is on action to be taken should a primary care trust (a) suspend and (b) restrict funding for fertility services in its area. [35309]

**Anne Milton:** Primary care trusts (PCTs) are well aware of their statutory commissioning responsibilities and the need to base commissioning decisions on clinical evidence and discussions with local general practitioners (GPs) commissioners, secondary care clinicians and providers.

The NHS deputy chief executive, David Flory, wrote to PCT commissioners on 11 January 2011 to highlight the importance that those involved in commissioning fertility services have regard to the National Institute for Health and Clinical Excellence fertility guidelines, including the recommendation that up to three cycles of in vitro fertilisation (IVF) are offered to eligible couples where the woman is aged between 23 and 39.

A copy of this communication has been placed in the Library and is available at:

[www.dh.gov.uk/prod\\_consum\\_dh/groups/dh\\_digitalassets/documents/digitalasset/dh\\_123405.pdf](http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_123405.pdf)

Information on the number of IVF treatment cycles funded by the national health service and the number of these cycles that include frozen embryo transfers as part of each is not collected centrally.

### Influenza: North West

**Mr Leech:** To ask the Secretary of State for Health how many people in (a) Greater Manchester and (b) the North West have died from influenza since October 2010; how many such cases involved the H1N1 strain of the virus; and what consideration his Department has given to publishing a regional or sub-regional breakdown of deaths from influenza. [36156]



**Anne Milton:** The Health Protection Agency (HPA) advises the Department on the number of deaths associated with influenza.

The HPA is unable to provide regional or sub-regional data on deaths from influenza.

The HPA aims to publish as much information on deaths as is useful for understanding the impact and epidemiology of influenza, while recognising its duty of confidentiality towards individual patients and their families.

As at 19 January, the HPA reported 254 influenza-related deaths in the United Kingdom since September. Of the 214 cases with information on the type of influenza infection, 195 deaths (91%) were associated with H1N1 virus.

### Injuries: Dogs

**Gavin Williamson:** To ask the Secretary of State for Health if he will estimate the level of expenditure by the NHS on treating victims of dog attacks in the latest year for which figures are available. [35694]

**Mr Simon Burns:** Information is not collected centrally on the total number of dog bite injuries treated by the national health service.

### IVF

**Gareth Johnson:** To ask the Secretary of State for Health what consultations he has undertaken on increasing the limit on reimbursement for egg donors. [35667]

**Anne Milton:** The reimbursement of egg donors is a matter for the Human Fertilisation and Embryology Authority (HFEA) as set out by the Human Fertilisation and Embryology Act 1990 and Directions. The HFEA launched a consultation on egg and sperm donation on 17 January 2011, which includes the compensation of donors. Details of the consultation can be found on the HFEA website at:

[www.hfea.gov.uk/5605.html](http://www.hfea.gov.uk/5605.html)

**Chris White:** To ask the Secretary of State for Health what steps he is taking in response to recent announcements by primary care trusts that they plan to suspend or restrict funding for IVF services; and if he will make a statement. [35678]

**Anne Milton:** The NHS deputy chief executive, David Flory, wrote to primary care trust commissioners on 11 January 2011 to highlight the importance that those involved in commissioning fertility services have regard to the National Institute for Health and Clinical Excellence fertility guidelines, including the recommendation that up to three cycles of in vitro fertilisation are offered to eligible couples where the woman is aged between 23 and 39.

A copy of this communication has been placed in the Library and is available at:

[www.dh.gov.uk/prod\\_consum\\_dh/groups/dh\\_digitalassets/documents/digitalasset/dh\\_123405.pdf](http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_123405.pdf)

### MMR Vaccine

**Andrew Rosindell:** To ask the Secretary of State for Health what facilities are available for infants to have single vaccines for mumps, measles and rubella instead of the MMR Vaccine. [35843]

**Anne Milton:** The national health service provides routine childhood vaccination against measles, mumps and rubella using the combined measles, mumps and rubella (MMR) vaccine as this protects against all three diseases. The Department does not recommend single vaccines for measles, mumps or rubella for NHS use because there is no evidence that they are more effective or safer than the MMR vaccine. Having single vaccines leaves children at risk of catching measles, mumps or rubella in the gaps between the vaccinations.

Single measles, mumps and rubella vaccines are not licensed for use in the United Kingdom. Such unlicensed vaccines are imported under an exemption to the need for a Marketing Authorisation (“product licence”) for the special needs of individual patients for use on the direct personal responsibility of the prescriber.

### NHS

**Glenda Jackson:** To ask the Secretary of State for Health whether the proposed increase in competition within the NHS will include provision of services by private companies; who will be responsible for validating the medical and clinical expertise of such companies; and if he will make a statement. [35154]

**Mr Simon Burns:** Under our proposals, patients and commissioners will have an increasing choice of who provides health services. Our aim is that patients can be treated by those providers best placed to meet their needs. Providers from all sectors, including national health service trusts and foundation trusts, voluntary organisations, social enterprises and the independent sector, will be eligible—as at present—to have a role in providing those NHS services.

Primary care trusts as the current commissioners of NHS services are responsible for undertaking the necessary rigorous due diligence on providers prior to signing a contract for the provision of NHS clinical services. Arrangements for contracts with general practitioner (GP) consortiums for clinical services have yet to be determined, as the creation of GP consortiums 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 NHS-funded clinical services. The Care Quality Commission will continue to play an important role in assuring quality and patient safety.

### NHS: Finance

**Henry Smith:** To ask the Secretary of State for Health what estimate he has made of the expected level of savings in the cost of management and administration following the proposed abolition of the (a) West Sussex Primary Care Trust and (b) South East Coast Strategic Health Authority. [35349]

**Mr Simon Burns:** The Secretary of State for Health, my right hon. Friend the Member for South Cambridgeshire (Mr Lansley), has not made an estimate of the level of savings in the cost of management and administration from the abolition of the West Sussex Primary Care Trust (PCT) and the South East Coast Strategic Health Authority (SHA).

Reductions in the cost of administration across the health system will deliver annual savings of £1.7 billion (in today's prices) by 2014-15. This represents a one third reduction in real terms and includes the impact of abolishing PCTs and SHAs, as well as savings in the Department and its arm's length bodies.

The trajectory and SHA-level breakdown of savings in the national health service will be set out shortly in detailed financial planning guidance for the NHS. It

will be for SHAs to determine how the target reduction is managed across their regions.

### NHS: Greater London

**Mr Offord:** To ask the Secretary of State for Health how many hospital managers were employed in (a) Edgware Community Hospital, (b) Barnet Primary Care Trust and (c) the NHS in Hendon constituency in each of the last five years. [35550]

**Mr Simon Burns:** The following table shows hospital and community health non medical staff in each specified national health service hospital and community health service organisation by main staff group as at 30 September each year.

*NHS hospital and community health services: non-medical staff in each specified organisation by main staff group as at 30 September each year*

	2005	2006	2007	2008	headcount 2009
Barnet and Chase Farm Hospitals NHS Trust	4,061	4,061	3,990	4,067	4,260
Professionally qualified clinical staff	2,182	2,210	2,258	2,263	2,265
Qualified nursing, midwifery and health visiting staff	1,715	1,692	1,750	1,777	1,781
Qualified scientific, therapeutic and technical staff	467	518	508	486	484
Support to clinical staff	1,528	1,455	1,376	1,423	1,577
Support to doctors and nursing staff	1,253	1,152	1,102	1,119	1,227
Support to ST&T staff	275	303	274	304	350
NHS infrastructure support	351	396	356	381	418
Central functions	258	300	250	269	286
Hotel, property and estates	6	7	13	15	19
Senior managers	27	26	30	31	32
Managers	60	63	63	66	81
Barnet PCT	1,380	1,278	1,334	1,311	1,310
Professionally qualified clinical staff	616	583	655	628	623
Qualified nursing, midwifery and health visiting staff	452	389	437	418	417
Qualified scientific, therapeutic and technical staff	164	194	218	210	206
Support to clinical staff	446	374	368	375	368
Support to doctors and nursing staff	378	332	314	325	319
Support to ST&T staff	54	29	41	41	40
Support to ambulance staff	14	13	13	9	9
NHS infrastructure support	318	321	311	308	319
Central functions	130	187	159	149	156
Hotel, property and estates	84	58	58	52	51
Senior managers	84	67	83	86	84
Managers	20	9	11	21	28
Royal Free Hampstead NHS Trust	5,015	4,741	4,692	4,641	4,951
Professionally qualified clinical staff	2,868	2,837	2,750	2,762	2,881
Qualified nursing, midwifery and health visiting staff	2,070	2,035	1,942	1,910	1,976
Qualified scientific, therapeutic and technical staff	798	802	808	852	905
Support to clinical staff	1,131	1,003	1,023	1,061	1,215
Support to doctors and nursing staff	846	722	733	764	918
Support to ST&T staff	285	281	290	297	297
NHS infrastructure support	1,016	901	919	818	855
Central functions	267	243	261	265	325
Hotel, property and estates	635	553	550	444	423
Senior managers	52	31	38	39	31
Managers	62	74	70	70	76
Royal National Orthopaedic Hospital NHS Trust	958	926	955	1,046	1,284
Professionally qualified clinical staff	555	542	571	681	880
Qualified nursing, midwifery and health visiting staff	402	385	408	513	707
Qualified scientific, therapeutic and technical staff	153	157	163	168	173
Support to clinical staff	179	171	148	140	141

NHS hospital and community health services: non-medical staff in each specified organisation by main staff group as at 30 September each year

	2005	2006	2007	2008	headcount 2009
Support to doctors and nursing staff	155	150	131	118	122
Support to ST&T staff	23	20	17	22	19
Support to ambulance staff	1	1	0	0	0
NHS infrastructure support	224	213	236	225	263
Central functions	161	152	178	171	196
Hotel, property and estates	20	19	19	19	20
Senior managers	30	34	32	29	38
Managers	13	8	7	6	9

Note:

It is impossible to isolate figures for individual hospitals from the census data. The data is collected at organisation level and the figures for smaller sites are aggregated prior to submission. The organisations shown are those that cover the Hendon parliamentary constituency.

Data Quality:

The NHS Information Centre for health and social care seeks to minimise inaccuracies and the effect of missing and invalid data but responsibility for data accuracy lies with the organisations providing the data. Methods are continually being updated to improve data quality where changes impact on figures already published. This is assessed but unless it is significant at national level figures are not changed. Impact at detailed or local level is footnoted in relevant analyses.

Source:

The NHS Information Centre Non-Medical Workforce Census

### Public Lavatories: Retail Trade

**Bill Esterson:** To ask the Secretary of State for Health if he will encourage operators of retail stores to provide hand towels in disabled toilet facilities in retail outlets. [36049]

**Paul Burstow:** The Department is not responsible for the maintenance of disabled toilet facilities in retail outlets and does not issue guidance on the topic.

### Waiting Lists: Accident and Emergency Departments

**Ms Angela Eagle:** To ask the Secretary of State for Health what the average waiting time to be seen is for accident and emergency treatment in (a) Wirral Primary Care Trust, (b) primary care trusts in the North West and (c) England. [35302]

**Mr Simon Burns:** The following table sets out the mean and median time spent between arrival and treatment in accident and emergency (A&E) departments in Wirral primary care trust (PCT), each of the other main providers of treatment in the North West, and England in 2009-10.

Provider code	A&E main provider of treatment	Mean duration to treatment (minutes)	Median duration to treatment (minutes)
5NK	Wirral PCT	81.4	58
5HG	Ashton, Leigh and Wigan PCT	76.2	59
5CC	Blackburn with Darwen PCT	51.3	37
5HP	Blackpool PCT	84.8	53
5HQ	Bolton PCT	65.8	58
5NP	Central and Eastern Cheshire PCT	42.3	22
5NG	Central Lancashire PCT	62.5	51
5NE	Cumbria Teaching PCT	55.3	39
5J4	Knowsley PCT	212.8	27
5NL	Liverpool PCT	90.5	76
5NT	Manchester PCT	75.4	60
5F5	Salford PCT	67.2	56
5NJ	Sefton PCT	57.5	44
5F7	Stockport PCT	56.9	48
5LH	Tameside and Glossop PCT	9.0	0
5NR	Trafford PCT	54.1	39
5J2	Warrington PCT	73.8	60
5NN	Western Cheshire PCT	0.2	0
England	England	102.0	55

Notes:

1. These data cover attendances at all types of A&E departments, including major A&E departments, single specialty A&E departments, walk-in centres and minor injuries units.

2. The duration to treatment refers to the time from arrival at A&E to the time that a treatment intervention takes place during an A&E attendance.

3. A&E HES are the only source of nationally available data which contain information on the time spent in A&E from arrival to treatment. Official information on the total time spent in A&E is collected as part of the Department of Health's Quarterly Monitoring of A&E (QMAE) data collection.

4. Some shortcomings remain with the quality and coverage of A&E HES data, and variation in the time to treatment across trusts may reflect varying data quality and coverage as well as variation in genuine activity. For example, in some cases unusually short or long times to treatment in A&E are reported due to default times being recorded instead of the actual time of treatment. These data issues will have a larger effect on the mean, rather than the median, time in A&E.

5. The A&E HES publications addresses some of the key data quality and coverage issues. These are available on HESonline:

www.hesonline.nhs.uk

Source:

A&E Hospital Episode Statistics (HES), The NHS Information Centre for health and social care

## BUSINESS, INNOVATION AND SKILLS

### Adult Education: Student Numbers

**Mr Laws:** To ask the Secretary of State for Business, Innovation and Skills how many adults in England are in full-time further education; and what proportion are aged between 19 and 24 years. [35698]

**Mr Hayes:** Table 1 shows the total number of adults participating in Further Education (Learner Responsive) in the 2008/09 academic year, and the number and proportion that were studying full-time.

There were 157,700 adults studying in full-time further education in 2008/09. Of these, 57% were aged between 19 and 24 years old.

Table 1: Further education (learner responsive) full-time participation by age, 2008-09

Age	Total FE participation	Total FE participation (percentage)	FE full-time participation	FE full-time Percentage
19-24	324,200	21	89,700	57
25+	1,179,800	78	68,000	43
Total(19+)	1,511,000	100	157,700	100

#### Notes:

1. This data does not include participation in apprenticeships, train to gain, adult safeguarded learning or higher education. Further education provision in this table covers the learner responsive funding stream only. Further education/learner responsive provision includes general further education colleges including tertiary, sixth form colleges—agricultural and horticultural colleges and art and design colleges, specialist colleges and external institutions.

2. Figures are rounded to the nearest hundred. Percentages are calculated on pre-rounded data.

3. Age is based on age as of the 31 August 2008.

4. The total FE participation figure includes a small number of learners with an unknown age. Learners aged under 19 are not included in the above figures.

5. Full-time learners are defined as those learners studying a programme of a minimum of 450 guided learning hours in an academic year.

#### Source:

Individualised Learner Record

Information on further education participation is published in a quarterly statistical first release (SFR). The latest SFR was published on 16 November 2010:

[http://www.thedataservice.org.uk/statistics/statisticalfirstrelease/sfr\\_current](http://www.thedataservice.org.uk/statistics/statisticalfirstrelease/sfr_current)

Near final data for further education participation and achievement for 2009/10 will be published in a Statistical First Release published on 27 January, which will also be available at the link above.

### Apprentices

**Gordon Birtwistle:** To ask the Secretary of State for Business, Innovation and Skills what steps he is taking to encourage large companies to offer apprenticeships. [34950]

**Mr Hayes [holding answer 21 January 2011]:** The National Apprenticeship Service (NAS) delivers a dedicated service to large multi-site national employers through the National Employer Service, offering free, expert advice and support to recruit and develop apprentices. Support is also available to larger employers through the NAS regional teams.

NAS is focusing its current marketing campaign on medium and large employers, contacting thousands of large private and public sector employers to promote the benefits of apprenticeships to their business.

Since its launch in April 2009, NAS has increased the number of apprentices it supports (by 25% year-on-year) in large national employers who directly deliver high quality apprenticeship programmes, such as British Telecom, BAE Systems and, more recently, McDonalds; as well as in those who are working through their preferred training provider or college, such as Morrisons and the BBC.

**Alison McGovern:** To ask the Secretary of State for Business, Innovation and Skills how many apprenticeship places he expects to be available in (a) 2010-11, (b) 2011-12, (c) 2012-13 and (d) 2013-14; and in each such year, how many apprenticeship places he expects to be taken up by those aged (i) 16-18, (ii) 19-24, (iii) 25-30 and (iv) over 30 years old. [35257]

**Mr Hayes:** Apprenticeships is a demand-led programme for young people and adults. Government funds apprenticeship training, in full for 16 to 19-year-olds and in part for adults; but relies on employers and providers to work together to offer sufficient opportunities, in the context of the greater freedoms and flexibilities that we have created in the further education system. Therefore, Government does not plan apprenticeship places but provides funding and forecasts the number of places that may be afforded as a result.

We have recently set out indicative forecasts of apprenticeships in documents published by the Young People's Learning Agency and BIS.

For 16 to 19-year-olds, the YPLA document "16 to 19 Funding Statement", published in December, states that we plan to have 131,200 apprentice starts in 2010/11 and 133,500 in 2011/12.

The BIS documents "Skills for Sustainable Growth and Investing in Skills for Sustainable Growth" set out the abolition of central targets and increased freedom and flexibility for further education colleges and training organisations to respond effectively to the needs of employers, learners and their communities. It will be for individual colleges and training organisations, working directly with their local partners, to determine the offer that best meets the needs of their communities.

From the 2011/12 academic year, there will be a single Adult Skills Budget, with earmarked delivery for apprenticeships. As part of its allocations process later this year, the Skills Funding Agency will set out a minimum expectation of apprenticeships delivery. Further education colleges and training organisations will be able to use their single Adult Skills Budget allocation to expand apprenticeships. Meanwhile, any diversion of funding away from apprenticeships will be agreed with the agency.

In this context, "Investing in Skills for Sustainable Growth" offers an indicative forecast for apprenticeship learner numbers, including apprentices expected to continue learning from the previous year. It does not provide a direct comparison in starts for adult (19+) apprentices and does not differentiate by age band. Officials have converted the learner numbers to starts for comparison, so the indicative forecast is for 220,900 adult (19+) starts in 2010/11 and 227,100 in 2011/12.

We have not published forecast starts figures beyond 2011/12.

**Alison McGovern:** To ask the Secretary of State for Business, Innovation and Skills how many training places were available under (a) Train to Gain and (b) apprenticeships in (i) 2006-07, (ii) 2007-08, (iii) 2008-09 and (iv) 2009-10. [35258]

**Mr Hayes:** Table 1 shows the number of Train to Gain and apprenticeship starts in England from the 2006/07 to 2008/09 academic year, the latest year for which final data are available.

As announced in a letter from the Secretary of State for Business, Innovation and Skills, my right hon. Friend the Member for Twickenham (Vince Cable), to the Skills Funding Agency chief executive in June 2010, Train to Gain will be abolished from the 2011/12 academic year. It will be replaced by a new workplace training programme, aimed at supporting smaller employers.

Table 1: Train to Gain and Apprenticeship Starts, 2006/07 to 2008/09

Academic year	Train to Gain starts	Apprenticeship starts
2006/07	206,300	184,400
2007/08	346,200	224,800
2008/09	<sup>1</sup> 817,400	239,900

<sup>1</sup> Train to Gain figures for 2008/09 are not comparable with earlier years as in 2008/09 NVQs delivered in the workplace previously funded by FE are now funded by Train to Gain. There were 181,000 starts in NVQs delivered in the workplace in 2007/08.

Note:

All figures are rounded to the nearest 100.

Source:

Individualised Learner Record

Information on the number of Train to Gain and apprenticeship starts is published in a quarterly statistical first release (SFR). The latest SFR was published on 16 November 2010:

[http://www.thedataservice.org.uk/statistics/statisticalfirstrelease/sfr\\_current](http://www.thedataservice.org.uk/statistics/statisticalfirstrelease/sfr_current)

Final data for Train to Gain and apprenticeships for 2009/10 will be published in a Statistical First Release published on 27 January 2011 which will also be available at the link above.

**Mr Laws:** To ask the Secretary of State for Business, Innovation and Skills how many adults in England are on apprenticeships; and what proportion are aged between 19 and 24 years. [35697]

**Mr Hayes:** Table 1 shows the number of apprenticeship starts in England by age for the 2008/09 academic year, the latest year for which final data are available.

Table 1: Apprenticeship programme starts by age, 2008/09

Age	Apprenticeship starts	Percentage
19-24	84,700	60
25+	55,900	40
Total (19+)	140,600	100

Notes:

1. Figures are rounded to the nearest hundred. Percentages are calculated on pre-rounded data.

2. Age is based on age at the start of the programme.

3. Figures include learners aged 19 and over only. Learners aged under 19 are not included in the above figures.

Source:

Individualised Learner Record

Information on the number of Apprenticeship starts is published in a quarterly statistical first release (SFR). The latest SFR was published on 16 November 2010:

[http://www.thedataservice.org.uk/statistics/statisticalfirstrelease/sfr\\_current](http://www.thedataservice.org.uk/statistics/statisticalfirstrelease/sfr_current)

Final 2009/10 data for apprenticeships will be published in a Statistical First Release published on 27 January, which will also be available at the link above.

### Banks: Loans

**Mr George Howarth:** To ask the Secretary of State for Business, Innovation and Skills what estimate he has made of the amount of bank lending available to (a) small and medium-sized enterprises and (b) large companies in each region in each quarter since January 2006; and what progress has been made on the major loan guarantee scheme and the use of net lending targets for the nationalised banks proposed in the Coalition Agreement. [35506]

**Mr Prisk:** Data on bank lending to all companies, including SMEs and large companies, are collected and analysed by the Bank of England. Quarterly updates are made available through the Bank of England's 'Trends in Lending' publication.

Current data show that in Q3 of 2010, £24.4 billion gross were lent to UK businesses (including both SMEs and large companies). October 'Trends in Lending' has SME lending statistics. More information is available at:

<http://www.bankofengland.co.uk/publications/other/monetary/trendsinlending2010.htm>

With regard to the loan guarantee scheme proposed in the coalition agreement, the Government consulted on this and other issues last summer ('Financing a private sector recovery') and announced in their response to the consultation ('Backing Small Business') that the Enterprise Finance Guarantee scheme, which provides loan guarantee support to SMEs without collateral or financial track record and has already provided over £1.3 billion of loans to SMEs, would be extended to 2014-15, benefiting around 6,000 viable SMEs next year alone and, subject to demand, be worth over £2 billion in total over the next four years.

As the Chancellor of the Exchequer stated on 11 January, we are working with the banks to ensure that they make a greater contribution to lending. We will provide more detail to the House when the negotiations have been finalised.

### Departmental Public Appointments

**Fiona Mactaggart:** To ask the Secretary of State for Business, Innovation and Skills how many (a) women and (b) men have been appointed to public duties by his Department since May 2010. [35401]

**Mr Davey:** Since May 2010 the Department for Business, Innovation and Skills has appointed six women and 21 men to the boards of our public bodies.

**Fiona Mactaggart:** To ask the Secretary of State for Business, Innovation and Skills what public appointments he has made since his appointment; and to what payments each person so appointed is entitled. [35423]

**Mr Davey:** Details of the appointments made and remuneration are detailed in the following table:

<i>Body</i>	<i>Appointee</i>	<i>Remuneration</i>
ACAS	Three members	£1,695 annual honorarium, plus £172 for each day they work on council business
Competition Commission	Deputy chair	£102,640 pa
Consumer Focus	Interim chair	£48,000 pa
Industrial Development Advisory Board	Two members	Unremunerated
Low Pay Commission	One member	£242 daily attendance allowance
NESTA	Two members	£9,000 pa. One member has refused the remuneration
One North East	Chair	£54,479 pa
Postcomm	Chair Three members	£51,500 pa £11,412 pa. One member unremunerated
Research Councils	One member Four members	£6,850 pa £6,850 pa
Student Loans Company	Chair One member	£50,000 pa £9,000 pa
UK Atomic Energy Authority	Three members	£15,000 pa
UK Commission for Employment and Skills	Chair	£28,000 pa
Yorkshire Forward	Chair	£81,718

Details of public body boards can be found on the website of each body.

### Driving Instruction: Qualifications

**Mr Weir:** To ask the Secretary of State for Business, Innovation and Skills how many grants were made to students resident in each local authority area to facilitate study for National Vocational Qualifications or other qualifications to obtain registration on the Approved Driving Instructor Register in each of the last five years; and what the total monetary value of those grants was in each such year. [35383]

**Mr Hayes [holding answer 24 January 2011]:** The Adult Learning Grant (ALG) is an England-only programme for adults who are studying full time—450 hours of guided learning over the academic year—for their first full Level 2 or first full Level 3 course. Data on ALG is not available by local authority area.

However, the ALG programme does not support the learning that is required to obtain registration on the Approved Driving Instructor Register. There are no

specific NVQ or other qualifications which lead to registration on the Approved Driving Instructor Register. To register, applicants must pass the Approved Driving Instructor (ADI) exams.

**Mr Weir:** To ask the Secretary of State for Business, Innovation and Skills how many enquiries were received by Business Link from applicants who expressed an interest in obtaining registration on the Approved Driving Instructor Register with a view to establishing a driving school in each of the last five years. [35385]

**Mr Prisk [holding answer 24 January 2011]:** The Department for Business, Innovation and Skills fund a range of business support and advice that is delivered via the regional development agencies through the Business Link regional advisory service. The regional advisory service providers do not record information on the enquiries they receive to the level of detail necessary to answer this question. However, they will have directed any enquiries to the appropriate information on the Business Link website.

HM Revenue and Customs (HMRC), who manage the Business Link website, launched a new section of the site covering Transport and Logistics at the end of March 2009, which contains nine approved driving instructor (ADI) guides and two ADI transactions. Annex A gives figures for the number visits to the relevant web pages since their launch.

*Annex A: Transaction pages: Apply to become an approved driving instructor (ADI)*

<i>Period</i>	<i>Number of visits</i>
April 2009-10	23,000
April 2010-January 2011	6,500

*Manage your approved driving instructor (ADI) registration and continuing professional development (CPD)*

<i>Period</i>	<i>Number of visits</i>
April 2009-10	38,000
April 2010-January 2011	98,000

*Guidance pages: Approved driving instructor (ADI) guides*

<i>Period</i>	<i>Number of visits</i>
April 2009-10	43,000
April 2010-January 2011	35,000

### Environment Protection: Research

**Chi Onwurah:** To ask the Secretary of State for Business, Innovation and Skills what steps his Department is taking to encourage businesses to invest in research and development of environmental goods and services. [36233]

**Mr Willetts:** The Department for Business Innovation and Skills sponsored Technology Strategy Board supports business led R and D focused on environmental goods and services through a number of programmes focused on those opportunities which offer the greatest scope for boosting UK growth and productivity. The Department also supports the Energy Technologies Institute, a 50:50 public-private partnership, to invest in the development of low carbon energy technologies and solutions.

Furthermore, the Research Councils will continue to work closely with the Technology Strategy Board under the themes of low carbon energy and resource efficiency to help ensure investments through cross-Council programmes such as Living With Environmental Change and Energy are closely informed by business, and that businesses will readily adopt innovations that stem from excellent research.

BIS and the Department for Energy and Climate Change are also providing £40 million of dual-key funding for three testing facilities at Narec to support the development of offshore renewable energy, and the Department also supports R and D tax credits, which provides tax relief for any company undertaking a minimum of £10,000 work of R and D in the year. Companies not in profit can receive cash as an alternative to tax relief, which is helpful to companies undertaking R and D with a long lead time.

As part of the Government's commitment to creating the most competitive corporate tax regime in the G20, we launched at the end of November 2010 a consultation with business on the taxation of intellectual property and the support that R and D tax credits provide for innovation which will run until 22 February 2011.

#### Further Education

**Mr Sanders:** To ask the Secretary of State for Business, Innovation and Skills if he will make an assessment of the barriers to participation in further education for people (a) up to the age of 19 years and (b) over the age of 19 years. [34967]

**Mr Hayes:** Such assessments are conducted by a range of public-sector and independent organisations. They reveal that learners may face a wide variety of, for example, practical, geographical, social and financial barriers to participation depending on their individual circumstances.

Schools, colleges and training providers play a vital role in identifying and overcoming those barriers.

#### Graduates: Student Numbers

**Mr Thomas:** To ask the Secretary of State for Business, Innovation and Skills how many postgraduate students studying at UK higher education institutions were (a) UK citizens, (b) citizens of other EU countries and (c) citizens of each other non-EU country in each of the last 10 years; what estimate he has made of the likely number of postgraduate students in each such category in each of the next three years; and if he will make a statement. [35475]

**Mr Willetts:** The number of postgraduate students enrolled at UK higher education institutions are shown by country of domicile. Figures are provided for the UK, European Union and each overseas non-European Union country for the academic years 2000/01 to 2009/10. This is the latest information available from the Higher Education Statistics Agency (HESA) these can be found in the Libraries of the House.

Figures for the 2010/11 academic year will become available from HESA in January 2012.

The Department does not plan for the number of postgraduate students at UK higher education institutions.

#### Green Investment Bank

**Chi Onwurah:** To ask the Secretary of State for Business, Innovation and Skills when he expects to make an announcement on the establishment of the proposed Green Investment Bank. [36232]

**Mr Prisk:** As set out in the Department for Business, Innovation and Skills structural reform plan, the Green Investment Bank (GIB) will be operational by September 2012. We are, however, looking to begin making investments as soon as the GIB receives funding from asset sales. We will make an announcement in May.

#### Higher Education: Admissions

**Amber Rudd:** To ask the Secretary of State for Business, Innovation and Skills how many people normally resident in (a) Hastings and Rye constituency, (b) Hastings borough council area, (c) East Sussex, (d) the South East and (e) England applied to attend university to start in the academic year (i) 2010-11 and (ii) 2011-12. [35011]

**Mr Willetts:** The information is in the following tables and is provided by the Universities and Colleges Admissions Service (UCAS) and therefore mostly covers full-time undergraduate study<sup>1</sup>. Data for 2010/11 represent the final end-of-cycle data.

<i>Applicants to full-time undergraduate courses via UCAS 2010/11</i>	
<i>Geographical area</i>	<i>Applicants</i>
Hastings and Rye constituency	918
Hastings borough council	768
East Sussex	4,737
South East	78,255
England	495,884

<sup>1</sup> UCAS covers full-time first degree, foundation degree, HND, HNC, Certificates of HE, Diplomas of HE (including those in social work, midwifery and nursing) and some postgraduate courses in social work.

Source:  
UCAS

Data for 2011/12 represent applicants who had applied by 20 December 2010. Applicants can apply via the main scheme up until the end of June and through clearing after this. UCAS will release the next set of data on applicants for 2011/12 on 31 January.

<i>Applicants to full-time undergraduate courses via UCAS 2011/12</i>	
<i>Geographical area</i>	<i>Applicants to date</i>
Hastings and Rye constituency	289
Hastings borough council	219
East Sussex	2,258
South East	45,478
England	268,117

Source:  
UCAS

**Chris Ruane:** To ask the Secretary of State for Business, Innovation and Skills what proportion of 18 to 24 year-olds in each socio-economic group entered higher education in each year for which figures are available. [35810]

**Mr Willetts:** The Full-Time Young Participation by Socio-Economic Class (FYPSEC) measure shows the proportion of young people (aged 18 to 20) from the top three and bottom four socio-economic classes (SEC)

who participate for the first time in full-time higher education, together with the difference (or “gap”) between these two participation rates.

For the 2008/09 academic year only, due to a one-off change in the underlying data, the SEC information can only be reliably compared when limited to students aged 18 and under. Therefore, the figures provided in the table are for earlier years and are based on 18 to 20-year-old students.

	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08
Participation rate for SECs 1-3 (percentage)	45.2	42.0	42.4	43.8	40.6	41.2
Participation rate for SECs 4-7 (percentage)	18.1	18.3	18.0	20.3	19.5	21.0
Gap (percentage point)	27.2	23.6	24.4	23.5	21.1	20.2

*Note:*

Due to rounding to one decimal place, the change in gap may not correspond to the gaps shown for individual years.

*Source:*

‘Full-Time Young Participation by Socio-Economic Class: 2009 update’:

<http://www.bis.gov.uk/assets/biscore/corporate/migratedd/publications/f/fypsec-paper-2009.pdf>

### Higher Education: Radicalism

**John Mann:** To ask the Secretary of State for Business, Innovation and Skills when the policy review relating to his Department’s Learning Together to be Safe document will be completed; and what plans he has to publish the results of that review. [35726]

**Mr Willetts:** The Secretary of State for the Home Department announced in November 2010 a review of the overall Prevent strategy—the part of the counter-terrorism strategy that aims to stop people turning to or supporting violent extremism. As part of this review, the Home Office in conjunction with BIS are consulting widely on what additional and revised guidance and support colleges may need to help them manage the risk of violent extremism occurring on their campuses and how they can identify and support students who may be at risk of radicalisation. It is expected that this review will be completed within the next couple of months and will be followed by publication of a new Prevent strategy.

Following publication of the new strategy we will be discussing with colleges and Ofsted what additional guidance will be produced and how it should be taken into account in inspections.

**John Mann:** To ask the Secretary of State for Business, Innovation and Skills what plans he has to replace the Learning Together to be Safe document withdrawn by Ofsted. [35727]

**Mr Willetts:** The ‘Learning Together to be Safe’ document has not been withdrawn. However, we have recommended to Ofsted that while the overall review of the Prevent strategy is taking place they do not inspect on it.

The Secretary of State for the Home Department announced in November 2010 a review of the overall Prevent strategy—the part of the counter-terrorism strategy that aims to stop people turning to or supporting violent extremism. As part of this review, BIS in conjunction with the Home Office are consulting widely on what additional and revised guidance and support colleges may need to help them manage the risk of violent

SEC information is recorded differently for young (aged under 21) and mature (aged 21 or over) students. Young students record their parent’s SEC, while mature students record their own. Therefore to ensure comparability, FYPSEC is based only on young students. Figures for students aged 21 to 24 is not used in the FYPSEC measure.

extremism occurring on their campuses and how they can identify and support students who may be at risk of radicalisation.

It is expected that this review will be completed within the next couple of months and will be followed by publication of a new Prevent strategy.

Following publication of the new strategy we will be discussing with colleges and Ofsted what additional guidance will be produced and how it should be inspected on.

### Manufacturing Industries

**Nicholas Soames:** To ask the Secretary of State for Business, Innovation and Skills what assessment he has made of the main areas of (a) strength and (b) weakness of the manufacturing industry. [35622]

**Mr Prisk:** The Growth Review Framework for Advanced Manufacturing published by the Department in December 2010 was supported by an in-depth economic and statistical analysis of the UK manufacturing sector.

This analysis shows that the UK has specialised in high technology industries such as aerospace, pharmaceuticals and medical instruments. These industries are characterised by high levels of innovation including R&D, knowledge, skills and investment in capital and intangible assets such as branding and design. OECD figures show that in 2008, around 65% of UK manufacturing exports were higher technology exports.

The UK exports a relatively smaller percentage of low technology manufactured goods which tend to be more labour intensive. These include parts of textiles, metals, and rubber and plastic products where the UK is facing increasing international competition from low wage economies.

### Medicine: Education

**Jonathan Reynolds:** To ask the Secretary of State for Business, Innovation and Skills whether he plans to take steps to ensure that the student intake for medical degrees is representative of the composition of the UK population as a whole. [35192]



**Mr Willetts:** The Government are establishing a new framework, with increased responsibility on universities to widen participation; and greater investment in improving attainment and access for young people from disadvantaged backgrounds. Universities wanting to charge more than a £6,000 annual graduate contribution will have to demonstrate what more they will do to attract more students from disadvantaged backgrounds through outreach activities, targeted scholarships and other financial support. This will include a requirement to participate in the new £150 million National Scholarship Programme. This forms part of a package of measures to support disadvantaged young people through their education, including the introduction of the £2.5 billion pupil premium which will support them to achieve at school and turn that into success at university.

The Department for Business, Innovation and Skills (BIS) is working with the Gateways to the Professions Collaborative Forum to support and encourage actions by the professions themselves to remove the barriers to professional careers, such as Medicine, especially for people from disadvantaged groups.

Responsibility for education and healthcare issues in Scotland, Wales and Northern Ireland, including workforce planning, lies with the devolved Administrations. The planned number of medical school places in England was last increased by the Higher Education Funding Council for England (HEFCE), in collaboration with DH and DFES, in early 2006, to 6,194 places from autumn 2006 and there are currently no plans to change this number. The number of entrants to medical school is fairly stable, but numbers in individual institutions may vary from year to year. Universities are autonomous bodies and are responsible for their own admissions policies and decisions.

### Postgraduate Education

**Mr Thomas:** To ask the Secretary of State for Business, Innovation and Skills what recent assessment he has made of employers' requirements for

postgraduate skills; and if he will make a statement. [34933]

**Mr Willetts:** A number of bodies including the UK Commission on Employment and Skills (UKCES), the Research Councils, the CBI and EngineeringUK, among others make regular assessments of employers' skills requirements, including their needs for postgraduate level skills.

A comprehensive review of postgraduate provision in the UK was presented to Government by Professor Sir Adrian Smith in 2010. This included analyses of the links between postgraduate skills and business needs. We will respond to the findings of the review in the forthcoming White Paper.

### Research: Finance

**Mr Thomas:** To ask the Secretary of State for Business, Innovation and Skills how many postgraduate researchers in each subject were funded by each higher education institution in each of the last 10 years; how many postgraduate researchers he expects to be funded by each higher education institution in the next three years; and if he will make a statement. [35489]

**Mr Willetts** [*holding answer 21 January 2011*]: The number of postgraduate research students enrolled on courses which were funded by institutions are shown by subject area in the tables. Figures are provided for the academic years 2002/03 to 2009/10. Due to a change in the Higher Education Statistics Agency (HESA) subject coding frame in 2002/03 comparable subject data are not available for earlier years. Information on funding is based on the primary source of funding for the course, which is recorded on the HESA student record. This does not necessarily show the main source of finance as it excludes the tuition fee element. Information for the 2010/11 academic year will become available from HESA in January 2012. The Department does not plan for the number of postgraduate researchers at institution level.

*Postgraduate research students<sup>1</sup> funded by their institution by subject area and institution<sup>2</sup>. UK higher education institutions<sup>3</sup>. Academic years 2002/03 to 2009/10*

2002/03

<i>Subject area</i>	<i>Leeds Trinity and All Saints</i>	<i>Robert Gordon University</i>	<i>Edinburgh Napier University</i>	<i>Brunel University</i>	<i>University of York</i>	<i>Scottish Agricultural College</i>
Medicine and dentistry	0	0	0	0	0	0
Subjects allied to medicine	0	0	—	0	0	0
Biological sciences	0	0	—	0	0	—
Veterinary science	0	0	0	0	0	0
Agriculture and related subjects	0	0	0	0	0	—
Physical sciences	0	0	0	0	0	—
Mathematical sciences	0	0	5	0	0	0
Computer science	0	0	5	0	0	0
Engineering and technology	0	0	20	—	0	0
Architecture, building and planning	0	0	10	0	0	0
Social studies	—	0	—	0	—	0
Law	0	0	0	0	0	0
Business and administrative studies	0	0	25	0	0	—





Subject area	2007/08			2008/09			2009/10		
	Edinburgh Napier University	University of Buckingham	London South Bank University	Edinburgh Napier University	University of Buckingham	London South Bank University	Edinburgh Napier University	University of Buckingham	
Total	155	65	145	190	80	135	210	115	

<sup>1</sup> Covers students of all ages and domiciles enrolled on full-time and part-time postgraduate research courses.

<sup>2</sup> The tables include institutions which had postgraduate research students enrolled on courses which were funded by the institution. Those institutions which did not have postgraduate research students enrolled on courses which were funded by the institution are excluded from the tables.

<sup>3</sup> Excludes the Open University due to incorrect coding of subjects across the time series.

Notes:

1. Figures are based on a HESA standard registration population.

2. Numbers less than five have been suppressed and are shown as '—', zero counts are shown as '0'. All other numbers in the table are rounded up or down to the nearest multiple of five. Due to the rounding strategy components may not sum to totals.

Source:

Higher Education Statistics Agency (HESA) Student Record

### Runcorn

**Derek Twigg:** To ask the Secretary of State for Business, Innovation and Skills what assessment he has made of the local economic effects of the closure of his Department's offices in Runcorn; if he will place in the Library the cost benefit review conducted by his Department on that closure; and what the cost to the public purse was of reviewing the implications of closing his Department's offices in Runcorn. [35631]

**Mr Hayes [holding answer 24 January 2011]:** The Permanent Secretary has commissioned a review of BIS presence on two sites, of which Castle View House in Runcorn is one: and Mowden Hall, Darlington the other. The review will consider business, personnel and financial aspects.

The review is still in progress and no decisions on the future of either site have yet been taken, so it would be premature to go into further detail.

All staff affected have been involved in the review process along with the trade unions, who have been consulted throughout.

### Students: Loans

**Chris Ruane:** To ask the Secretary of State for Business, Innovation and Skills what estimate he has made of the average level of graduate debt of those graduating in each of the (a) last five years and (b) next five years. [35213]

**Mr Willetts:** The average level of debt accumulated by borrowers who graduated (or otherwise left their course) in the last five years is shown as follows. Figures come from table 3(iii) of the Official Statistics: "Income Contingent repayments by repayment cohort and tax year 2000/01 to 2008/09 inclusive (provisional)" available on the Student Loans Company website at:

<http://www.slc.co.uk/pdf/SLCOSPO32010.pdf>

Graduation/withdrawal year	Debt (including repayments made and accrued interest) (£)
2005	9,500
2006	9,880
2007	10,660
2008	11,510
2009	14,730

The average level of debt currently forecasted for graduates in the next five years is shown in the following table. Forecasts are estimates subject to changes as we

learn more about how higher education institutions and students behave under the new system. From 2013 onwards these figures will include some students who will enter higher education under the proposed new fee system.

Graduation year	Debt (including accrued interest) (£)
2010	17,000
2011	17,500
2012	19,000
2013	20,000
2014	21,500

### Summertime

**Mr Offord:** To ask the Secretary of State for Business, Innovation and Skills (1) what assessment his Department has made of the potential effects on businesses of moving clocks forward by one hour in England and Wales, but not in Scotland; [35620]

(2) what recent representations he has received from representatives of the Lighter Later campaign. [35621]

**Mr Davey:** The Government are aware of a range of arguments regarding the effect of moving the clocks forward by one hour on business and other areas of activity throughout the UK including representations from the 'Lighter Later' campaign. However, as the Prime Minister has made clear the Government could not support any change in this area unless there was consensus throughout the UK. The Government believe having two time zones in a relatively small country would prove detrimental to business and families alike.

### Technology: China

**Michael Connarty:** To ask the Secretary of State for Business, Innovation and Skills what recent discussions he has had with the Chinese government on (a) technology sharing agreements with and (b) technology transfer to China. [35073]

**Mr Prisk:** There were discussions about high technology exports during the recent visit of Chinese Vice Premier Li Keqiang in January, during which a number of UK technologies were showcased. However our current understanding is that there are no bilateral technology sharing agreements either in place or under preparation with China.

The UK Intellectual Property Office do have co-operation agreements in place on the subject of IP protection and enforcement.

### Unmanned Air Vehicles

**Mr MacNeil:** To ask the Secretary of State for Business, Innovation and Skills what steps his Department is taking in respect of market development for unmanned aircraft systems in the UK; and what the role is of Scotland's aerospace and military assets including the Hebrides Range in such work. [36149]

**Mr Prisk:** This Department recognises the potential opportunities in the unmanned aircraft systems (UAS) market and is working with business to assist in its efforts to develop capability in this area. This has included support through major research programmes called ASTRAEA I and ASTRAEA II. These are intended to enhance the UK's technology capability on UAS, in particular in sense and avoid technology.

We are also working with the Civil Aviation Authority on the process to certify UAS to operate in unregulated airspace. This will help stimulate the development in the UK of technology for potential civil applications, such as agriculture, maintenance, geographical survey, coastguard. ASTRAEA II, currently underway, is being delivered through the Technology Strategy Board (TSB) with around £14 million of public support.

This Department is aware that the Hebrides Range Task Force (HRTF) is exploring opportunities for the Hebrides Range to support the development of civil UAS technology. My officials have met the HRTF and provided advice on the potential to do this and are willing to help raise business awareness of the potential of the range. My officials also highlighted to the HRTF the opportunities to work with other UK ranges, eg. Parc Aberporth, to help develop an offering attractive to businesses willing to do work in this area.

### WORK AND PENSIONS Christmas Bonus: Expenditure

**Anne Marie Morris:** To ask the Secretary of State for Work and Pensions what estimate his Department has made of the cost to the public purse of the £10 Christmas bonus for the latest year in which figures are available. [33817]

**Chris Grayling:** Great Britain Christmas bonus expenditure is shown in the following table and can also be found at the following URL:

[http://research.dwp.gov.uk/asd/asd4/alltables\\_budget2010.xls](http://research.dwp.gov.uk/asd/asd4/alltables_budget2010.xls)

*Expenditure 2009-10*

	<i>Nominal terms (£ million)</i>
Christmas bonus—contribution-based	121
Christmas bonus non-contributory	32

*Note:*

Figures rounded to nearest £ million

*Source:*

DWP Statistical and Accounting Data

<i>Non-departmental public body</i>	<i>Name</i>	<i>Post</i>	<i>Remuneration</i>
The Pensions Regulator	Michael O'Higgins (appointed 1 January 2011)	Chairman	£57,000 per annum for two days a week. Also, entitled to expenses which will be paid in accordance with The Pensions Regulator expenses policy and procedures.

### Departmental Communication

**Alok Sharma:** To ask the Secretary of State for Work and Pensions what measures he has undertaken to reduce jargon and promote plain English in departmental communications. [35788]

**Chris Grayling:** The Department puts customer needs at the heart of all its activity. To that end, we try to ensure that the content of all our communications does not contain jargon and meets plain English requirements. Some of the content can be complex due to the subject matter and, where this is the case, it is written as simply as possible.

Our online information, available to customers on Directgov, is published by an accredited editor. The accreditation process includes demonstrating the ability to write content using plain English conventions. Feedback about the online information can be left by customers using a comment function, available throughout the Directgov site.

DWP leaflets are produced by teams that have had plain English training. All new public information leaflets are tested, prior to their launch, with customers and receive accreditation by an external plain English supplier. Feedback on the leaflets is also encouraged and can be provided in a range of ways.

The main benefit claim forms are produced by people that are trained specifically in the use of plain English and forms design. Additionally a proportion of our forms are independently accredited for plain English. Complex terms, where used, are explained in the form.

The Department is in the process of improving the 130 to 140 million letters sent annually to customers. These are generated by our computer systems and research has shown that some of our customers find the content difficult to understand. We have recently improved approximately 20 million of these letters and customers should start receiving these in the first half of 2011. We will then review and rewrite the remaining letters.

### Departmental Public Appointments

**Fiona Mactaggart:** To ask the Secretary of State for Work and Pensions (1) how many (a) women and (b) men have been appointed to public duties by his Department since May 2010; [35400]

(2) what public appointments he has made since his appointment; and to what payments each person so appointed is entitled. [35422]

**Chris Grayling:** Since 12 May 2010, three Secretary of State public appointments have been made. These are set out in the following table:

<i>Non-departmental public body</i>	<i>Name</i>	<i>Post</i>	<i>Remuneration</i>
Health and Safety Executive	Frances Outram (appointed 1 October 2010)	Non-Executive Board Member	£16,781 per annum. Board members are required to devote up to 30 days to the board of the Health and Safety Executive. Also, entitled to expenses which will be paid in accordance with Health and Safety expenses policy and procedures.
Health and Safety Executive	Paul Kenny (appointed 1 October 2010)	Non-Executive Board Member	£16,781 per annum. Board members are required to devote up to 30 days to the board of the Health and Safety Executive. Also, entitled to expenses which will be paid in accordance with Health and Safety expenses policy and procedures.

In addition, information on the gender of those serving on the boards of public bodies is published annually. Information for the 2010-11 period will be published in due course.

### Industrial Health and Safety

**Alun Cairns:** To ask the Secretary of State for Work and Pensions what plans he has for implementation of the recommendations of Lord Young's review of health and safety law and practice; and if he will make a statement. [35483]

**Chris Grayling:** The Government have welcomed Lord Young's recommendations and Departments and agencies are taking forward implementation on the basis set out in annex M of his report "Common Sense, Common Safety".

The Health and Safety Executive (HSE) is taking forward recommendations within its remit and is on track with delivery to the timetable set by Lord Young.

### Jobcentre Plus: Redundancy

**Graeme Morrice:** To ask the Secretary of State for Work and Pensions how many staff posts were lost in Jobcentre Plus offices in (a) West Lothian and (b) Scotland in each month of 2010. [34997]

**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 asking how many staff posts have been lost in Jobcentre Plus offices in a) West Lothian; and b) Scotland in 2010. This is something that falls within the responsibilities delegated to me as Chief Executive of Jobcentre Plus.

The way changes in staffing levels can be identified on a monthly basis is by comparing the staffing position at the end of each month. The information in the Annex below show the staffing levels in full time equivalents for each month. This is up to September 2010 which represents the latest published data.

Since January 2010, staffing levels across Jobcentre Plus have been on a reducing trend. This is due to a reduction in workloads in Jobcentre Plus; staff leaving through natural turnover; staff on fixed term appointments reaching the end of their contracts; and the impact of the wider recruitment freeze which applies across all Government departments.

#### *Annex: West Lothian comprises Bathgate, Broxburn and Livingston Jobcentres and Bathgate Benefits Centre*

<i>Month</i>	<i>Staffing</i>	<i>Change in staffing levels from previous month</i>
January 2010	409	—
February 2010	397	-12
March 2010	384	-13
April 2010	384	<sup>1</sup> —
May 2010	381	-3
June 2010	373	-8
July 2010	368	-5
August 2010	363	-5
September 2010	359	-4

<sup>1</sup> No change.

#### *Scotland*

<i>Month</i>	<i>Staffing</i>	<i>Change in staffing levels from previous month</i>
January 2010	9,407	—
February 2010	9,307	-100
March 2010	9,168	-139
April 2010	9,168	<sup>1</sup> —
May 2010	8,990	-178
June 2010	8,888	-102
July 2010	8,786	-102
August 2010	8,665	-121
September 2010	8,558	-107

<sup>1</sup> No change.

### Jobcentre Plus: Telephone Calls

**Angela Smith:** To ask the Secretary of State for Work and Pensions what the saving was to (a) his Department and (b) Jobcentre Plus from the use of non-geographical telephone numbers in the financial year (i) 2008-09 and (ii) 2009-10; and what estimate he has made of the likely saving for 2010-11. [29339]

**Chris Grayling:** From January 2008, there have been no revenue sharing numbers in use in the Department for Work and Pensions. Although some 08 numbers are still in use they do not attract any payback and have not done so since December 2007. As a result, there have been no savings from the use of non-geographical telephone numbers in the financial years 2008-09 and 2009-10, and there will be no savings in 2010-11.

### New Enterprise Allowance

**Mr Douglas Alexander:** To ask the Secretary of State for Work and Pensions (1) what timetable he has set for the roll-out of the new enterprise allowance to (a) targeted areas and (b) the rest of the UK; [33498]

(2) which elements of the new enterprise allowance will be introduced in Merseyside from January 2011; [33500]

(3) what estimate he has made of the cost to the Exchequer of the extension of the new enterprise allowance scheme. [33393]

**Chris Grayling:** We plan to trailblaze the new enterprise allowance (NEA) in Merseyside from the end of January, before rolling it out into other target areas from April and then nationally from autumn this year.

In Merseyside, we plan to introduce the business mentoring and low cost loan elements of the NEA. A weekly allowance will also be available.

The cost of supporting up to 40,000 new businesses under the new enterprise allowance is estimated to be around £80 million. The costs of the NEA, including its expansion, will be met from with the spending review settlement.

### Post Office Card Accounts

**Alok Sharma:** To ask the Secretary of State for Work and Pensions what estimate he has made of the number of people in (a) Reading West constituency and (b) Berkshire who have Post Office card accounts. [35826]

**Steve Webb:** The information is not available in the format requested as data held relate to benefit accounts rather than people. Customers may be in receipt of more than one benefit, pension or allowance which could be paid into one Post Office card account.

The number of benefit and pension accounts paid into a Post Office card account (POCA) in Reading West constituency and the other constituencies that fall within the county of Berkshire is detailed in the following table:

Berkshire constituencies	Number
Bracknell	2,430
Maidenhead	2,270
Newbury	3,030
Reading East	2,800
Reading West	3,690
Slough	4,370
Windsor	2,390
Wokingham	1,910
Total	22,890

Note:

Figures are rounded and relate to accounts live and in payment as at May 2010.

Source:

DWP Information Directorate.

### Social Security Benefits: Fraud

**Kate Green:** To ask the Secretary of State for Work and Pensions pursuant to paragraph 23 of his Department's White paper on Universal Credits: welfare that works, what estimate he has made of the proportion of the annual sum wrongly paid in benefits which was attributable to (a) fraud and (b) error; and what estimate he has made of the proportion of the amount so paid in error which is attributable to (i) claimant and (ii) official error in respect of benefits paid by (A) his Department, (B) local authorities and (C) HM Revenue and Customs. [34296]

**Chris Grayling:** The proportion of the annual sum wrongly paid in benefits attributed to fraud and error is shown in the following tables:

*Amount and proportion of benefits and tax credits wrongly paid due to fraud and error*

	£ billion	Percentage
<i>DWP benefits (2009/10)</i>		
Fraud	1.0	31.0
Customer error	1.1	69.0
Official error	1.1	1—
<i>HMRC tax credits (2008-09)</i>		
Fraud	1.65	78
Error	0.46	22
<i>DWP benefits (2009-10) and HMRC tax credits (2008-09)</i>		
Fraud	—	50
Error	—	50

<sup>1</sup> Indicates a brace

*Amount and proportion of benefits and tax credits due to error by organisation*

	£ billion	Percentage
<i>DWP (2009/10)</i>		
Total error	1.44	—
Customer error	0.59	41
Official error	0.85	59
<i>Local authorities (housing benefit) (2009-10)</i>		
Total error	0.76	—
Customer error	0.51	67
Official error	0.25	33
<i>HMRC (tax credits) (2008-09)</i>		
Customer error	0.46	—

Notes:

1. DWP and local authority figures are for 2009-10.

2. Tax credit figures are for 2008-09.

3. There is no administrative error available for tax credits.

4. The total of DWP fraud and error is actually £3.1 billion due to rounding.

### Social Security Benefits: Medical Examinations

**Tom Greatrex:** To ask the Secretary of State for Work and Pensions when he last met representatives of the General Medical Council to discuss medical assessments to determine the suitability of benefit payments. [34374]

**Chris Grayling:** Officials from the Health, Work and Wellbeing Directorate of the Department for Work and Pensions met with representatives of the General Medical Council to discuss issues relating to consent and confidentiality for claims to benefit on 9 December 2008.

In addition, Ministers have had several meetings with Professor Malcolm Harrington, Professor Emeritus at the university of Birmingham and a highly respected occupational physician, who recently led a wide-ranging independent review of the WCA.

### Unemployment: Reading West

**Alok Sharma:** To ask the Secretary of State for Work and Pensions what estimate he has made of the number of children living in workless households in Reading West constituency in each year from 1997. [35848]

**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 question asking what estimate has been made of the number of children living in workless households in Reading West constituency in each year from 1997. (35848)

Estimates of the number of children living in workless households are derived from the Annual Population Survey (APS) household datasets. These are currently available for 2004 to 2009. However, the sample size for this survey is too small to provide reliable estimates for the Reading West constituency.

### Universal Credit: Lone Parents

**Chi Onwurah:** To ask the Secretary of State for Work and Pensions what assessment he has made of the potential effects on lone parents of the introduction of a universal credit. [35022]

**Chris Grayling:** We expect lone parents particularly to benefit from the improved incentive to enter work under universal credit as well as the greater simplicity of the system. Figure 12 of the White Paper "Universal Credit: Welfare That Works" provides an example of how lone parents will be better off in work at any hours choice rather than constrained to certain hours points (ie 16 hours) as is the case in the current system.

We will be providing further analysis of the impact of universal credit, including the impact on lone parents, as part of the impact assessment which will accompany the forthcoming Welfare Reform Bill at the start of next month.

### Vacancies

**Gloria De Piero:** To ask the Secretary of State for Work and Pensions what guidance Jobcentre Plus provides to jobseekers who do not have an internet connection at home on how to access information on job vacancies. [34787]

**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 Parliamentary Question about what guidance Jobcentre Plus provides to jobseekers who do not have an internet connection at home on how to access information on job vacancies. This is something that falls within the responsibilities delegated to me as Chief Executive of Jobcentre Plus.

We recognise the upward trend of employers using online applications as their preferred method of recruitment, so we know it is becoming increasingly important for our customers to be able to search for and apply for jobs online.

In response and in recognition that not everyone has internet access at home, we have put in place measures to help people gain access to online vacancies through other means.

This includes signposting people in England to the UK online free-phone telephone number 0800 771234 (or other similar services in Scotland and Wales) to find their nearest UK online centre; and signposting directly to known local sources of access such as the local library.

Advisers will also highlight other means of access such as using smart phones to access the internet to look for jobs. We have developed a specific smart phone job search application available for I Phone and Google Android systems so customers with these handsets can have ready access to vacancies at the touch of a button.

To help further raise the profile of our own online services, we are also committed to the "Race on Line" initiative, part of which has seen the deployment of a Digital Champion in every local Jobcentre Plus office. Their role is to promote digital take up and to find what support is available locally for customers to get online through partner organisations and share this information with colleagues to help and encourage customers to get online.

Over and above helping people access vacancies online, we also signpost people to the Direct Gov job bank through Jobseeker Direct (our telephony based jobsearch and matching service) on 0845 606 0234 and Job Points in every Jobcentre Plus local office, both of which provide people with fast and easy access to thousands of jobs.

I hope this reply is helpful and assures you of our intent to make sure jobseekers get the help they need to look and apply for jobs.

### Welfare State: Reform

**Mr Jim Cunningham:** To ask the Secretary of State for Work and Pensions what mechanism he plans to put in place to measure the effects on vulnerable groups of the implementation of his proposals for welfare reform. [35235]

**Chris Grayling:** The Department will be drawing up plans for the evaluation of welfare reform measures and their impact on client groups. This will also include analysis of the delivery of the reforms and statistical data to look at their effect on meeting Government objectives.

### Welfare to Work: Contracts

**Glenda Jackson:** To ask the Secretary of State for Work and Pensions what the (a) process and (b) requirements are for becoming an accredited provider for the Welfare to Work programme; and if he will make a statement. [35195]

**Chris Grayling:** All of the prime providers who are awarded Work Programme contracts will be required to undertake the new Merlin accreditation process within 12 months of their contract start date. This will ensure that there are robust and healthy supply chains and that smaller providers are treated fairly in their dealings with prime providers.

The accreditation process begins with a provider self-assessment against the published Merlin standard principles. This is followed by an independent expert evaluation including discussions with both the prime provider and a selection of their sub-contractors. Only those providers who demonstrate effective supply chain policies and practices will be awarded Merlin accreditation. The reports from each Merlin assessment will be publicly available via the Merlin web portal.

### Winter Fuel Payments: Care Homes

**John Stevenson:** To ask the Secretary of State for Work and Pensions how many pensioners living in care homes received winter fuel payments in the latest period for which figures are available. [33646]

**Steve Webb:** The information requested is not available.



**Remploy: Redundancy**

**Margaret Curran:** To ask the Secretary of State for Work and Pensions (1) on what date Ministers in his Department last met (a) Remploy, (b) trade unions and (c) officials of his Department to discuss the announcement of voluntary redundancies at Remploy factories; [35764]

(2) what steps his Department took to examine alternatives to voluntary redundancies at Remploy factories. [35767]

**Maria Miller:** Regular discussions take place between Ministers, officials, Remploy management and other key stakeholders to discuss issues relating to the company.

The offer of voluntary redundancies is a decision made by Remploy management to help the continuing operation of the businesses within that budget and to help ensure all employees have meaningful work.

I am always happy to receive representations from Remploy staff, management and unions.



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